POLICY NOTE

THE LEVEL 1 AND LEVEL 2 DISCLOSURE REVIEW APPLICATION (SCOTLAND) REGULATIONS 2025

SSI 2025/26

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 4(1), 5(1), 15(5), 15(6), 18(1), 20(1), 24(2), 26(2), 31(6)(a), 36(b) and 37(1) and 92(1) of the Disclosure (Scotland) Act 2020[1] and all other powers enabling them to do so.

The instrument is subject to negative procedure.

Summary Box

Under Part 1 of the Disclosure (Scotland) Act 2020, where a Level 1 or Level 2 disclosure is provided to an applicant, the applicant may request that the disclosure is made available to the accredited body that countersigned the application, or request a review of the accuracy of any information, or review of the inclusion of any reviewable information, included in the disclosure.

These Regulations set out the timescale in which the applicant may: request that their Level 1 disclosure is made available to a third party or Level 2 disclosure is made available to the body who countersigned the application, submit their intent to apply for a review, make the review application, and make a subsequent Level 2 review application where the subsequent disclosure is provided for the same purpose.

Regulation 4 and the schedule of these Regulations set out provision for the independent review of information provided to Scottish Ministers from a relevant overseas police force for inclusion on a Level 2 disclosure. It also makes provision for what a relevant overseas police force is for these purposes.

Policy Objectives

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

2. Disclosure Scotland has been issuing higher level disclosures since 2002. Originally higher level disclosures were the criminal record certificates ("standard disclosures") and enhanced criminal record certificates ("enhanced disclosures") under the Police Act 1997 ("the Police Act"), then from 2011 the PVG scheme record was introduced under the Protection of Vulnerable Groups (Scotland) Act 2007 ("the PVG Act").

[1] https://www.legislation.gov.uk/asp/2020/13/contents

3. At first, higher level disclosures contained all information about spent and unspent convictions recorded in police records.[2] This practice of disclosing all convictions on enhanced disclosures was challenged in the lower courts of England by two individuals who felt that interference with their rights under Article 8 of the European Convention of Human Rights was more than was necessary. The practice of disclosing all convictions engaged Article 8 and eventually the challenge ended up in the United Kingdom Supreme Court. In 2014 that court ruled that it was unlawful to disclose all spent convictions. The case considered by the Supreme Court related to the disclosure of information about minor spent convictions by the disclosure and barring service in England and Wales. In summary, the court concluded that such disclosure was unlawful and the ruling led to the UK disclosure services making changes to their operational practice.

   Background

   The Police Act and the Protection of Vulnerable Groups (Scotland) Act 2007 Remedial Order 2015 ("the 2015 Order") was made in response to the finding of the Supreme Court[3]. Although the case concerned the Police Act as it applied in England and Wales, the legislative provisions under the Police Act operated similarly in Scotland in relation to the issue of disclosure certificates.

4. The 2015 Order first established offence lists, which set out how spent convictions must be treated for the purposes of state disclosure. Schedule 8A was inserted into the Police Act and contains the list of offences for which convictions must always be disclosed and includes the most serious offences, such as serious violence, sexual offending and terrorist offences. Schedule 8B includes offences that are less serious than schedule 8A offences but are offences which still warrant disclosure even when spent, for example, theft and fraud.

5. The 2015 Remedial legislation introduced the rules about:

   (a) certain spent convictions which are no longer to be disclosed routinely due to the minor nature of the offence,

   (b) certain spent convictions (schedule 8A) which were always to be disclosed due to the serious nature of the offence, and

   (c) certain spent convictions (schedule 8B) that were disclosed subject to the application of conditions relating to the age of the person at the time of the conviction and the length of time since the date of conviction, as well as the disposal which was given.

