POLICY NOTE

THE REHABILITATION OF OFFENDERS ACT 1974 (EXCLUSIONS AND EXCEPTIONS) (SCOTLAND) AMENDMENT (NO. 2) ORDER 2025

SSI 2025/XXX

The Scottish Ministers make the following Order in exercise of the powers conferred on them by sections 4(4), 7(4), 10(1), and 10A(1) of the Rehabilitation of Offenders Act 1974 and all other powers enabling them to do so.

The instrument is subject to affirmative procedure.

Summary Box

This Amendment Order makes amendments to the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013 ("the 2013 Order"). It:

- makes provision to update and replace references to outdated terminology no longer used in the Disclosure Act, for the purposes of the 2013 Order - these amendments reflect the changes made to the disclosure system by the Disclosure (Scotland) Act 2020 ("the Disclosure Act"), ensuring that both the state and self disclosure regimes in Scotland continue to work as intended.
- adds new provisions to the 2013 Order, specifically in relation to articles 2A, 4 and 5 of the 2013 Order. These add the concept of non-disclosable children's hearing outcomes to the provisions about the exclusions and exceptions.
- amends and updates the lists of offences in schedules A1 and B1 of the 2013 Order.
- omits circumstances from schedule 3 of the 2013 Order which are now regulated roles under the Disclosure Act and for which PVG Scheme membership will be required.
- inserts new provision into schedule 3 of the 2013 Order to so that questions can be asked of individuals over the age of 16 who are:
    - residing in the same household as a person whose suitability is being assessed, investigated, reviewed or confirmed to be a shared lives carer within the meaning of paragraphs 16 and 24 of schedule 2 of the Protection of Vulnerable Groups (Scotland) Act 2007 or to be in charge of or caring for children, within the meaning of paragraph 12 of schedule 2 of that Act, and
    - residing in residential accommodation where a school care accommodation service is being provided to a pupil, but are not the pupil, employed by the school or the person being assessed as to their suitability to carry out a regulated role with children.

Policy Objectives

1. Disclosure Scotland is an executive agency of the Scottish Government that provides criminal record disclosures, maintains the Protecting Vulnerable Groups Scheme ("the PVG Scheme") and keeps lists of individuals barred from working with children and protected adults on behalf of the Scottish Ministers.

2. The Disclosure Act reforms the disclosure regime in Scotland, repealing Part 5 of the Police Act 1997 ("the Police Act") as it applies in Scotland and also making amendments to the Protection of Vulnerable Groups (Scotland) Act 2007 ("the PVG Act") under which the Scottish Ministers administer the PVG Scheme.

Background to state and self-disclosure

3. The disclosure system in Scotland comprises two broadly aligned parts: self and state disclosure. The Rehabilitation of Offenders Act 1974 ("the 1974 Act") and the 2013 Order regulates self-disclosure, which is the obligation on an individual to admit to previous convictions if asked questions about them by a prospective employer.

4. Self-disclosure (by an individual) can be verified by disclosures that are provided by the state. Disclosure Scotland carries out functions on behalf of the Scottish Ministers under the the PVG Act and the Disclosure Act in relation to the system for state disclosure of an individual's previous criminal history.

5. A conviction may become spent if a certain length of time has elapsed since the date of conviction, with different periods of time applying to different disposals, as set out in section 5 of the 1974 Act. Section 4 of the 1974 Act provides a general protection which permits an individual not to disclose spent conviction information and prevent any other person requiring the disclosure of such information or prejudicing the individual on account of any such disclosure or failure to disclose.

6. However, Scottish Ministers have powers to except or exclude the protections under section 4 of the 1974 Act (by Order under the 1974 Act) when the interests of public safety are paramount. By disapplying the protections in the circumstances specified in the 2013 Order, the self-disclosure of certain spent convictions (set out in schedules A1 & B1 of the 2013 Order) is required in specific circumstances. The Scottish Ministers made the 2013 Order in exercise of those powers. This Amendment Order amends that 2013 Order.

7. The basis of the 2013 Order is that there are some categories of employment and proceedings to which the rules in the 1974 Act do not apply because it is considered appropriate that disclosure of spent conviction information continues to be available. This is because the employment positions and proceedings involve a high degree of sensitivity or there is an expectation of integrity or for the purposes of public protection. These positions and proceedings can be subject to higher level disclosures, which is a collective term for types of disclosure that provide for access to spent convictions. Under the Disclosure Act, Level 2 disclosures will be the higher level disclosures in Scotland.

