

Equality impact assessment – Record

Title of policy/ practice/ strategy/ legislation etc.	Disclosure (Scotland) Act 2020 (“the Disclosure Act”) – Implementation programme – Package 2 SSIs	
Minister	Minister for Children and Young People	
Lead official	Gareth Wilks	
Officials involved in the EQIA	name	team
	Angela Leonard	Disclosure Scotland Policy
Directorate: Division: Team:	Children and Families Disclosure Scotland Act Implementation	
Is this new policy or revision to an existing policy?	Package 2 SSIs - Implementation	

Screening

Policy Aim

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

The Disclosure (Scotland) Act 2020 (“the Disclosure Act”) will make reforms to the system of state disclosure in Scotland by repealing and restating Part 5 of the Police Act 1997 (“the 1997 Act”) as it applies in Scotland. The Disclosure Act will also make amendments to the Protection of Vulnerable Groups (Scotland) Act 2007 (“the PVG Act”). The Disclosure Act received Royal Assent in July 2020.

In order to give effect to the Act and its policy reforms, the Scottish Government will bring forward a raft of Scottish Statutory Instruments alongside a number of other actions including stakeholder engagement and communications campaigns, and the development of user training and guidance.

As part of implementation of the Disclosure Act a suite of impact assessments have been conducted. These have been collected into their groupings for introduction in Parliament for ease of access and review.

This EQIA considers matters in relation to provisions relating to arrangements in respect of:

- operation of the accredited body system
- the meaning of “protected adult” and the prescribed services that will draw individuals into scope of being a protected adult
- modifying Schedules 3 and 4 in the 2020 Act (regulated roles schedules)
- amendments to the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions)(Scotland) Order 2013 in consequence of the 2020 Act and prescribe new purposes for which Level 2 disclosures will be made available
- amending schedules 8A and 8B of the 1997 Act which contain lists of offences
- various incidental, supplementary and consequential modifications to primary and secondary legislation to ensure that the disclosure system operates as the Disclosure Act intended and to reflect the changes made to the disclosure system by that Act.

THE DISCLOSURE INFORMATION (ACCREDITED BODIES) (SCOTLAND) REGULATIONS 2025

This instrument set out the requirements that will apply to former ‘responsible bodies’ and ‘registered bodies’, replaced by ‘accredited bodies’ under the 2020 Act. It makes detailed provision about the operation of the accredited body system which is needed to facilitate the making of Level 2 disclosures which are used for a variety of purposes including working with vulnerable groups.

These regulations will largely restate the [Police Act 1997 \(Criminal Records\) \(Registration\) Regulations 2010](#). Through these regulations we will prescribe:

- The details to be contained in the register of accredited bodies including lead/ countersignatory details;
- Refusal of registration and removal from the register of accredited bodies;
- The details of the lead/ countersignatory that must be included in an application for registration in the register of accredited bodies
- Refusal of nomination for lead/countersignatories and removal from the register of accredited bodies;
- Review of refusal or removal decisions
- Reapplication for registration in the register of accredited bodies
- Conditions of registration in the register of accredited bodies
- Fees for registration/ continued registration/ changes to the register of accredited bodies

PROTECTING VULNERABLE GROUPS SCHEME (PRESCRIBED SERVICES AND ACTIVITIES FOR PROTECTED ADULTS) (SCOTLAND) ORDER 2025

This instrument will prescribe the services that if an individual is in receipt of will draw them into scope of being a protected adult. The existing services set out in section 94(1)(b) of the [2007 Act](#) and the [Protection of Vulnerable Groups \(Scotland\) Act 2007 \(Prescribed Services\) \(Protected Adults\) Regulations 2010](#) in respect of health services will be captured as will community care services as set out in section 94(1)(c) of the PVG Act. These regulations also prescribe an emergency care/rescue service in order to ensure we continue to capture search and rescue roles.