[2] A spent conviction means a conviction which has become "spent" under the Rehabilitation of Offenders Act 1974 after a specific period time has passed (which depends on the disposal) since the date of conviction.
[3] This Order was subsequently revoked and replaced by the Police Act and the Protection of Vulnerable Groups (Scotland) Act 2007 Remedial (No. 2) Order 2015 ("the (No. 2) 2015 Order")

6. The 2015 Order also provided that individuals who had a spent conviction for a schedule 8B offence, which hadn't reached the point at which the rules would automatically prevent disclosure of the conviction, the opportunity to indicate to the Scottish Ministers that they intended to make an application to a sheriff for an order for a new disclosure certificate (the Police Act) or the removal of vetting information from a PVG scheme record (the PVG Act). In those cases, an indication of intent to apply to a sheriff prevented the issue of a higher-level disclosure to the person who countersigned the disclosure application or request until that application to the sheriff is finally determined.

7. Subsequently, there was a judicial review in the Court of Session which challenged the operation of the PVG Act as amended by the (No. 2) 2015 Order. This was the case of P v Scottish Ministers [2017] CSOH 33, 28 February 2017. In that case Lord Pentland declared that, insofar as they require automatic disclosure of the petitioner's criminal history from Children's Hearing proceedings, the provisions of the PVG Act, as amended, unlawfully and unjustifiably interfered with the petitioner's rights under Article 8 of the European Convention on Human Rights, and the Scottish Ministers had no power to make the provisions in terms of section 57(2) of the Scotland Act 1998 ("the 1998 Act").

8. The Police Act 1997 and the Protection of Vulnerable Groups (Scotland) Act 2007 Remedial Order 2018 ("the 2018 Order)[4] further refined the reforms introduced by the 2015 Orders as a result of that case so as to bring a benefit to individuals who have a spent conviction for an offence included in schedule 8A of the Police Act ('offences which must always be disclosed').

9. The 2018 Order made the following provisions to deal with the P v Scottish Ministers:

    (a) individuals who have a spent conviction for a schedule 8A offence where at least 15 years have passed since the date of the conviction (if the person was 18 or over at the time of conviction) or where at least 7.5 years have passed since the date of the conviction (if the person under 18 at the time of conviction) have the opportunity to indicate to Ministers that they intend to make an application to a sheriff for an order for a new disclosure certificate (the Police Act) or the removal of vetting information from a PVG scheme record (the PVG Act),

    (b) schedule 8A of the PVG Act now lists serious offences for which spent convictions must be disclosed unless a sheriff orders otherwise,

[4] https://www.legislation.gov.uk/ssi/2018/52/contents/made

10. This meant that the practice of automatically disclosing all spent convictions for offences included in schedule 8A indefinitely ended.

11. In these cases where the intention to make an application to the sheriff has been indicated, this prevents the issue of a higher-level disclosure to the person who countersigned the disclosure application or request until that application to the sheriff is finally determined.

12. The approach established by the 2015 and 2018 Remedial Orders ensured a fairer balance between an individual's right to respect for their private life and the interests of public protection within the disclosure process.

13. Notwithstanding the adjustments made to the disclosure legislation by the 2015 and 2018 Remedial Orders, in 2016 the Scottish Ministers commenced a review of the operation of the PVG Scheme. That review was led by Disclosure Scotland and involved a number of large and small stakeholder events. The outcome of the work was a consultation paper published in 2018 which received over 350 responses[5]. Amongst other matters, the consultation discussed the composition of the offence lists in schedules 8A and 8B of the Police Act, the period to elapse before applications for removal of convictions could be made, and how that process should be conducted in the future.

The Disclosure Act

14. Under the Disclosure Act, spent convictions which relate to List A offences (which replaces schedule 8A of the Police Act) must always be disclosed on a Level 2 disclosure unless removed following a successful review application to the Scottish Ministers (under section 25 of the Disclosure Act) or the independent reviewer (under section 26 of the Disclosure Act), or after an appeal on a point of law to the sheriff (under section 30 of the Disclosure Act). Such reviews can only be undertaken in relation to List A offences if, at least, 11 years have passed since the date of conviction[6].

