



Protection of Vulnerable Groups (Scotland) Act 2007

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PROTECTION OF VULNERABLE GROUPS (SCOTLAND) ACT 2007

PART 1

THE LISTS

Duty to keep lists

- 1 Duty of Scottish Ministers to keep lists

Referrals

- 2 Referral ground
- 3 Reference following disciplinary action etc.
- 4 Reference by employment agency
- 5 Reference by employment business
- 6 Reference relating to matters occurring before provisions come into force
- 7 Reference by court
- 8 Reference by certain other persons
- 9 Failure to refer: offence

Consideration whether to list

- 10 Consideration whether to list: organisational referrals etc.
- 11 Consideration whether to list: court referrals
- 12 Consideration whether to list: vetting information etc.
- 13 Consideration whether to list: inquiries

Inclusion in list

- 14 Automatic listing
- 15 Inclusion in children's list after consideration
- 16 Inclusion in adults' list after consideration

Information relevant to listing decisions

- 17 Information relevant to listing decisions
- 18 Police information etc.
- 19 Information held by public bodies etc.
- 20 Information held by regulated work providers

Appeals against listing

- 21 Appeals against inclusion in children's list
- 22 Appeals against inclusion in adults' list
- 23 Further appeals in relation to inclusion in either list
- 24 Appeals in relation to listing: supplementary

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- 25 Application for removal from list
- 26 Determination of application for removal from list
- 27 Appeals against refusal to remove individual from list
- 28 Late representations
- 29 Removal from list

Listing: supplementary

- 30 Notice of listing etc.
- 31 Relevant inquiries
- 32 Relevant offences etc.
- 33 Duty to notify certain changes

Offences relating to regulated work

- 34 Barred individuals not to do regulated work
- 35 Organisations not to use barred individuals for regulated work
- 36 Personnel suppliers not to supply barred individuals for regulated work
- 37 Penalties for offences relating to regulated work

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- 38 Police access to lists
- 39 Restrictions on listing in children's list
- 40 Restrictions on listing in adults' list
- 41 Protection from actions for damages
- 42 Power to regulate procedure etc.
- 43 Transfer from 2003 Act list

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- 44 The Scheme
- 45 Participation in Scheme
- 46 Statement of scheme membership

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- 48 Scheme record
- 49 Vetting information
- 50 Duty to notify certain changes
- 51 Correction of inaccurate scheme record

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- 52 Disclosure of scheme records
- 53 Disclosure of short scheme records
- 54 Disclosure of scheme membership
- 55 Disclosure conditions
- 56 Crown work
- 57 Disclosure restrictions

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- 58 Removal from scheme
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- 60 Notice of removal
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- 63 Power to use fingerprints to check applicant's identity
- 64 Power to use personal data to check applicant's identity

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- 66 Unlawful disclosure of scheme records etc.
- 67 Unlawful requests for scheme records etc.
- 68 Unlawful disclosure etc.: supplementary
- 69 Penalties for offences relating to vetting information

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PART 5

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SCHEDULE 1 — Relevant offences

1 An offence falls within this paragraph if it is—

2 An individual falls within this paragraph if the individual—

SCHEDULE 2 — Regulated work with children

Part 1 — PRELIMINARY

1 Regulated work with children

2 Exceptions relating to children’s employment and work

Part 2 — ACTIVITIES

3 Caring for children

4 Teaching, instructing, training or supervising children

- 5 Being in sole charge of children
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- 7 Providing advice or guidance to children
- 8 Moderating certain interactive communication services
- 9 Provision of care home services
- 10 Provision of independent health care services
- 11 Work on day care premises
- Part 3 — ESTABLISHMENTS
- 12 Children's detention institution
- 13 Children's hospital
- 14 Educational institutions etc.
- 15 A further education institution. "Further education institution" means a body...
- 16 A hostel used mainly by pupils attending a school or...
- 17 Children's home
- Part 4 — POSITIONS
- 18 Manager of educational institutions etc.
- 19 Member of council committee
- 20 Member of children's panel etc.
- 21 Chief social work officer
- 22 Chief education officer
- 23 Commissioner for Children and Young People in Scotland
- 24 Member of that Commissioner's staff.
- 25 Registrar of Independent Schools in Scotland
- 26 Fostering
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- Part 5 — GENERAL
- 28 Power to amend schedule
- 29 An order under paragraph 28 may disapply or otherwise modify...