8. The purpose of this approach to self and state disclosure is to appropriately allow an individual to move away from their past criminal activity so that they can contribute effectively to society while also ensuring that people with a legitimate interest, such as employers, are able to assess an individual's background.

9. The Disclosure Act repeals Part 5 of the Police Act as it applies in Scotland; all state disclosures are provided under the Disclosure Act. In order to maintain full alignment of the state and self-disclosure rules, the amendments to the 2013 Order by this Amendment Order are necessary to prevent an individual from being at risk of 'over-disclosing' spent

convictions through self disclosure and ensure both state and self disclosure work as intended.

Changes being made to the 2013 Order by this Amendment Order

Amendment to Article 2

10. This Amendment Order makes amendments to the definitions in Article 2(1) of the 2013 Order. These amendments both omit and add definitions to reflect the repeal of Part 5 of the Police Act by the Disclosure Act and the changes that the Disclosure Act makes to the disclosure system and the operation of the PVG Scheme and barring service.

Amendment to Article 2A

11. Article 4 of this Amendment Order amends article 2A of the 2013 Order, to replace references to "protected convictions" with references to "non-disclosable convictions" for the purposes of the exclusions and exceptions in the 2013 Order. A "non-disclosable conviction" is a conviction that will not be included in a Level 2 disclosure.

12. To be non-disclosable, a conviction must be spent. It must also be :

    (i) for an offence that does not appear on either schedule A1 or schedule B1
    (ii) for an offence that appears on Schedule B but only where:
        (a) the disposal was an admonition or absolute discharge
        (b) the conviction was a childhood conviction[1] and at least 5 years and 6 months have passed since the date of conviction
        (c) the conviction was not a childhood conviction and at least 11 years have passed from the date of conviction.

13. Article 4 of this Amendment Order also inserts provision for "non-disclosable children's hearing outcomes" for the purposes of the exclusions and exceptions in the 2013 Order. This makes clear when a children's hearing outcome may be included in a Level 2 disclosure, even although it is spent. All children's hearing outcomes are spent immediately however the rules which apply to make children's hearing outcomes non-disclosable are otherwise the same as for convictions, with reference to the offence lists in schedules A1 and B1. Only when there is acceptance, establishment or deemed establishment of the grounds of an offence referral to a children's hearing is it within scope for disclosure.

14. These amendments do not change the operation of the 2013 Order.

15. The amendments to article 2A(2) of the 2013 Order are made to mirror the timescales set out in section 9 of the Disclosure Act. Those are 5 years and 6 months for a childhood conviction and 11 years if it is not a childhood conviction.

[1] "childhood conviction" means a conviction for an offence committed when the individual was under 18 years of age

Amendment to Article 3

16. Reference to "protected conviction" in Article 3(2) of the 2013 Order is replaced with "non-disclosable conviction" and "non-disclosable children's hearing outcomes". This will ensure consistency in terminology between the 2013 Order (self-disclosure regime) and sections 9 and 10 of the Disclosure Act, which define the same terms for the purposes of the Disclosure Act (state disclosure regime). This amendment does not change the operation of the 2013 Order.

Amendment to Article 4

17. Article 6 of this Amendment Order substitutes paragraph (2) of Article 4 of the 2013 Order with an amended paragraph (2A) and inserts a new paragraph (2B) to explain when spent convictions and children's hearings outcomes are not covered by the exclusion in paragraph (2) of the 2013 Order. It also replaces outdated terminology references to "higher level disclosure" with "Level 2 disclosure" to reflect the changes made to the disclosure system by the Disclosure Act. This amendment does not change the operation of the 2013 Order.

Amendment to Article 5

18. Article 7 makes amendments to article 5 of the 2013 Order in respect of the treatment of spent convictions and children's hearing outcomes These are equivalent to the amendments that Article 6 of this Amendment Order makes to Article 4 of the 2013 Order.

Amendment to Schedules A1 and B1

19. The lists of offences in schedules A1 and B1 of the 2013 Order were established in response to the case R (on the application of T and another) (FC) (Respondents) v Secretary of State for the Home Department and another (Appellants) [2014] UKSC 35. In that case, the UKSC found that blanket disclosure of all spent convictions were not in accordance with the law. Although this judgment applied to England and Wales, it was necessary to reform the approach in Scotland too which resulted in the establishment of two offence lists[2].