15. The disclosure of childhood information disproportionately affects young people and adults with care experience, who are more likely to have had contact with the police, and to have been involved in formal processes which lead to recording of behaviour. Young people and adults with care experience are more likely to be criminalised, and accrue convictions for minor matters which, in other circumstances, would more

[5] https://consult.gov.scot/disclosure-scotland/remedial-order-2018/
[6] Section 20(6)(a) of the Disclosure Act.

likely be dealt with by parental sanctions. Under the Disclosure Act, there will be no automatic disclosure of spent childhood convictions or children's hearing outcomes.

16. Spent childhood convictions and all children's hearings outcomes related to List A offences will be disclosed on a Level 2 disclosure only after review by the Scottish Ministers under section 13 of the Disclosure Act. If such convictions or outcomes relate to List A offences are to be disclosed after such a review, they must be disclosed unless removed following a successful review application to the independent reviewer (under section 22 of the Disclosure Act), or after an appeal on a point of law to the sheriff (under section 30 of the Disclosure Act).

17. Under the Disclosure Act, spent convictions which relate to offences on List B (which replaces schedule 8B of the Police Act) must be disclosed until either:

    - they become non-disclosable within the meaning of section 9 or 10 of the Disclosure Act[7], or
    - following a successful review application to the Scottish Ministers (under section 25 of the Disclosure Act), or the independent reviewer (under section 26 of the Disclosure Act), or after an appeal on a point of law to a sheriff (under section 30 of the Disclosure Act).

18. List B offences become non-disclosable if:

    - the disposal for the conviction was an admonition or an absolute discharge,
    - the conviction is a childhood conviction and at least 5 years and 6 months have passed since the date of the conviction,
    - the conviction is not a childhood conviction and at least 11 years have passed since the date of the conviction.

19. Spent childhood convictions and all children's hearings outcomes related to List B offences will be disclosed on a Level 2 disclosure only after review by the Scottish Ministers under section 13 of the Disclosure Act. If such convictions or outcomes related to List B offences are to be disclosed after such a review, they must be disclosed unless removed following a successful review application to the independent reviewer (under section 22 of the Disclosure Act), or after an appeal on a point of law to the sheriff (under section 30 of the Disclosure Act).

    Application for review under the Disclosure Act

20. Under section 4 of the Disclosure Act, an applicant who receives a Level 1 disclosure has the choice either to share that disclosure with a third party or to notify Scottish

[7] https://www.legislation.gov.uk/asp/2020/13/section/9

Ministers that they intend to make an application for review of accuracy of the information included in the disclosure under section 5 of the Disclosure Act. For Level 1 disclosures provided electronically, the applicant can seek an accuracy review only where they have first notified Scottish Ministers of their intention to do so. This provision is to prevent the disclosure being indefinitely withheld from the third party specified in the application.

21. Under section 18 of the Disclosure Act, an applicant who receives a Level 2 disclosure has the choice to share a copy of the disclosure with the accredited body that countersigned the application, or to notify the Scottish Ministers of an intention to seek a review of the accuracy of the information contained in the disclosure or a review of any reviewable information included in the disclosure under section 20(1)(a) or (b) of the Disclosure Act.

22. The following information is "reviewable information" for the purposes of Level 2 disclosures:
    - information included under section 13 of the Disclosure Act about a spent childhood conviction or children's hearing outcome of the applicant,
    - information relating to the applicant provided by the chief constable in accordance with section 14 Disclosure Act,
    - details of a removable conviction of the applicant. (A "removable conviction" is a conviction (other than a childhood conviction) that is either: (a) a spent conviction for a List A offence and at least 11 years have passed since the date of conviction, or (b) a spent conviction for a List B offence that is not a non-disclosable conviction.)

23. The Disclosure Act provisions which enable individuals to seek a review means that they have more control over their disclosure information. Individuals have the ability to seek a review before their disclosure is viewed by a third party or an accredited body. These provisions support the policy intent that individuals should have the opportunity to move on from previous offending behaviour when sufficient time has elapsed and where the behaviour was not of a severity that it should be disclosed indefinitely.

24. This policy intends to strike a fair balance between an individual's right to respect for their private life and the interests of public protection.