REGULATED ROLES WITH CHILDREN AND ADULTS (SCOTLAND) AMENDMENT REGULATIONS 2025

Feedback Disclosure Scotland has received from stakeholders since the introduction of the PVG Scheme is that regulated work is difficult to navigate. The policy intent behind the move to regulated roles is therefore to make it clearer for PVG users who should be in the Scheme based on the core activity or activities of their role and the opportunity for contact it enables them to have with children or “protected adults”. This is particularly important as the Disclosure Act will introduce a mandatory PVG Scheme for those carrying out regulated roles that is supported by criminal offences. The concept of regulated roles therefore must be sufficiently clear to prevent inadvertent criminalisation of individuals or organisations and, conversely, so that it does not bring individuals into the scope of the Scheme inappropriately. The move to regulated roles also refocuses the Scheme onto individuals who through their role can exercise power or influence over children or protected adults, such as, sports scouts or agents.

This instrument modifies Schedules 3 and 4 in the 2020 Act which set out the meaning of “regulated roles with children”, and “regulated roles with adults”. These modifications are required to ensure that in moving from regulated work to regulated roles all roles which should be considered regulated roles are included, and ensure we do not inadvertently remove a role from the Scheme causing a potential safeguarding gap.

These modifications will do this in the following ways:

- expanding the definition of ‘contact’ with children and protected adults
- inclusion of specific named healthcare professions to ensure clarity that they are regulated roles
- re-introducing the concept of unsupervised contact with protected adults in connection with the carrying out of activities in specific locations
- name specific locations where regulated work may take place with the carrying out of specific activities

REHABILITATION OF OFFENDERS ACT 1974 (EXCLUSIONS AND EXCEPTIONS) (SCOTLAND) AMENDMENT ORDER 2025

This instrument will make amendments to the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions)(Scotland) Order 2013 (“the 2013 Order”) in consequence of the 2020 Act.

There are two elements of the disclosure regime in Scotland that work in tandem and are broadly aligned: state and self-disclosure. State disclosure is underpinned by the 1997 Act and the 2007 Act. The 1997 Act will be replaced by the 2020 Act when it is fully commenced. Self-disclosure is governed by the Rehabilitation of Offenders Act 1974 (“the 1974 Act”). The 1974 Act provides that for the majority of convictions, after a certain period of time has passed, the individual becomes a ‘protected person’ and does not have to admit to those previous convictions as they are ‘spent’. The 2013 Order sets out the professions, offices, employments or occupations for which an employer can ask questions about certain spent convictions.

This instrument is required to ensure that the system of state disclosure (state and self-disclosure) remain aligned. The amendments being made relate to terminology references, the purposes for which the general rules of disclosure are disapplied and the list of offences that may be disclosed beyond the point they are spent. Changes to the List A and List B offence lists are done on the same policy basis and will have the same impact.

This instrument also prescribes new purposes for which Level 2 disclosures will be made available:

- individuals aged 16 or over living in the same household as a “Shared Lives Carer” as defined by Schedule 4, and
- an individual aged 16 or over whose suitability is not being assessed to carry out a regulated role with children, but who is living on the grounds of a school (where that individual is not themselves employed by the school or is a pupil of the school).

DISCLOSURE (SCOTLAND) ACT 2020 (LIST A AND LIST B OFFENCES) AMENDMENT (SCOTLAND) REGULATIONS 2025

This instrument will modify the offences listed in schedules 1 and 2 to the 2020 Act, known as ‘List A Offences’ and ‘List B Offences’.

List A and List B will replace the repealed lists in the Schedule 8A and 8B of the 1997 Act. Schedule 8A and 8B were inserted into the 1997 Act by the Police Act 1997 and the Protection of Vulnerable Groups (Scotland) Act 2007 Remedial (No.2) Order 2015.

Convictions for offences on either of these lists are disclosable by the state on Level 2 disclosures under the 2020 Act beyond the point which they become “spent” under the Rehabilitation of Offenders Act 1974.

In developing and modifying the offence lists, careful consideration was given to the attributes required for roles requiring “higher level disclosures”. Such roles place the individuals filling them in a position of power and responsibility. Ministers decided that a conviction for a criminal offence that:

- resulted in serious harm to a person;
- represented a significant breach of trust and/or responsibility;
- demonstrated exploitative or coercive behaviour;
- demonstrated dishonesty against an individual;
- abused a position of trust; or
- displayed a degree of recklessness that resulted in harm or a substantial risk of harm

was evidence that a person’s conduct had caused harm to an individual and/or was evidence of misconduct in a position of authority.

