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## SCHEDULE 3

(introduced by section 91)

### REGULATED WORK WITH ADULTS

PROSPECTIVE

#### PART 1

##### PRELIMINARY

##### *Regulated work with adults*

- 1 Regulated work with adults 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,
    - (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 protected adults, and
    - (iv) where contact with protected adults, when the holder of the position is doing anything permitted or required in connection with the position, is more than incidental,]
  - (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 adults by virtue of sub-paragraph (a) or (b).

[<sup>F3</sup> " Unsupervised contact with protected adults " means contact with protected adults in the absence of an individual doing regulated work within the establishment where the contact takes place. ]

#### Textual Amendments

- F1** Words in Sch. 3 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), **13**
- F2** Sch. 3 para. 1(b) substituted (28.2.2011 coming into force in accordance with art. 1) by [The Protection of Vulnerable Groups \(Scotland\) Act 2007 \(Modification of Regulated Work with Adults\) Order 2010 \(S.S.I. 2010/245\)](#), arts. 1, **3(a)**
- F3** Words in Sch. 3 para. 1 inserted (28.2.2011 coming into force in accordance with art. 1) by [The Protection of Vulnerable Groups \(Scotland\) Act 2007 \(Modification of Regulated Work with Adults\) Order 2010 \(S.S.I. 2010/245\)](#), arts. 1, **3(b)**

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**PART 2**

ACTIVITIES

*Caring for adults*

- 2 Caring for protected adults (except caring for protected adults under the age of 18 which is merely incidental to caring for children generally).

**Commencement Information**  
 II Sch. 3 para. 2 in force at 28.2.2011 by S.S.I. 2011/157, art. 2(a)

PROSPECTIVE

*Teaching, instructing, training and supervising adults*

- 3 Teaching, instructing, training or supervising protected adults (except teaching, instructing, training or supervising protected adults which is merely incidental to teaching, instructing, training or supervising individuals who are not protected adults).

PROSPECTIVE

*Being in sole charge of adults*

- 4 Being in sole charge of protected adults (except being in sole charge of protected adults which is merely incidental to being in sole charge of individuals who are not protected adults).

*Providing assistance, advice or guidance to adults*

- 5 Providing assistance, advice or guidance to a protected adult or particular protected adults which relates to physical or emotional well-being, education or training (except providing assistance, advice or guidance to a protected adult or protected adults which is merely incidental to providing assistance, advice or guidance to individuals who are not protected adults).

**Commencement Information**  
 I2 Sch. 3 para. 5 in force at 28.2.2011 by S.S.I. 2011/157, art. 2(a)

*Provision of care home services*

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### Textual Amendments

- F4** Sch. 3 para. 6 omitted (28.2.2011 coming into force in accordance with art. 1) by virtue of [The Protection of Vulnerable Groups \(Scotland\) Act 2007 \(Modification of Regulated Work with Adults\) Order 2010 \(S.S.I. 2010/245\)](#), arts. 1, 4

*Inspecting care services on behalf of the <sup>F5</sup> Social Care and Social Work Improvement Scotland <sup>F6</sup> and Healthcare Improvement Scotland ]*

### Textual Amendments

- F5** Words in Sch. 3 para. 7 crossheading substituted (1.10.2010 for specified purposes, 1.4.2011 in so far as not already in force) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [Sch. 14 para. 36\(c\)](#); S.S.I. 2010/321, art. 3, Sch.
- F6** Words in Sch. 3 para. 7 crossheading added (1.10.2010 for specified purposes, 1.4.2011 in so far as not already in force) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [Sch. 17 para. 36\(g\)](#); S.S.I. 2010/321, art. 3, Sch.

- 7 Inspecting adult care services (including inspecting any premises used for the purposes of providing such services) in pursuance of <sup>F7</sup> section 10J or 10M of the National Health Service (Scotland) Act 1978 (c. 29) or <sup>F8</sup>Part 5 of the 2010 Act ].