25. The previous review mechanism for the removal of spent convictions from a higher level disclosure was deemed to be complex, lengthy and difficult to navigate for the individual and also automatically required the individual to make an application to the sheriff court. The intention of the Disclosure Act review application provisions is to make the review process simple, more efficient, and reduce costs to the individual.

26. Individuals will apply for a review and receive notification of review decisions via Disclosure Scotland, working on behalf of Scottish Ministers, regardless of which body initially considers and decides the review. This process is intended to be simpler for applicants to understand and will be cheaper for applicants because legal representation is not required.

27. All spent childhood convictions or children's hearing outcomes (childhood information) will be reviewed in the first instance by Scottish Ministers. This information will only be included on a Level 2 disclosure where it is determined that the information is relevant and ought to be included. If such information is included in a Level 2 disclosure, the applicant will be offered the opportunity to ask for a review of this decision by the independent reviewer.

28. Where an applicant requests a review of the decision to include childhood information, the Scottish Ministers must refer the application to the independent reviewer.

29. Where an applicant requests a review of the inclusion of a removable conviction, this will be carried out by Scottish Ministers and where it is determined that the information ought to be included in the disclosure, the applicant will be offered the opportunity to ask for a review of this decision by the independent reviewer.

30. The individual submits all applications for a review of reviewable information to Disclosure Scotland (working on behalf of the Scottish Ministers). Disclosure Scotland itself considers reviews and makes initial decisions about applications for removable convictions and the Chief Constable reviews and makes initial decisions about applications for review of other relevant information.

31. Where an applicant requests an independent review of the Scottish Ministers decision to include a removable conviction, the Scottish Ministers must refer the application to the independent reviewer.

32. Where an applicant requests a review of the inclusion of relevant police information, the Scottish Ministers must refer the application to the police for the police to undertake a review of whether the information is relevant and ought to be included. Where it is determined that the information ought to be included in the disclosure, the applicant will be offered the opportunity to ask for an independent review of this decision by the independent reviewer.

33. Where an applicant requests a review of the police decision to include relevant police information, the Scottish Ministers must refer the application to the independent reviewer.

34. An appeal can be made by the applicant in relation to any of the decisions made by the independent reviewer to a sheriff on a point of law only.

The Regulations

35. These Regulations set out the prescribed periods for individuals making a review application under Part 1 of the Disclosure Act in relation to any of the information included on a Level 1 or Level 2 disclosure, whether the information is being reviewed by Disclosure Scotland (on behalf of the Scottish Ministers), the chief constable or the independent reviewer.

36. The prescribed periods referred to in this instrument are the timescales within which an applicant may:

    1. request that their disclosure is made available to the body who countersigned the application, or in the case of Level 1 disclosures, other third parties that the applicant may specify,

    2. submit their intent to apply for a review or accuracy of their Level 1 disclosure or, a Level 2 review application,

    3. make the review application,

    4. make a subsequent Level 2 review application where the subsequent disclosure is provided for the same purpose.

37. These timescales are maximum time limits. Applicants may take action at an earlier point in the disclosure application process to expedite the conclusion of their disclosure application.

38. Regulation 2 makes provision in relation to Level 1 disclosure applications applied for via the online service and sets out the timescale within which an applicant may: request that the Scottish Ministers make their Level 1 disclosure available by electronic communications to the third party specified on the application, or notify the Scottish Ministers that they intend to make a Level 1 review application under part 5 of the Disclosure Act.

39. This provision allows the applicant to have control over whether their information is shared with a third party. The applicant has the opportunity to check the information that is to be disclosed for any inaccuracies and either apply for a Level 1 review if they do not believe the information is correct or, if they are content with the disclosure, give permission to the Scottish Ministers to share it with the third party specified in the application.

40. This provision does not apply to Level 1 disclosure applications made in paper format, as these are sent to the applicant directly by post. Applicants who apply for a

Level 1 disclosure in paper format proceed directly to actually applying for a review of the information (they do not need notify of their intention first). This is because they will already be in receipt of their disclosure and a third party copy is not being withheld for sharing with a third party.