List A includes offences of the most serious nature, such as serious violence, sexual offending, certain serious financial or regulatory crimes and terrorist-related offences. List B includes offences which are less serious than those in List A but which still warrant extended disclosure, for example less serious violence, reckless and disorderly conduct, and offences involving theft and fraud.

This instrument makes modifications which were intended to be brought forward by way of amendments during stage 3 of Disclosure (Scotland) Bill, However, due to the COVID pandemic, this was not possible. It also inserts some existing offences which are similar to the offences already in the lists, and some new statutory offences created after the Disclosure Act.

The Disclosure (Scotland) Act 2020 (Incidental, Supplementary and Consequential Provision) Regulations 2025

The Disclosure Act repeals Part 5 of the Police Act 1997 (“the Police Act”) as it applies in Scotland and amends the Protection of Vulnerable Groups (Scotland) Act 2007 (“the PVG Act”).

This instrument makes various incidental, supplementary and consequential modifications to primary and secondary legislation to ensure that the disclosure system operates as the Disclosure Act intended and to reflect the changes made to the disclosure system by that Act.

It also revokes various enactments which, as a consequence of the changes made by the Disclosure Act, are no longer required.

Our main considerations

The aim of the implementation work is to ensure a smooth transition and to maintain current standards of safeguarding when the changes within the 2020 Act become operational.

To give effect to the reforms in the Disclosure Act by:

- making detailed provision about the operation of the accredited body system
- prescribing the services that if an individual is in receipt of will draw them into scope of being a protected adult, and prescribe an emergency care/rescue service in order to ensure search and rescue roles continue to be in scope
- ensuring that the system of state disclosure (state and self-disclosure) remain aligned
- modifying the offences listed in schedules 1 and 2 to the Disclosure Act, known as 'List A Offences' and 'List B Offences'
- modifying the regulated roles schedules to ensure that all roles which should be considered a regulated role are included, and prevent any safeguarding gaps by inadvertently removing a role from the scheme.
- makes various incidental, supplementary and consequential modifications to primary and secondary legislation to ensure that the disclosure system operates as the Disclosure Act intended and to reflect the changes made to the disclosure system by that Act.

The Scottish Ministers consider that this policy contributes to the Scottish Government's National Outcomes:

- We respect, protect and fulfil human rights and live free from discrimination
- We live in communities that are inclusive, empowered, resilient and safe
- We are open, connected and make a positive contribution internationally
- We grow up loved, safe and respected so that we realise our full potential

The Scottish Ministers considered that an EQIA was required to assess the extent to which the implementation of the Disclosure Act may engage the protected characteristics because the policy changes the rules regarding the disclosure of convictions and if the specific needs of these groups were not taken into account they could be disadvantaged. This document gathers the results for five regulations to be laid in January 2025.

Scottish Ministers considered previous evidence gathered for various impact assessments carried out when developing the Disclosure Act which noted that individuals experiencing care as young people are more likely than their peer group to have childhood convictions. Implementation of the Disclosure Act will change the disclosure of childhood information and therefore it is essential that information reaches this group and organisations who support them in order for them to be aware of how to engage with the review process service.

During the EQIA process, the potential impact on each of the protected characteristics was considered. However, our assessment identified that the policies were only likely to have a direct impact in relation to age and sex.

These impacts are discussed in more detail below. The other protected characteristics - maternity and pregnancy; gender reassignment; sexual orientation; race; religion or belief; and marriage and civil partnership, do not have a direct bearing on disclosure checks, and we did not encounter evidence that suggested that people in these groups would be indirectly or disproportionately affected by the changes in these regulations.

Scottish Ministers continue to look into reaching groups where language barriers or difficulty accessing guidance due to disabilities may have been an issue. This issue is not covered in this EQIA as the scope only extends to the content of the regulations listed.

Disclosure Scotland does not collect data on disability, pregnancy and maternity, gender reassignment, sexual orientation, race, religion or belief or marriage and civil partnership. Information on age and gender are not gathered as a specific equality exercise but as a by-product of information used in the application process.

This impact assessment focuses on matters unique to implementation and not those already covered by the impact assessments conducted and published¹ for the Disclosure (Scotland) Bill. The Scottish Ministers have identified no negative impact in relation to persons with protected characteristics.

Who will it affect?