20. In developing the offence lists in 2015, the Scottish Ministers gave careful consideration to the attributes required for roles requiring higher level disclosure. Such roles place the individuals filling them in a position of power and responsibility.

21. Ministers decided that a conviction for a criminal offence that:

- resulted in serious harm to a person;
- represented a significant breach of trust and/or responsibility;
- demonstrated exploitative or coercive behaviour;

[2] Police Act and the Protection of Vulnerable Groups (Scotland) Act 2007 Remedial (No.2) Order 2015

- demonstrated dishonesty against an individual;
- abused a position of trust; or
  displayed a degree of recklessness that resulted in harm or a substantial risk of harm

was evidence that a person's conduct had caused harm to an individual and/or was evidence of misconduct in a position of authority.

22. This evidence of past behaviour is important information for employers when determining whether an individual is suitable for a role for which the disclosure of unspent and certain spent convictions is required. The protection of vulnerable groups and the need to prevent fraudulent activity must be balanced against the presumption that spent convictions ought not to be disclosed. The offences list approach ensures a fair balance between an individual's right to respect for their private life and the interests of public protection within the disclosure process.

23. In developing the proposals for the Disclosure Act and for this Amendment Order, these factors were again considered in order to classify offences as either serious or less serious. The passage of time from the date of conviction was then applied to determine at what point it would be appropriate to allow an application to have a spent conviction removed from a Level 2 disclosure.

24. Article 8 of this Amendment Order amends schedule A1 of the 2013 Order to update the list of offences for which convictions must always be disclosed subject to the exceptions specified in the 2013 Order. Spent childhood convictions and all children's hearings outcomes related to offences listed in schedule A1 will be disclosed on a Level 2 disclosure only after review by the Scottish Ministers under section 13 of the Disclosure Act. Schedule A1 includes the most serious offences, such as serious violence, sexual offending and terrorist offences.

25. Article 9 of this Amendment Order amends schedule B1 of the 2013 Order to update the list of offences for which the convictions are to be disclosed subject to the rules set out in the 2013 Order. Spent childhood convictions and all children's hearings outcomes related to offences listed in schedule B1 will be disclosed on a Level 2 disclosure only after review by the Scottish Ministers under section 13 of the Disclosure Act.

26. As consistency between the state and self-disclosure must be maintained, this Amendment Order is amending the 2013 Order at the same time as the Disclosure (Scotland) Act 2020 (List A and B Offences) Amendment Regulations 2025 are amending Lists A and B in schedules 1 and 2 of the Disclosure Act.

New offences moved from schedule B1 to schedule A1

27. The following offence has been moved from schedule B1 to schedule A1

- Theft by housebreaking

28. Housebreaking is a high tariff offence for which there are no low-level equivalents, and custodial sentences have been imposed in over 50% of the cases following conviction.

New offences added to Schedule A1

29. The following new offences are added to schedule A1:

- Offences under the National Security Act 2023

    - section 1 (obtaining or disclosing protected information)
    - section 2 (obtaining or disclosing trade secrets)
    - section 3 (assisting a foreign intelligence service)
    - section 4 (entering etc a prohibited place for a purpose prejudicial to the UK)
    - section 12 (sabotage)
    - section 13 (foreign interference: general)
    - section 17 (obtaining etc material benefits from a foreign intelligence service)
    - section 18 (preparatory conduct)

30. The National Security Act 2023 brings together a suite of new measures and further protects the UK's national security, the safety of the British public and the UK's vital interests from the hostile activities of foreign states. Accordingly these offences, which replace existing offences in the Official Secrets Acts 1911, 1920 and 1939 (which were moved to schedule 8A of the Police Act by the Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022. Therefore, these are being added to schedule A1 for consistency.
    - sections 7 and 17 of the Domestic Abuse (Protection) (Scotland) Act 2021

31. This is for consistency with a number of other offences on schedule A1 that relate to domestic offending and including the breaching of domestic abuse interdict orders imposed by a court.

    - sections 66A and 66B of the Sexual Offences Act 2003 (added by the Online Safety Act 2023).

