

PROTECTION OF VULNERABLE GROUPS (SCOTLAND) ACT 2007

EXPLANATORY NOTES

OVERVIEW

Part 2: Vetting and Disclosure

Section 73. Consideration of suitability: supplementary

130. **Section 73** makes explicit what constitutes considering an individual's suitability to do, or to be offered or supplied for, any type of regulated work. In particular, this consideration goes beyond employment (paragraph (a)) and employment agencies and businesses (paragraph (b)). Paragraphs (c) to (e) allow the General Teaching Council for Scotland, the Scottish Commission for the Regulation of Care and the Scottish Social Services Council to request disclosure records. Paragraph (f) includes suitability to foster a child in terms of regulations made under section 5 of the Social Work (Scotland) Act 1968. Under the Fostering of Children (Scotland) Regulations 1996, councils and certain voluntary agencies approve foster carers with whom they will place children.
131. The power at section 73(g) provides further flexibility by giving the Scottish Ministers the power to prescribe further circumstances in which disclosure records can be obtained. This power can be used to prescribe certain contractual relationships. If used for this purpose, it would go beyond the power at section 67(3)(b) since it would allow a person (labelled 'Z' in section 67) who is not the employer of the individual to receive a disclosure record directly from the Vetting and Disclosure Unit.