- Users of all disclosure products. In particular members of the PVG Scheme,
- People with criminal convictions – in particular those individuals that have committed an offence included on List A or List B, which may be disclosed on a Level 2 disclosure beyond the point from which they are spent in accordance with the Rehabilitation of Offenders Act 1974,
- People performing a “regulated role” in a paid, unpaid or volunteering position – simplified eligibility criteria to enable people to assess their requirement to join the PVG Scheme. This includes children aged 16 or 17 but not in any way that is different from other scheme members.
- Accredited bodies – (formerly ‘responsible bodies’ and registered bodies’), it will affect organisations subject to the register of accredited bodies,

¹ [Disclosure \(Scotland\) Bill: equality impact assessment - gov.scot \(www.gov.scot\)](https://www.gov.scot/Information/Equity/Equality%20Impact%20Assessment/2020/05/20200520-disclosure-scotland-bill-equality-impact-assessment)
[Disclosure \(Scotland\) Bill: children rights and wellbeing impact assessment - gov.scot \(www.gov.scot\)](https://www.gov.scot/Information/Equity/Equality%20Impact%20Assessment/2020/05/20200520-disclosure-scotland-bill-children-rights-and-wellbeing-impact-assessment)
[Disclosure \(Scotland\) Bill: data protection impact assessment - gov.scot \(www.gov.scot\)](https://www.gov.scot/Information/Equity/Equality%20Impact%20Assessment/2020/05/20200520-disclosure-scotland-bill-data-protection-impact-assessment)
[Disclosure \(Scotland\) Bill: partial BRIA - gov.scot \(www.gov.scot\)](https://www.gov.scot/Information/Equity/Equality%20Impact%20Assessment/2020/05/20200520-disclosure-scotland-bill-partial-bria)

- Protected adults – making it easier to understand the definition of a protected adult and the services that will draw individuals into the scope of being a protected adult.

What might prevent the desired outcomes being achieved?

The aim of the Disclosure Act 2020 is to enhance safeguarding and improve proportionality of disclosures to avoid unnecessary barriers to employment. Factors which could impact the success of this aim.

- Insufficient guidance to stakeholders so the simplification of the disclosure levels does not have the intended positive impact
- Insufficient guidance to applicants and scheme members regarding what convictions can be reviewed and what this means for them
- Guidance needs to be provided in accessible format – translations, audio guide, plain English otherwise individuals may struggle to understand the process and their rights.
- Insufficient training/guidance for decision-makers in Disclosure Scotland with regard to the review process – needs to be robust in order to ensure review decisions are unbiased, proportionate and defensible.

If no action is taken, we cannot operationalise the intent of primary legislation. These instruments are the 'necessary minimum' acceptable outcome. To measure the success of desired outcomes, a review of legislation will take place within five years of coming into effect.

Stage 1: Framing

Results of framing exercise

Age

This instrument make changes to the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions)(Scotland) Order 2013 (“the 2013 Order”) in consequence of the 2020 Act. This is necessary to maintain the status quo in regards to self and state disclosure and that the two remain aligned.

Additionally, this amending order adds two new purposes for which Level 2 disclosures may be made available:

- individuals aged 16 or over living in the same household as a “Shared Lives Carer” as defined by Schedule 4, and
- an individual aged 16 or over whose suitability is not being assessed to carry out a regulated role with children, but who is living on the grounds of a school (where that individual is not themselves employed or a pupil of the school).

This policy impacts 16 and 17 year olds (as well as any adults in these circumstances) because they might be asked questions as a result of living in the same household as a person who is being assessed as a shared lives carer or living in residential accommodation where a school care accommodation service is being provided to a pupil. Any impact on age here is not arbitrary as the 16 and 17 year old’s right to privacy is being balanced against for the safeguarding of other children and protected adults.

The policy of checking people who are over the age of 16, and who live in households with other people who are being assessed for regulated roles or other positions, is in place because while the people do not work directly with children or vulnerable adults, nor are they directly involved in their care, there is sufficient proximity to children and vulnerable adults to warrant them being subject to disclosure checks to make sure the arrangements (i.e. care within the household) are suitable.