32. These are added as they represent unacceptable sexual behaviour.

    - sections 3 and 4(1) or (2) of the Hate Crime and Public Order (Scotland) Act 2021

33. These offences represent behaviour which would reasonably be considered to be threatening, abusive or insulting either with the intention to stir up racial hatred or would reasonable considered to be likely to result in the stirring up of racial hatred. This is

consistent with the other offences in schedule A1 relating to harassment or racial harassment.

- section 184(1) of the Online Safety Act 2023

34. This is added as it represents behaviour amounting to encouraging or assisting serious self-harm.

New offences added to Schedule B1

35. The following offences are added to schedule B1 of the 2013 Order:

- section 21(1) of the Fireworks and Pyrotechnics Articles (Scotland) Act 2022

36. This new offence deals with similar types of conduct already captured in schedule B1 of the 2013 Order, namely, supplying individuals under the age of 18 with weapons and dangerous substances.

- sections 4(1) and 5(1) of the Abortion Services (Safe Access Zones) (Scotland) Act 2024

37. These offences are in relation to influencing, preventing access or causing harassment in a safe access zone or from an area visible or audible from a safe access zone. These offences are relevant to work with children and protected adults as they display both a degree of recklessness which has the potential to result in serious harm to an individual, specifically psychological harm and a degree of exploitative and coercive behaviour. Inclusion of these offences on schedule B1 of the 2013 Order is consistent with the inclusion of other offences involving harassment already included in that schedule.

- sections 179(1), 181(1) and 183(1) or (8) of the Online Safety Act 2023

38. These offences have been added as they relate to sending or showing flashing images electronically, these offences are targeted at sending or showing flashing images with the intention of causing harm to a person with epilepsy where “harm” means a seizure, alarm or distress.

- Section 38, 39 and 42 of the Offensive Weapons Act 2019

39. These offences are intended to deal with the situation of online purchases where there is not a physical face-to-face transaction to allow the retailer to verify age more easily. As these new offences broadly compare to an offence of a shopkeeper selling to a person under 18, with a delivery company delivering to a person under 18, they are added to schedule B1 of the 2013 Order for consistency in protecting children from harm.

- section 4B of the Public Order Act 1986 (added by the Protection from Sex Based Harassment in Public Act 2023)

40. This offence was inserted by way of consequential amendment in section 3(2) of the Protection from Sex-based Harassment in Public Act 2023 to schedule 8B of the Police Act, it is therefore being added to the List B offences in the Disclosure Act by the Disclosure (Scotland) Act 2020 (List A and B Offences) Amendment Regulations 2025 and to schedule B1 of the 2013 Order to ensure the status quo is maintained.

- Culpable and reckless discharge of a firearm.

41. These are similar to the common law offences of 'culpable and reckless conduct', 'culpable and reckless endangering of the public' and 'culpable and reckless fire-raising' already included in the schedule B1 on the 2013 Order.

42. In order to make clear that an offence of culpable and reckless conduct falls within schedule B1 of the 2013 Order if the conviction indicates it results in any of the following: injury, severe injury, disfigurement (permanent or otherwise), an additional category specifying this has been added to the 'common law aggravations' in schedule B1.

- opening a lockfast place.

43. This is similar to the common law offence of 'opening a lockfast place with intent to steal' which is already include on schedule B1 of the 2013 Order.

- An offence under the Treason Act 1351, an offence under the Treason Act 1708, or an offence under section 2 of the Treason Act 1842

44. This is because in the course of our review of the operation of the offence lists it was noted that while the common law offence of treason was included, the statutory offences were not. For consistency and for completeness to ensure that each offence is included appropriately, Scottish Ministers consider that these statutory offences should be added to schedule B1 of the 2013 Order.

Amendment to Schedule 3

45. Article 10 of this Amendment Order amends schedule 3 of the 2013 Order.

46. Schedule 3 of the 2013 Order describes circumstances, for example specific roles or functions, in which questions can be put to someone about spent convictions which would not normally need to be disclosed. In certain circumstances these questions can be asked of the individual whose suitability is being assessed, investigated, reviewed or confirmed

for a particular role, position or employment, or of another individual who is over the age of 16 and who resides in the same household as the individual being assessed.

47. Article 10(a)(i) and (iii) to (vi) adds provision in respect of new types of regulated roles (including Shared Lives Carers) in relation to which questions can be asked of individuals over the age of 16 who are residing in the same household as the person whose suitability is being assessed, investigated, reviewed or confirmed for those roles.