41. Regulation 3 sets out the timescale within which the applicant may apply to the Scottish Ministers for a review of the accuracy of any of the information contained in their Level 1 disclosure. Regulation 3 relates to Level 1 applications provided both in paper format and applied for via the online service.

42. Regulation 4 and the schedule make provision for the review of relevant overseas police information by the independent reviewer for a Level 2 disclosure, before the Level 2 disclosure is provided to the applicant. These provisions ensure that the information referred from any relevant overseas police force (which is defined in regulation 5) is disclosed subject to the same statutory test as information from Police Scotland and UK law enforcement bodies, that is that (a) the information is relevant and (b) ought to be included in the disclosure.

43. The independent review of information provided by a relevant overseas police force in response to a request under section 15 of the Disclosure Act is prompted automatically by the Scottish Ministers. This is because the Scottish Parliament cannot impose statutory obligations on overseas police forces. The schedule of these Regulations sets out the process the independent reviewer must follow for a review of relevant overseas police information. This process is based on the review processes set out in the Disclosure Act to ensure consistency. The independent reviewer is also required to have regard to the factors set out in section 33 of the Disclosure Act when considering relevance and whether information should be included.

44. Section 15(6) of the Disclosure Act defines “overseas police force” for the purposes of that section and regulation 5 prescribes what is meant by “relevant overseas police force” for the purposes of section 15(6) of the Disclosure Act; a relevant overseas police force means an overseas police force where the body has indicated on central records or the Police Local Cross Reference database that the body holds non-conviction information relating to the applicant, or the Scottish Ministers have reason to believe that the body holds relevant information in relation to the applicant.

45. The schedule of these Regulations sets out the process for a review of relevant overseas police information by the independent reviewer, including - information to be provided by the Scottish Ministers to the independent reviewer, actions to be taken by the independent reviewer in carrying out a review and details about the process of making an appeal against the independent reviewer’s decision.

46. Regulation 6 sets out the timescale within which an applicant may request that the Scottish Ministers arrange for their Level 2 disclosure to be sent to the accredited

body who countersigned their application or notify the Scottish Ministers that they intend to make a review application under section 20(1) of the Disclosure Act. This timescale applies to both paper applications and those made via the online service. This differs from the process for Level 1 disclosures because for paper Level 2 applications a copy of the disclosure will be withheld until the applicant requests that Scottish Ministers arrange for it to be sent to the accredited body who countersigned their application.

47. Regulation 7 sets out the timescales within which the applicant may apply to the Scottish Ministers for (a) a review of the accuracy of any of the information that is contained within their Level 2 disclosure or, (b) if their Level 2 disclosure includes reviewable information, a review of the inclusion of that information.

48. The timescale in regulation 7 begins from the date on which the applicant notifies the Scottish Minister of their intent to do so under section 18(1)(b) of the Disclosure Act.

49. The purpose of providing two prescribed timescales at this point in the disclosure process is to allow the applicant sufficient time to either change their mind from initially intimating their intent under section 18(1) of the Disclosure Act to review the Level 2 disclosure and subsequently request that the disclosure is provided to the accredited body who countersigned the application, or proceed to make an application for review under 20(1).

50. Regulation 8 sets out the timescale within which the applicant may request that the Scottish Ministers arrange for the independent reviewer to carry out a review of any relevant police information that has been included in their Level 2 disclosure. This timescale is required to prevent the disclosure from being withheld unnecessarily.

51. Regulation 9 sets out the timescales within which the applicant may request that the Scottish Ministers arrange for the independent reviewer to carry out a review of any removable convictions that have been included in their Level 2 disclosure. This timescale is required, again, to prevent the disclosure from being withheld unnecessarily.

52. Section 31(6) of the Disclosure Act provides that, where the final outcome of proceedings in relation to any reviewable information is that the information is relevant and ought to be disclosed, an applicant can make a subsequent Level 2 review application in relation to that information only if the review application is made after a specific period of time has passed, or Scottish Ministers are satisfied that the applicant's circumstances have changed in a material way since the final outcome of proceedings.

53. Regulation 10 sets out two timescales for the purposes of subsequent Level 2 review applications:

    - The first timescale (10 years) is for applicants aged 18 years or over on the date of the final outcome of the original review.