The Scottish Council of Independent Schools had noted that it is currently not possible for individuals over the age of 16 residing in a residential school setting (for example, spouses of house parents), but who do not have specific responsibilities, to obtain an enhanced disclosure. In 2018, Disclosure Scotland consulted on including people aged 16 and over who live on school grounds but who are not employed by the school as eligible for a Level 2 disclosure. The Care Inspectorate indicated that they would expect individuals in this position to have an enhanced disclosure, and schools would want to carry out this level of check. One hundred and ninety-three respondents to the consultation believed this to be the correct approach going forward. Eight respondents opposed but did not provide further context.

The Scottish Ministers consider the impact of this policy on age to be neutral because the scope of the change is limited in nature; and extends only to circumstances which are similar in nature and purpose to those that currently exist (e.g. people living with child minders or foster carers). These safeguards in relation to the use of criminal history information in these circumstances have been established for over 10 years.

The Scottish Ministers consider that the policy will not have a direct impact on age but may have a minimal indirect impact. There are some age cohorts more likely than others to have accrued convictions which may be disclosed on the higher level disclosure.

Children and young people will also be positively impacted by enhanced safeguarding, including the Regulated Roles with Children and Adults (Scotland) Amendment Regulations 2025.

Disability

DS does not collect data on disability as this protected characteristic has no bearing on the conduct of disclosure checks.

The policy will have a positive impact on any child or protected adult with a disability as the 2020 Act will enhance safeguarding for these groups.

The need to ensure the provision of accessible guidance to remove any barriers in understanding the changes to Disclosure Scotland products and services was noted but the scope of this EQIA only extends to the content of the regulations listed. DS already has in place mechanism to ensure communications and guidance are widely available.

Sex

Indirect impact but as a result of uptake of certain roles by women and men being more likely to have past convictions not because of policy.

DS does not collect data on sex as this protected characteristic has no bearing on the conduct of disclosure checks.

Gender Reassignment

DS does not collect data on gender reassignment as this protected characteristic has no bearing on the conduct of disclosure checks.

Sexual Orientation

DS does not collect data on sexual orientation as this protected characteristic has no bearing on the conduct of disclosure checks.

Race

DS does not collect data on race as this protected characteristic has no bearing on the conduct of disclosure checks.

Religion or Belief

DS does not collect data on religion or belief as this protected characteristic has no bearing on the conduct of disclosure checks.

Pregnancy and Maternity

DS does not collect data on pregnancy and maternity as this protected characteristic has no bearing on the conduct of disclosure checks.

Marriage and Civil Partnerships

DS does not collect data on marriage and civil partnerships as this protected characteristic has no bearing on the conduct of disclosure checks.

Extent/Level of EQIA required

The protected characteristics likely to be affected by the policy are age and disability, both in a positive manner due to the policy aims of supporting and enhancing safeguarding for protected groups.

Consideration was given to the potential indirect impact if there was insufficient accessible guidance, leaving individuals unaware of their rights or how to engage with the new processes. It was noted this could impact young people with a limited support network, individuals with disabilities affecting their ability to read or process information or anyone facing a language barrier.

Disclosure Scotland has had regular stakeholder engagement regarding the implementation of the 2020 Act and so these considerations have been addressed to ensure information is accessible to users of disclosure services and organisations who support them.

The need to ensure the provision of accessible guidance to remove any barriers in understanding the changes to Disclosure Scotland products and services was noted but the scope of this EQIA only extends to the content of the regulations listed. DS already has in place mechanism to ensure communications and guidance are widely available.

Stage 2: Data and evidence gathering, involvement and consultation

Include here the results of your evidence gathering (including framing exercise), including qualitative and quantitative data and the source of that information, whether national statistics, surveys or consultations with relevant equality groups.

Characteristic ²	Evidence gathered and Strength/quality of evidence	Source	Data gaps identified and action taken to address the data gaps
Age	<p>No relevant data found.</p> <p>In 2021-22, there were 572 people supported by shared lives programmes in Scotland. 19% were supported with dementia or other support related to old age.</p> <p>There are not Scottish statistics for age of people supported by shared lives programmes, but across the UK, 13% of people supported were aged 65+.</p> <p>There are not Scottish statistics for age of shared lives carers, but across the UK, 2% are aged 18-24, 17% are aged 25-44, 59% are aged 45-66, 17% are aged 67-74 and 5% are aged 75+.</p> <p>Policy will not have a direct impact on age but may have a minimal indirect impact. There are some age cohorts more likely than others to have accrued convictions which may be disclosed on the higher level disclosure. The 'Criminal Proceedings in Scotland' publication states on page 51 the highest conviction rate in 2020-21 was for those individuals (overall and not distinguished by sex) aged 31-40</p>	<p>Shared Lives Plus' Scottish report for 2021-22</p> <p>Shared Lives' Plus UK report for 2022-23</p>	<p>There is no data held on people living in the same household as people undertaking regulated roles, however, new sharing resulting from this will be low, as there are relatively few people undertaking regulated roles living on the grounds of a school or as shared lives carers. People living with people who provide home-based care to children are generally already captured by current provisions for people living in the household of childminders. No issues have been raised in the 13 years this has operated.</p> <p>Criminal proceedings in Scotland: 2020-2021</p>