48. Article 10(a)(ii) omits host parenting circumstances which are regulated roles under the Disclosure Act and for which PVG Scheme membership will be required.

49. Article 10(b), (d) and (e) makes various consequential amendments and substitutions to reflect the changes made to the disclosure system and the operation of the PVG Scheme and barring service by the Disclosure Act.

50. Article 10(c) of this Amendment Order also adds a new subsection (5A) to schedule 3 of the 2013 Order in relation to school care accommodation services etc. for the family members of housemasters and boarding masters of independent schools to be eligible to request enhanced disclosures with suitability information relating to children. This means that any individual in these circumstances will be required to self disclose spent convictions. This follows engagement with the Scottish Council of Independent Schools who had expressed concern that there is a loophole within the existing framework for higher level disclosure eligibility meaning that these family members are only entitled to request a basic disclosure (i.e. a Level 1 disclosure under the Disclosure Act).

51. Although these family members do not work with children nor are they involved in their care, they are of sufficient proximity to children to warrant being included as a prescribed purpose in relation to Level 2 disclosures. The approach taken by Article 10 mirrors arrangements already in place for other scenarios, such as individuals over the age of 16 years sharing a household with childminders or foster carers.

Amendment to Schedule 4

52. Article 11 of this Amendment Order updates terminology references from "regulated work" to "regulated role" reflect the changes made to the disclosure system and the operation of the PVG Scheme and barring service by the Disclosure Act.

53. Further details of the policy objectives relating to the Disclosure Act are set out in the Policy Memorandum which accompanied the Disclosure (Scotland) Bill. The Scottish Parliament website also sets out the timeline for the passage of the Bill.

The Disclosure (Scotland) Act 2020 (List A and B Offences) Amendment Regulations 2025

54. As consistency between the state and self-disclosure must be maintained, regulations are being taken forward simultaneously that amend the Disclosure Act, namely The Disclosure (Scotland) Act 2020 (List A and B Offences) Amendment Regulations 2025.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

55. The Scottish Ministers have made the following statement regarding children's rights:

> In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, the Scottish Ministers certify that, in their view, the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Amendment (No. 2) Order 2025 is compatible with the UNCRC requirements as defined by section 1(2) of that Act.

EU Alignment Consideration

56. This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

Consultation

57. The creation and content of the offence lists or schedules were consulted on in 2015 for the Police Act 1997 and the Protection of Vulnerable Groups (Scotland) Act 2007 Remedial Order 2015. Notification of the 2015 Order was given on 10 September 2015 on both the Scottish Government's and Disclosure Scotland's website. Notice was also sent to Disclosure Scotland's major stakeholders. 27 responses were received and the majority of the respondents were generally supportive of the changes to the disclosure regime. The notice and the statement of the Scottish Ministers setting out the summary and analysis of written observations received[3]. The statement also specifies the modifications to the 2015 Order which Scottish Ministers considered appropriate at that time.

58. The Disclosure Act received wide cross-party support during its passage through Parliament and was passed unanimously. Disclosure Scotland are continuing to engage with external stakeholders as part of the implementation of the Disclosure Act.

59. Disclosure Scotland published a consultation paper on 25 April 2018. This was distributed widely to a large number of stakeholders, including over 3,000 registered bodies. There were 353 responses, 269 from organisations and 84 from individuals. There were responses from a range of stakeholders with varying backgrounds including judicial bodies, the legal sector, local government, voluntary organisations, the health sector and individual scheme members.

60. There was extensive engagement with stakeholders during the consultation period. This included group discussions and meetings with individual groups or organisations, in total 38 engagement sessions took place during the formal consultation period. During this time Disclosure Scotland User Researchers also engaged with a variety of stakeholders. Since April 2016 the user research team carried out a significant amount of research, which has included a range of users, including;

[3] The Police Act 1997 and the Protection of Vulnerable Groups (Scotland) Act 2007 Remedial Order 2015 - Scottish Government consultations - Citizen Space (https://consult.gov.scot/disclosure-scotland/protection-of-vulnerable-groups/)

i. individuals with and without experience of using Disclosure Scotland's services,
ii. individuals with convictions,
iii. care experienced people,
iv. people with disabilities, including blind participants, deaf participants, people with low cognitive skills, dyslexia, dyspraxia,
v. organisations – including various roles e.g. HR, admin staff, countersignatories,
vi. charities, and
vii. voluntary organisations.

