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## Education, Children and Young People Committee

# The Regulated Roles (Prohibitions and Requirements) (Scotland) Regulations 2024 [draft]



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# Education, Children and Young People Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Education and Skills and matters relating to the Historical Abuse Inquiry, redress and languages falling within the responsibility of the Deputy First Minister.



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**Willie Rennie**  
Scottish Liberal  
Democrats



**Evelyn Tweed**  
Scottish National Party

# Introduction

1. At its meeting on 27 November 2024, the Education, Children and Young People Committee considered subordinate legislation which is subject to the affirmative procedure.
2. The report summarises the purpose and the scrutiny of the instrument as well as confirming the Committee's decision.
3. The [minutes](#) of the meeting have been published. The [Official Report of the meeting](#) has also been published.

# The Regulated Roles (Prohibitions and Requirements) (Scotland) Regulations 2024 [draft]

4. The Regulated Roles (Prohibitions and Requirements) (Scotland) Regulations 2024 [draft] was laid before Parliament on 4 November 2024.

5. The purpose of the instrument is as follows:

These Regulations set out prohibitions and requirements that apply to organisations only. Organisations are prohibited from permitting an individual to carry out a regulated role and must remove the individual from the regulated role in the following circumstances:

- Where an organisation, for which an individual is carrying out a regulated role, is notified by Scottish Ministers under section 30(2)(a) of the PVG Act that the individual has been barred from carrying out regulated roles with children or adults.
- Where an individual is carrying out a type of regulated role for an organisation and the individual does not participate in the Protecting Vulnerable Groups Scheme (“the PVG Scheme”) in relation to that type of regulated role.

It is an offence, under sections 35(4) and 45E(3) of the PVG Act for organisations not to comply with these regulations. The penalties for those offences are set out in sections 37 and 45G of the PVG Act.

6. A draft policy note published to accompany the regulations can be accessed [here](#)

7. The Delegated Powers and Law Reform Committee considered the regulations at its meeting on the 19th November 2024. That Committee published its [report](#) on 19 November 2024 and agreed that no points arose.

8. At its meeting on the 27th November 2024, the Committee took evidence on the regulations from Natalie Don-Innes MSP, Minister for Children, Young People and The Promise and Gareth Wilks, Director of Policy and Customer Engagement, Disclosure Scotland.

9. The Committee requested that the Scottish Government provide further information regarding:

- Whether the Scottish Government has any projections of how many people should have gone through the PVG scheme and been registered, but have not done so, because it is not currently a mandatory scheme;
- Projections of how many additional people are likely to require a PVG check when the Disclosure (Scotland) Act 2020 is fully implemented;
- Any assessment the Scottish Government has carried out into the financial impact on organisations who will now be required to comply with the Act.

10. The [Minister for Children, Young People and The Promise wrote to the Committee on 28 November 2024](#), to clarify the Scottish Government's position in relation to several points discussed during the Committee meeting.
11. Natalie Don MSP, Minister for Children, Young People and The Promise moved motion S6M-15259. That the Education, Children and Young People Committee recommends the The Regulated Roles (Prohibitions and Requirements) (Scotland) Regulations 2024 [draft] be agreed.

The Committee agreed S6M-15259 unanimously.