² Refer to Definitions of Protected Characteristics document for information on the characteristics

	<p>(18 per 1,000), with the 21-30 age group also showing a similar 17 convictions per 1,000 population, (overall and not distinguished by sex) (page 51).</p>		
<p>Disability</p>	<p>DS does not collect data on this protected characteristic as part of disclosure checks.</p> <p>In 2021-22, there were 572 people supported by shared lives programmes in Scotland. The majority of these people were supported due to disability, with 40% of people with support having a learning disability, 19% with dementia or other support related to old age and 7% with autism.</p>	<p>Shared Lives Plus' Scottish report for 2021-22</p>	<p>DS does not collect data on this protected characteristic as part of disclosure checks.</p> <p>There is no data held on people living in the same household as people undertaking regulated roles, however, new sharing resulting from this will be low, as there are relatively few people undertaking regulated roles living on the grounds of a school or as shared lives carers. People living with people who provide home-based care to children are generally already captured by current provisions for people living in the household of childminders. No issues have been raised in the 13 years this has operated.</p>
<p>Sex</p>	<p>The Scottish Ministers know from the previous impact assessments undertaken in relation to the Disclosure (Scotland) Act 2020 and other work in this policy area that men are more likely than women to have accrued convictions which may be disclosed in these circumstances.</p>		<p>Criminal proceedings in Scotland: 2020-2021</p>

	<p>The 'Criminal Proceedings in Scotland' suggests that although the number of convictions per 1000 of the population has declined over the past 10 years, it is still the case that there is a disparity in convictions between men and women. The figures in page 50 state that in 2020-21 there were for all people, eight convictions per 1,000 population. There were, however, more convictions for males at 15 convictions per 1,000 population compared to three for females per 1000 population.</p>		
<p>Pregnancy and maternity</p>	<p>DS does not collect data on this protected characteristic as part of disclosure checks.</p> <p>No relevant data found in relation to the policies under assessment.</p>		
<p>Gender reassignment</p>	<p>DS does not collect data on this protected characteristic as part of disclosure checks.</p> <p>No relevant data found in relation to the policies under assessment.</p>		
<p>Sexual orientation</p>	<p>DS does not collect data on this protected characteristic as part of disclosure checks.</p> <p>No relevant data found in relation to the policies under assessment.</p>		
<p>Race</p>	<p>DS does not collect data on this protected characteristic as part of disclosure checks.</p> <p>No relevant data found in relation to the policies under assessment.</p>		
<p>Religion or belief</p>	<p>DS does not collect data on this protected characteristic as part of disclosure checks.</p>		

	No relevant data found in relation to the policies under assessment.		
<p>Marriage and civil partnership (the Scottish Government does not require assessment against this protected characteristic unless the policy or practice relates to work, for example HR policies and practices - refer to Definitions of Protected Characteristics document for details)</p>	<p>DS does not collect data on this protected characteristic as part of disclosure checks.</p> <p>No relevant data found in relation to the policies under assessment.</p>		

Stage 3: Assessing the impacts and identifying opportunities to promote equality

Having considered the data and evidence you have gathered, this section requires you to consider the potential impacts – negative and positive – that your policy might have on each of the protected characteristics. It is important to remember the duty is also a positive one – that we must explore whether the policy offers the opportunity to promote equality and/or foster good relations.

Do you think that the policy impacts on people on the grounds of their age? Either directly or indirectly?

Age	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			x	
Advancing equality of opportunity			x	
Promoting good relations among and between different age groups			x	

Do you think that the policy impacts disabled people? Either directly or indirectly?