61. The results of the consultation resulted in further engagement on the issues highlighted by the Scottish Council of Independent Schools, both the consultation and further engagement informed further development of the policy and (Disclosure) (Scotland) Bill provisions. The Scottish Government published its response[4] to the consultation on 13 June 2019.

62. Since the Disclosure Act gained Royal Assent, Disclosure Scotland have engaged across Government, where required, to establish the nature of existing offences and new offences have arisen since the passage of the Disclosure Act. Furthermore, Disclosure Scotland engaged with stakeholders in the prevention of domestic abuse and violence against women space were engaged during the Bill process and post-Royal Assent on the inclusion of offences related to this area of harm. This consultation has informed the policy rationale for the amendments within these Regulations.

63. Disclosure Scotland is committed to providing more guidance and training, which will include updated guidance on the offence lists, and continually engage with stakeholders to develop guidance and training that meets user needs.

64. A communications campaign is also underway to raise awareness of the impact of the changes brought about by the Disclosure Act. For this Amendment Order, there was engagement with the Scottish Council of Independent Schools who had expressed concern that there is a loophole within the existing framework for higher level disclosure eligibility meaning that family members residing are only entitled to request a basic disclosure (which becomes a Level 1 disclosure under the Disclosure Act).

65. This commitment to providing improved resources to support stakeholders is one that will continue throughout the transition to the refreshed disclosure regime under the Disclosure Act.

Impact Assessments

66. A suite of Impact Assessments was completed as part of the Disclosure (Scotland) Bill process:

[4] https://www.gov.scot/publications/government-response-protection-vulnerable-groups-disclosure-criminal-information-consultation/pages/1/

- Disclosure (Scotland) Bill: Fairer Scotland Duty assessment (https://www.gov.scot/publications/disclosure-scotland-bill-impact-assessment-fairer-scotland-duty/)
- Disclosure (Scotland) Bill: children rights and wellbeing impact assessment (https://www.gov.scot/publications/disclosure-scotland-bill-impact-assessment-crwia/)
- Disclosure (Scotland) Bill: data protection impact assessment (https://www.gov.scot/publications/disclosure-scotland-bill-impact-assessment-dpia/)
- Disclosure (Scotland) Bill: equality impact assessment (https://www.gov.scot/publications/disclosure-scotland-bill-impact-assessment-eqia/)
- Disclosure (Scotland) Bill: partial Business and Regulatory Impact Assessment (https://www.gov.scot/publications/disclosure-scotland-bill-impact-assessment-partial-bria/)

67. An Equalities Impact Assessment and an Impact Assessment regarding Children's Rights and Wellbeing have been completed for these Regulations. These will be published alongside this instrument on legislation.gov.uk. No negative equality impact issues have been identified.

68. The Children's Rights and Wellbeing Impact Assessment identified that there is an impact in relation to Article 16 (right to privacy) as there are two new circumstances where self disclosure of certain spent convictions can be requested from 16 and 17 year olds but that this impact is neutral. The new circumstances are limited and similar to those which already exist. They were also assessed for The Level 1 and Level 2 Disclosure Information (Scotland) Regulations 2024[5] which does the same thing for accessing state disclosure. Safeguards in relation to the use of criminal history information in these circumstances have been established for over 10 years.

69. The policy introducing the new circumstances also has a positive impact for children under Article 3 (best interests of the child and the Government supporting care and protection of children) and Article 19 (protection from all forms of violence) as it helps address public protection concerns about vulnerable people being cared for in home-based settings. The two new circumstances extend existing checks on those who are not doing regulated roles but who will be nearby and viewed as a trusted person by vulnerable groups in these home-based settings.

70. Fairer Scotland Duty Assessment and Island Communities Impact Assessment screening was undertaken. No impact was identified during screening and a full impact assessment was not done.

Financial Effects

71. The Minister for Children, Young People and the Promise confirms that a Business and Regulatory Impact Assessment has been completed for this instrument however it has no financial effects on the Scottish Government, local government or on business.

[5] https://www.legislation.gov.uk/ssi/2024/315/pdfs/ssipn_20240315_en_001.pdf

Scottish Government
Disclosure Scotland
January 2025