



Disclosure (Scotland) Act 2020

Protection of Vulnerable Groups Scheme Changes from 1st April 2025

This briefing has been put together by Befriending Networks to highlight some key points of the legislative changes that we anticipate impacting on the befriending sector. This is not advice or guidance. Your organisation should review all available official guidance from Disclosure Scotland and Volunteer Scotland Disclosure Services.

Disclosure Scotland Guidance Update (18 March 2025)

[Disclosure Act update - special edition! - Disclosure Scotland](#)

We encourage you to attend the information events which are being provided by both organisations between March and May 2025.

Disclosure Scotland

[Events - Disclosure Scotland](#)

Volunteer Scotland Disclosure Services

[The Disclosure \(Scotland\) Act 2020 - Volunteer Scotland](#)

We have highlight some of the key changes to help you to consider how this might impact your befriending organisation.

Regulated Roles

Any person doing (or anticipating doing) a regulated roles which is either paid or unpaid and where the activity is carried out in Scotland with children and/or protected adults. This includes those who do not live in Scotland but will be based in Scotland whilst doing a regulated role. This also includes work outside the UK where the workers are recruited in Scotland and doing work which would be regulated if undertaken in Scotland.

Legal Requirement

Individual

Anyone carrying out a regulated role in required to be a PVG Scheme Member for the type of work they do (work with children and/or protected adults) before they



carry out the role. It will be an offence to carry out a regulated role if they are not a PVG scheme member for that type of work.

Organisation

Organisations must receive their copy of the Level 2 PVG Scheme Disclosure before they can offer the regulated role. It is an offence for organisations to offer a regulated role or allow someone to start a regulated role before receiving a copy of their Level 2 PVG Scheme Disclosure.

Definition of a child

The Disclosure (Scotland) Act defines children as everyone under 18.

Definition of a protected adult

Any person aged 18 or over who, by reason of:

- Physical disability
- Mental disability
- Illness
- Infirmity
- Ageing

Has an impaired ability to protect themselves from physical or psychological harm or requires assistance with the activities of daily living.

Any person aged 18 or over who is **homeless** and who is receiving counselling, therapy, advice, guidance or advocacy support in relation to health or wellbeing.

Any person aged 18 or over who has experienced, is experiencing, or is at risk of experiencing **domestic abuse** and who is receiving counselling, therapy, advice, guidance or advocacy support in relation to health or wellbeing.

Definition of contact

Contact is defined as:

- Physical Contact
- Written Contact
- Verbal Communication
- Visual Communication
- Exercising Power and Influence



Exercising Power and Influence (Children and Young People)

assisting, facilitating, permitting or impeding progress toward a desirable objective or outcome for a particular child

making decisions of an operational or strategic nature that could have an impact on a number of children

persuading or putting pressure on a particular child to behave or act in a certain manner for the financial gain or personal gratification of a person other than the child

Trustees, Directors, or Committee Members

All trustees, directors or committee members of your organisation will likely require PVG scheme members as they hold a position of responsibility which enables them to make decisions of an operational or strategic nature **where your organisation has one of its main purposes to be the provision of benefits for or to children.**

Having a role which exercises power and influence, even in the absence of direct/physical contact with children will qualify the role for a PVG check.

Regulated Activities

There are numerous activities which are included in the legislation, for **children and young people's befriending services** this is likely to be most closely associated with the following activity definitions:

"providing cultural, leisure, social or recreational activities for children"

"having responsibility for the safety and welfare of a child"

"having power or influence over a child for the purpose of an activity in which the child is taking part or seeking to take part"

The full list is available: [Protection of Vulnerable Groups \(Scotland\) Act 2007](#)

There are numerous activities which are included in the legislation, for **befriending services where there may be protected adults**, this is likely to be most closely associated with the following activity definitions:

"being in charge of protected adults"



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“providing cultural, leisure, social or recreational activities for protected adults”

“providing religious activities or services for protected adults”

“being engaged by or on behalf of a protected adult to support the protected adult to live independently, including providing personal care services, food preparation or **recreational services.**”

The full list is available: [Protection of Vulnerable Groups \(Scotland\) Act 2007](#)

Remote Services

Where a role is undertaken remotely, for example telephone or online befriending, you should consider where the individual carrying out the role is based, for example:

- if the individual is based in Scotland, and is carrying out a ‘regulated role’ (involves an ‘activity’ and ‘contact’ as listed in the PVG Act) even if the children or protected adults themselves are based outwith Scotland a PVG scheme membership will be required
- if the individual is based outside of Scotland, is not someone normally resident in Scotland, and is remotely delivering a service to children and/or protected adults in Scotland, the service cannot be treated as a regulated role. That is the case even if the work involves an ‘activity’ and ‘contact’ as listed in the PVG Act
- if the individual is based elsewhere in the UK, appropriate checks may be available from the Disclosure and Barring Service or Access Northern Ireland

UK Services

If you are carrying out a regulated role and work in Scotland **and** other parts of the UK, you are legally required to be a member of the PVG scheme, even if you have already been subject to a criminal record check by another agency, for example, the Disclosure and Barring Service or Access NI.

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