Disability	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			x	

Advancing equality of opportunity				x	
Promoting good relations among and between disabled and non-disabled people				x	

Do you think that the policy impacts on men and women in different ways? Either directly or indirectly?

Sex	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			x	
Advancing equality of opportunity			x	
Promoting good relations between men and women			x	

Do you think that the policy impacts on women on the grounds of pregnancy and maternity? Either directly or indirectly?

Pregnancy and Maternity	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			x	
Advancing equality of opportunity			x	
Promoting good relations			x	

**Do you think your policy impacts on people proposing to undergo, undergoing, or who have undergone a process for the purpose of reassigning their sex? Either directly or indirectly?
(NB: the Equality Act 2010 uses the term ‘transsexual people’ but ‘trans people’ is more commonly used)**

Gender reassignment	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			x	
Advancing equality of opportunity			x	
Promoting good relations			x	

Do you think that the policy impacts on people on the grounds of their sexual orientation? Either directly or indirectly?

Sexual orientation	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			x	
Advancing equality of opportunity			x	
Promoting good relations			x	

Do you think the policy impacts on people on the grounds of their race? Either directly or indirectly?

Race	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			x	
Advancing equality of opportunity			x	
Promoting good race relations			x	

Do you think the policy impacts on people on the grounds of their religion or belief? Either directly or indirectly?

Religion or belief	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			X	
Advancing equality of opportunity			X	
Promoting good relations			X	

Do you think the policy impacts on people on the grounds of their marriage or civil partnership? Either directly or indirectly?

Marriage and Civil Partnership ³	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			X	
Advancing equality of opportunity			X	
Promoting good relations			X	

³ In respect of this protected characteristic, a body subject to the Public Sector Equality Duty (which includes Scottish Government) only needs to comply with the first need of the duty (to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010) and only in relation to work. This is because the parts of the Act covering services and public functions, premises, education etc. do not apply to that protected characteristic. Equality impact assessment within the Scottish Government does not require assessment against the protected characteristic of Marriage and Civil Partnership unless the policy or practice relates to work, for example HR policies and practices.

Stage 4: Decision making and monitoring

Identifying and establishing any required mitigating action

Have positive or negative impacts been identified for any of the equality groups?	n/a
Is the policy directly or indirectly discriminatory under the Equality Act 2010 ⁴ ?	n/a
If the policy is indirectly discriminatory, how is it justified under the relevant legislation?	n/a
If not justified, what mitigating action will be undertaken?	n/a

⁴ See EQIA – Setting the Scene for further information on the legislation.

Describing how Equality Impact analysis has shaped the policy making process

The results of this impact assessment show that the proposed policy will be achieved with no negative impacts on any protected characteristics and will have positive impacts on age and disability

No cost implications have arisen from this EQIA.

Monitoring and Review

The overall purpose of this policy is the implementation of the Disclosure Act 2020, this impact assessment was to consider if any particular protected characteristic would be affected by this suite of regulations. Scottish Ministers identified no negative impact to any protected characteristic.

Policies and impact assessments will be fully and formally reviewed five years from implementation. Feedback on the changes under the Disclosure Act in practice will be gathered on an ongoing basis following implementation.

Stage 5 - Authorisation of EQIA

Please confirm that:

- ◆ This Equality Impact Assessment has informed the development of this policy:

Yes No

- ◆ Opportunities to promote equality in respect of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation have been considered, i.e.:

- Eliminating unlawful discrimination, harassment, victimisation;
- Removing or minimising any barriers and/or disadvantages;
- Taking steps which assist with promoting equality and meeting people's different needs;
- Encouraging participation (e.g. in public life)
- Fostering good relations, tackling prejudice and promoting understanding.

Yes No

- ◆ If the Marriage and Civil Partnership protected characteristic applies to this policy, the Equality Impact Assessment has also assessed against the duty to eliminate unlawful discrimination, harassment and victimisation in respect of this protected characteristic:

Yes No Not applicable

Declaration

I am satisfied with the equality impact assessment that has been undertaken for the Disclosure (Scotland) Act 2020 – Implementation Programme – Package 2 SSIs and give my authorisation for the results of this assessment to be published on the Scottish Government's website.

Name: Gerard Hart

Position: SCS Chief Executive

Authorisation date: 24/12/2024