An “adult care service” is—

- (a) a support service,
- (b) an adult placement service,
- (c) a care home service,
- (d) a housing support service, or
- (e) an independent health care service which provides services of the type prescribed under section 94(1)(b),

not provided mainly or exclusively to children.

“Support service”, “adult placement service”, “care home service”, <sup>F9</sup> and ] “housing support service” <sup>F10</sup> ... have the same meanings as in <sup>F11</sup> schedule 12 to the 2010 Act <sup>F12</sup>; and “independent health care service” has the same meaning as in section 10F of the National Health Service (Scotland) Act 1978. ”].

### Textual Amendments

- F7** Words in Sch. 3 para. 7 inserted (1.10.2010 for specified purposes, 1.4.2011 in so far as not already in force) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [Sch. 17 para. 36\(f\)\(i\)](#); S.S.I. 2010/321, art. 3, Sch.
- F8** Words in Sch. 3 para. 7 substituted (1.10.2010 for specified purposes, 1.4.2011 in so far as not already in force) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [Sch. 14 para. 36\(b\)\(i\)](#); S.S.I. 2010/321, art. 3, Sch.
- F9** Word in Sch. 3 para. 7 inserted (1.10.2010 for specified purposes, 1.4.2011 in so far as not already in force) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [Sch. 14 para. 36\(b\)\(ii\)](#); S.S.I. 2010/321, art. 3, Sch.
- F10** Words in Sch. 3 para. 7 repealed (1.10.2010 for specified purposes, 1.4.2011 in so far as not already in force) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [Sch. 17 para. 36\(f\)\(ii\)](#); S.S.I. 2010/321, art. 3, Sch.

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- F11** Words in Sch. 3 para. 7 substituted (1.10.2010 for specified purposes, 1.4.2011 in so far as not already in force) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **Sch. 14 para. 36(b)(iii)**; S.S.I. 2010/321, art. 3, Sch.
- F12** Words in Sch. 3 para. 7 added (1.10.2010 for specified purposes, 1.4.2011 in so far as not already in force) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **Sch. 17 para. 36(f)(iii)**; S.S.I. 2010/321, art. 3, Sch.

#### Commencement Information

- I3** Sch. 3 para. 7 in force at 28.2.2011 by S.S.I. 2011/157, **art. 2(a)**

### PART 3

#### ESTABLISHMENTS

##### Care home

- 8 A care home. “Care home” means accommodation occupied mainly or exclusively by individuals aged 16 or over which is provided by an organisation carrying on a care home service (within the meaning of [F13] schedule 12 to the 2010 Act]).

#### Textual Amendments

- F13** Words in Sch. 3 para. 8 substituted (1.4.2011) by The Public Services Reform (Scotland) Act 2010 (Consequential Modifications) Order 2011 (S.S.I. 2011/211), art. 1, **Sch. 1 para. 19(d)**

#### Commencement Information

- I4** Sch. 3 para. 8 in force at 28.2.2011 by S.S.I. 2011/157, **art. 2(a)**

##### Residential establishment or accommodation

- 9 A residential establishment or accommodation occupied exclusively or mainly by individuals aged 16 or over which is provided by, or the provision of which is secured by,

[F14(1) a council under—

- (a) the Social Work (Scotland) Act 1968 (c. 49), or  
 (b) section 25 (provision of care and support services by local authority) of the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13).][F15, or

- (2) a person to whom a function conferred by a provision mentioned in sub-paragraph (1) (a) or (b) is delegated by a council in pursuance of an integration scheme prepared under section 1 or 2 of the Public Bodies (Joint Working) (Scotland) Act 2014.]

