



Disclosure (Scotland) Act 2020

Handy guide for enrolled bodies

This guide has been created to help you understand how the Disclosure (Scotland) Act 2020 will work in practice.



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Summary

The Disclosure (Scotland) Act 2020 [received Royal Assent](#) on 14 July 2020. This Act is the legislative framework to modernise and improve the proportionality of the disclosure system in Scotland.

The new legislation focuses on safeguarding children and vulnerable adults, while balancing the need for people with convictions to move on from past convictions and contribute to society.

The reforms in the Act were developed through extensive consultation with stakeholders, and passed through [three stages of scrutiny](#) in the Scottish Parliament.

Disclosure Scotland will continue to work with stakeholders to deliver a disclosure system that is more responsive to the needs of Scotland's people.

How will the disclosure system change?

- it will be mandatory for those carrying out regulated roles with children and protected adults to be a member of the Protecting Vulnerable Groups (PVG) Scheme
- the lifetime PVG scheme membership will end and be replaced with a five year membership period
- the Act will reduce the number of disclosure levels
- Disclosure Scotland will have new powers to impose conditions on individuals while they are being considered for listing
- applicants will be able to request a review of certain disclosure content from an independent reviewer
- those with childhood convictions eligible for review will be able to explain the context of their previous behaviour before any disclosure to a third party is made
- the Act provides new referral powers for Scotland's councils and integration joint boards

These are some of the main changes that will be implemented. You can read the full Act and explanatory notes on the [legislation.gov.uk](https://www.legislation.gov.uk) [website](#).

Disclosure levels

The Act will reduce the number of disclosures from four main levels (basic, standard, enhanced and PVG) to two (Level 1 and Level 2).

<p>Level 1</p>	<ul style="list-style-type: none"> • this product will replace the current basic disclosure under the Police Act 1997 • available to any individual aged 16 and over, for any purpose on payment of the prescribed fee • this product will include notification requirements under Part 2 of the Sexual Offences Act 2003 <p>Level 1 will replace the basic disclosure and, as with basic disclosures at the moment, will not be available through Volunteer Scotland Disclosure Services</p>
<p>Level 2 (e.g. certain roles within Care or Health services that don't meet the requirement of PVG)</p>	<ul style="list-style-type: none"> • this disclosure product will replace all standard disclosures and some enhanced disclosures under the Police Act 1997 • available to an individual aged 16 and over for a prescribed purpose, where that purpose is connected to an accredited body, and on payment of the prescribed fee
<p>Level 2 with suitability (e.g. prospective adoptive parents)</p>	<ul style="list-style-type: none"> • this disclosure product will replace certain enhanced disclosures under the Police Act 1997 • available to an individual aged 16 and over for a prescribed purpose, where that purpose is connected to an accredited body, and on payment of the prescribed fee
<p>Level 2 PVG (e.g. Children's Worker)</p>	<ul style="list-style-type: none"> • this type of disclosure will replace the PVG Scheme record and short scheme record • there will still be a product equivalent to the statement of scheme membership (known as a confirmation of scheme membership), which does not include conviction information • available to an individual aged 16 and over and mandatory for those aged 16 and over carrying out regulated roles with children and adults

Content of disclosure products

The information that is included on some disclosures may change from the current disclosure types.

Information	Level 1	Level 2	Level 2 suitability	Level 2 PVG
Unspent convictions from UK central records (including unspent childhood convictions)	✓	✓	✓	✓
Notification requirements under Part 2 of the Sexual Offences Act 2003	✓	✓	✓	✓
Unspent cautions from police forces in England, Wales and Northern Ireland		✓	✓	✓
Other Relevant Information		✓	✓	✓
Spent convictions from UK central records		✓	✓	✓
Spent childhood convictions and children's hearings outcomes		✓	✓	✓
Whether the applicant is subject to any prescribed civil orders			✓	✓
Whether the applicant is under consideration for listing			✓	✓
Whether the applicant's name is in the children's list and/or the adults' list			✓	✓
Ongoing monitoring of convictions and other relevant information				✓

What's next?

The changes do not come into effect immediately – there will be a period of implementation where we develop our processes and for organisations to prepare for their new responsibilities.

Volunteer Scotland Disclosure Services will continue to engage with enrolled organisations throughout the implementation period. We are developing training and guidance on the Act and we will contact you when this is available.

[Contact us](#) if you have any questions.

Other Acts

The Disclosure (Scotland) Act 2020 builds on the [Age of Criminal Responsibility Act](#) and [Management of Offenders Act](#).

Part 2 of the Management of Offenders Act will [come into force](#) on 30 November 2020. This will change the rules about criminal convictions that people need to disclose to prospective employers. We will communicate changes mid to late October 2020.

Keep up to date:

To receive the latest news and updates [sign up](#) to our Disclosure Services Newsletter, follow us on [Twitter](#) and [Facebook](#) and contact us [via email](#) if you have any further questions.