

PROTECTION OF VULNERABLE GROUPS (SCOTLAND) ACT 2007

EXPLANATORY NOTES

OVERVIEW

Part 4: “School Care Accommodation Services”

Section 82. Meaning of "school care accommodation service"

145. **Section 82** makes amendments to the 2001 Act to change the definition of “school care accommodation service” as defined in that Act. Section 2(4) of that Act provided,

“(4) *A "school care accommodation service" is a service which is provided to a pupil by an education authority or the managers of an independent or grant-aided school, or by any person under arrangements made by any such authority or managers-*

(a) *for the purpose of the pupil being in attendance at a public, independent or grant-aided school; and*

(b) *which consists of the provision, in a place in or outwith the school, of residential accommodation,*

but a service may be excepted from this definition by regulations.

146. The effect of the changes is twofold. Firstly, where arrangements are made by an education authority or managers of an independent or grant aided school for the pupil to stay in someone’s home, the service will be regarded as being provided by the authority/managers. It will therefore be for the education authority/managers to register the service rather than the individual providing the accommodation. Secondly, the new definition makes clear that accommodation provided only in the holidays will also be covered by the definition, if it is provided for the purpose of, or in connection with, the pupil’s attendance at school.

Section 83. Application of fire safety rules to school care accommodation service

147. **Section 83** disapplies the fire safety duties under Part 3 of the Fire (Scotland) Act 2005 to individuals providing a school care accommodation service to pupils on domestic premises under an arrangement with an education authority or managers of an independent or grant-aided school.