    - The second timescale (5 years) is for applicants who were under the age of 18 on the date of the final outcome of the original review.

54. The purpose of Regulation 10 in differentiating timescales depending on age is to carry through the significant reforms made within the Disclosure Act to the disclosure of childhood offending behaviour, in recognition of the fact that childhood is a unique phase of life and convictions or children's hearing outcomes accrued during this period should be treated differently from those accrued in adulthood.

55. These time periods are necessary to protect safeguarding, while still affording the applicant the opportunity to make a subsequent review application. The information included in a Level 2 disclosure has been considered to be relevant and it is therefore proportionate that these time periods should pass before a subsequent application can be made for a review of the same information. The intention of this policy is to strike a fair balance between protecting the applicant's right to request a review and the safeguarding of vulnerable groups.

56. 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.

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

57. The Scottish Minister 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 Act), the Scottish Ministers certify that, in their view, the Level 1 and Level 2 Disclosure Review Application (Scotland) Regulations 2025 are compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

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

Consultation

59. The Scottish Ministers' response to the 2018 consultation paper on the PVG Scheme was published in 2019[8] and noted that legislation to revise certain parts of the PVG Act, repeal Part 5 of the Police Act as it applied in Scotland and set out new offence lists would be taken forward. The Disclosure (Scotland) Bill was introduced into the Scottish Parliament on 12 June 2019 and became an Act on 14 July 2020.

60. During the summer and autumn of 2024, Disclosure Scotland hosted a series of meetings to consult with stakeholders on the proposed review application service and the associated timescales within this process as detailed in this instrument. We engaged with:

    - Turning Point Scotland
    - Supporting Offenders with Learning Difficulties (SOLD) Network
    - Criminal Justice Voluntary Forum (CJVSF)
    - Children and Young People's Centre for Justice (CYCJ)
    - Access to Industry
    - Stirling Community Enterprise
    - Engage Renfrewshire
    - Who Cares? Scotland
    - Aid and Abet
    - Clan Childlaw

61. The results of the engagement highlighted stakeholders welcome a revised user journey whereby disclosure applicants would have more control over their information and the point at which it can be shared. The review provisions were viewed as being beneficial to those seeking to move on from offending and seek employment but who have encountered difficulty in doing so by information present on their criminal record. Users generally felt motivated to interact with a review process and viewed it as advantageous to them.

62. Timescales within which applicants could indicate an intention to make review applications and actually make review applications were originally proposed to be longer than the time periods prescribed for in this instrument, however, user feedback highlighted that applicants would be motivated to engage with the review process and have it concluded as soon as practicable; with many indicating that they would respond quickly to the opportunity to review.

63. Therefore, this feedback directly impacted the timescales set within these Regulations. Although shorter timescales have been set, these have been balanced to ensure that individuals applying for a Level 1 or 2 disclosure via paper format also have sufficient time to engage the review processes. Stakeholders advised that clear guidance would

[8] https://consult.gov.scot/disclosure-scotland/protection-of-vulnerable/results/scottishgovernmentresponse-disclosureregimeconsultation.pdf

be useful to assist them in navigating the review application process and to understand what is required from them at the relevant points in the application process. Disclosure Scotland is committed to providing useful guidance to support all of its processes.

64. Disclosure Scotland is continually engaging with stakeholders to develop literature that meets user needs. Guidance will be published to support the review application procedures. A communications campaign is also underway to raise awareness of the impact of the changes brought about by the Disclosure Act.

Impact Assessments

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

- 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/)

66. An Equalities Impact Assessment and an Impact Assessment for Children's Rights and Wellbeing are attached to these Regulations. The impact assessments are to be published alongside the Regulations. No negative equality impact issues have been identified. No negative impact on children's rights have been identified.

67. A Fairer Scotland Duty Impact Assessment and Island Communities Impact Assessment screening was undertaken with no impact found and as such a full impact assessment was not undertaken.

Financial Effects

68. 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.

Scottish Government
Disclosure Scotland

January 2025