#### Textual Amendments

- F14** Words in Sch. 3 para. 9 renumbered as Sch. 3 para. 9(1) (1.4.2016) by The Public Bodies (Joint Working) (Scotland) Act 2014 (Consequential Modifications) Order 2016 (S.S.I. 2016/150), arts. 1, **2(4)(a)**
- F15** Sch. 3 para. 9(2) and word inserted (1.4.2016) by The Public Bodies (Joint Working) (Scotland) Act 2014 (Consequential Modifications) Order 2016 (S.S.I. 2016/150), arts. 1, **2(4)(b)**

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#### Commencement Information

**I5** Sch. 3 para. 9 in force at 28.2.2011 by [S.S.I. 2011/157](#), [art. 2\(a\)](#)

## PART 4

### POSITIONS

#### *Member of council committee*

- 10 Member of a committee (including joint committee) of a council which is concerned with the provision of education, accommodation, social services or health care services to protected adults. Any reference to a committee includes a reference to any sub-committee which discharges any functions of that committee.

#### Commencement Information

**I6** Sch. 3 para. 10 in force at 28.2.2011 by [S.S.I. 2011/157](#), [art. 2\(a\)](#)

#### *Chief social work officer*

- 11 Chief social work officer of a council.

#### Commencement Information

**I7** Sch. 3 para. 11 in force at 28.2.2011 by [S.S.I. 2011/157](#), [art. 2\(a\)](#)

#### *Charity trustee*

- [<sup>F16</sup>12 Charity trustee of a charity whose—  
(a) main purpose is to provide benefits for protected adults, and  
(b) principal means of delivery of those benefits is by its workers doing regulated work with adults.

An individual works for a charity if the individual works under any arrangements made by the charity.]

#### Textual Amendments

**F16** Sch. 3 para. 12 substituted (28.2.2011 coming into force in accordance with art. 1) by [The Protection of Vulnerable Groups \(Scotland\) Act 2007 \(Modification of Regulated Work with Adults\) Order 2010 \(S.S.I. 2010/245\)](#), arts. 1, 5

#### Commencement Information

**I8** Sch. 3 para. 12 in force at 28.2.2011 by [S.S.I. 2011/157](#), [art. 2\(a\)](#)

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## PART 5

### GENERAL

#### *Power to amend schedule*

13 Ministers may by order modify this schedule as they think appropriate.

#### **Commencement Information**

**I9** [Sch. 3 para. 13](#) in force at 18.4.2010 for specified purposes by [S.S.I. 2010/133, art. 2](#), [Sch.](#)

**I10** [Sch. 3 para. 13](#) in force at 28.2.2011 in so far as not already in force by [S.S.I. 2011/157, art. 2\(a\)](#)

14 An order under paragraph 13 may disapply or otherwise modify the application of sections 34 to 37 in relation to particular kinds of regulated work with adults.

#### **Commencement Information**

**I11** [Sch. 3 para. 14](#) in force at 28.2.2011 by [S.S.I. 2011/157, art. 2\(a\)](#)

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**Changes and effects yet to be applied to :**

- sch. 3 substituted by [2020 asp 13 sch. 4](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 6A inserted by [2020 asp 13 s. 80\(2\)](#)
- s. 8(3)(za) inserted by [2020 asp 13 s. 82\(3\)](#)
- s. 10(1)(aa) inserted by [2020 asp 13 s. 80\(3\)](#)
- s. 13A-13C inserted by [2020 asp 13 s. 76\(2\)](#)
- s. 18(5) inserted by [2020 asp 13 sch. 5 para. 5\(2\)\(b\)](#)
- s. 30(3A)-(3C) inserted by [2020 asp 13 s. 77\(3\)](#)
- s. 45A inserted by [2020 asp 13 s. 71](#)
- s. 45B inserted by [2020 asp 13 s. 72](#)
- s. 45C-45G inserted by [2020 asp 13 s. 73\(2\)](#)
- s. 45H inserted by [2020 asp 13 s. 88\(3\)](#)
- s. 46A inserted by [2020 asp 13 s. 79](#)
- s. 49(3) inserted by [2020 asp 13 sch. 5 para. 5\(3\)\(c\)](#)
- s. 70(2)(d) inserted by [2020 asp 13 sch. 5 para. 10\(41\)\(b\)](#)
- s. 77(1A) inserted by [2020 asp 13 sch. 5 para. 10\(46\)\(b\)](#)
- s. 94(2A)(2B) inserted by [2020 asp 13 s. 75\(3\)](#)