

*Status: Point in time view as at 28/02/2011.*

*Changes to legislation: Protection of Vulnerable Groups (Scotland) Act 2007, Part 1 is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULE 2 REGULATED WORK WITH CHILDREN

### PART 1

#### PRELIMINARY

##### *Regulated work with children*

- 1 Regulated work with children is [<sup>F1</sup> work done in Scotland ] in—
- (a) a position whose normal duties include carrying out an activity mentioned in Part 2,
  - [<sup>F2</sup>(b) a position—
    - (i) which is not a position mentioned in sub-paragraph (a),
    - (ii) whose normal duties include work in an establishment mentioned in Part 3, and
    - (iii) which gives the holder of the position, when doing anything permitted or required in connection with the position, the opportunity to have unsupervised contact with children,]
  - (c) a position mentioned in Part 4, or
  - (d) a position whose normal duties include the day to day supervision or management of an individual doing regulated work with children by virtue of sub-paragraph (a) or (b).

#### Textual Amendments

- F1** Words in Sch. 2 para. 1 substituted (18.4.2010 for specified purposes, coming into force in accordance with art. 1(2)) by [The Protection of Vulnerable Groups \(Scotland\) Act 2007 \(Miscellaneous Provisions\) Order 2010 \(S.S.I. 2010/446\)](#), arts. 1(2), 12
- F2** Sch. 2 para. 1(b) substituted (28.2.2011 coming into force in accordance with art. 1) by [The Protection of Vulnerable Groups \(Scotland\) Act 2007 \(Modification of Regulated Work with Children\) Order 2010 \(S.S.I. 2010/240\)](#), arts. 1, 3

#### Commencement Information

- I1** Sch. 2 para. 1 in force at 28.2.2011 by [S.S.I. 2011/157](#), art. 2(a)

#### *Definitions in relation to unsupervised contact with children*

- [<sup>F3</sup>1A. In this schedule—
- “unsupervised contact with children” means contact with children in the absence of—
- (a) a responsible person,
  - (b) a person carrying out an activity mentioned in paragraph 3, 4 or 5, or
  - (c) an individual who, in relation to a child, has agreed to supervise the contact under arrangements made by the child’s parent or guardian or any person aged 18 or over with whom the child lives in the course of a family or personal relationship,
- “responsible person” means, in relation to a child, any of the following persons—

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- (a) the child’s parent or guardian,
  - (b) any person aged 18 or over with whom the child lives,
  - (c) the person in charge of any establishment mentioned in Part 3 in which the child is accommodated, is a patient or receives education (and any person acting on behalf of such a person),
  - (d) a person who provides day care of children, within the meaning of section 2 of the 2001 Act,
  - (e) any person holding a position mentioned in Part 4, and
  - (f) any person holding a position in a children’s charity, within the meaning of paragraph 27,
- “family relationship” and “personal relationship” have the meanings given in section 95.]

#### Textual Amendments

**F3** Sch. 2 para. 1A inserted (28.2.2011 coming into force in accordance with art. 1) by [The Protection of Vulnerable Groups \(Scotland\) Act 2007 \(Modification of Regulated Work with Children\) Order 2010 \(S.S.I. 2010/240\)](#), arts. 1, 4

#### *Exceptions relating to children's employment and work*

- 2 Work which would be regulated work with children by virtue of any of paragraphs 3 to 7 is not, despite those provisions, regulated work with children if—
- (a) the activity concerned is carried out in relation to children aged 16 or 17 in the course of the children's work, or
  - (b) in the case of the activities referred to in paragraphs 5 and 6, the activity is carried out in relation to children under the age of 16 in the course of the children's employment.

#### Commencement Information

**I2** Sch. 2 para. 2 in force at 28.2.2011 by [S.S.I. 2011/157](#), art. 2(a)

#### *Application of sections 35 and 36 to host parenting*

- [<sup>F4</sup>2A. Work which—
- (a) consists of being a host parent (see paragraph 11A), but
  - (b) does not include carrying out any other activity mentioned in Part 2 otherwise than in connection with being a host parent,
- is not regulated work with children for the purposes of sections 35 and 36.]

#### Textual Amendments

**F4** Sch. 2 para. 2A inserted (28.2.2011 coming into force in accordance with art. 1) by [The Protection of Vulnerable Groups \(Scotland\) Act 2007 \(Modification of Regulated Work with Children\) Order 2010 \(S.S.I. 2010/240\)](#), arts. 1, 5

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