SCHEDULE 3 — Regulated work with adults

Part 1 — PRELIMINARY

- 1 Regulated work with adults

Part 2 — ACTIVITIES

- 2 Caring for adults
- 3 Teaching, instructing, training and supervising adults
- 4 Being in sole charge of adults
- 5 Providing assistance, advice or guidance to adults
- 6 Provision of care home services
- 7 Inspecting care services on behalf of the Scottish Commission for the Regulation of Care

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- 8 Care home
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- 10 Member of council committee
- 11 Chief social work officer
- 12 Charity trustee

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- 13 Power to amend schedule
- 14 An order under paragraph 13 may disapply or otherwise modify...

SCHEDULE 4 — Minor and consequential amendments and repeals

- 1 Teaching Council (Scotland) Act 1965 (c. 19)
- 2 In section 6— (a) in subsection (2C), for the words...
- 3 In section 10B(1)(b)— (a) paragraphs (i) to (iii), and
- 4 In section 11(8), for the words from “such” to “but”...
- 5 Education (Scotland) Act 1980 (c. 44)
- 6 In section 98A— (a) in subsection (5)(a)(ii), for “disqualified from...
- 7 In section 99(1A)— (a) in paragraph (g)(ii), for “disqualified from...
- 8 In section 135(1)— (a) after the definition of “attendance order”...
- 9 Foster Children (Scotland) Act 1984 (c. 56)
- 10 In section 7, after subsection (2) insert—
- 11 In section 15, after subsection (2) insert—
- 12 In section 21, before the definition of “care home service”...
- 13 Criminal Procedure (Scotland) Act 1995 (c. 46)
- 14 In section 106(1)— (a) paragraphs (db) and (dc) are repealed,...
- 15 In section 110(1)(a), the words “, the proposal to make...
- 16 Section 111(3) is repealed.
- 17 In section 116, for subsection (2) substitute—
- 18 In section 118— (a) in subsection (4), for the words...
- 19 In section 121A(1), the words “(other than an appeal under...
- 20 In section 173(2), the words “or (cb)” are repealed.
- 21 In section 175— (a) in subsection (2)—
- 22 Section 181(4) is repealed.
- 23 In section 186— (a) the words “or (cb)”, where they...
- 24 In section 187(1), the words “or (cb)” are repealed.
- 25 In section 189— (a) subsection (2A) is repealed,
- 26 In section 193A(1), the words “(other than by way of...
- 27 Police Act 1997 (c. 50)
- 28 In section 113A, after subsection (5) insert—
- 29 After section 113B insert— Suitability information relating to children
(1) In such cases as are prescribed, an enhanced criminal...
- 30 Sections 113C to 113F are repealed.
- 31 In section 114— (a) in subsection (2), for “a Minister...
- 32 In section 116— (a) in subsection (2), for “a Minister...
- 33 In section 117, after subsection (2) insert—
- 34 In section 118— (a) in subsection (2A)(a), for “United Kingdom...
- 35 In section 119A(2), the words from “; and” to the...
- 36 In section 120(5)(b) for the words from “countersign” to “113B”...
- 37 In section 120A— (a) in subsection (3)(b), for “included in...
- 38 Section 121 is repealed.
- 39 In section 122— (a) in subsection (3)—
- 40 Before section 123 insert— Delegation of functions of Scottish
Ministers...
- 41 In section 126(1), after the definition of “Minister of the...
- 42 Protection of Children (Scotland) Act 2003 (asp 5)
- 43 Criminal Procedure (Amendment) (Scotland) Act 2004 (asp 5)
- 44 Charities and Trustee Investment (Scotland) Act 2005 (asp 10)
- 45 Inquiries Act 2005 (c. 12)
- 46 Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10)