
NORTH AYRSHIRE COUNCIL

4 June 2026

Audit & Scrutiny Committee

Title: Disclosure Scotland Act

Purpose: To provide the Audit & Scrutiny Committee with an overview of the recent legislative and procedural changes to the PVG Scheme and to outline how North Ayrshire Council has implemented and are managing these changes.

Recommendation: It is recommended that the Committee note the content of the report.

1. Executive Summary

- 1.1 This report provides an overview of recent legislative and procedural changes to the Protecting Vulnerable Groups (PVG) Scheme and Disclosure checks and outlines the resulting operational impact for the Council and how these changes are being managed.
- 1.2 Disclosure checks are used to support safer recruitment by providing information about an individual's criminal history where appropriate. These checks are administered by Disclosure Scotland and are required for certain roles, particularly those involving trust or responsibility.
- 1.3 The Protecting Vulnerable Groups (PVG) Scheme is a central safeguarding measure designed to prevent unsuitable individuals from working with children (under 18) or protected adults. PVG membership includes continuous monitoring, meaning Disclosure Scotland can consider new information and, where necessary, bar individuals from regulated roles.
- 1.4 A regulated role usually involves direct contact with vulnerable groups however, this contact must form part of the individual's normal duties, rather than being incidental or a one-off interaction.
- 1.5 The list of regulated roles created by Disclosure Scotland confirms that Elected Members require PVG membership if their specific duties involve direct, unsupervised contact with children or protected adults, or if they are a full or designated substitute member of a committee (or sub-committee) concerned with education, accommodation, social services or healthcare. All North Ayrshire Council Elected Members who are required to have a check, have them in place.

2. Background

The PVG Scheme was first introduced in February 2011. It replaced previous disclosure arrangements and introduced continuous monitoring helping to prevent individuals who are barred from working with children or protected adults from entering regulated roles.

2.1 Which roles require a PVG membership?

Regulated roles are characterised by duties which involve activities such as caring for, teaching, supervising or being in sole charge of children or protected adults, providing advice, guidance or assistance, or carrying out certain positions of responsibility where there is regular or unsupervised contact with vulnerable groups.

Close liaison with Services takes place to ensure the identification of posts across the Council requiring a PVG or Disclosure check. There are over 300 job roles identified as regulated across the Council. Each position requiring a PVG/Disclosure check has an “associated licence” recorded against it on the HR/Payroll system. This ensures the necessary checks are completed as part of our pre-employment checks.

The PVG Scheme only extends to Elected Members where their specific duties involve direct, unsupervised contact with children or protected adults, or if they are a full or designated substitute member of a committee (or sub-committee) concerned with education, accommodation, social services or healthcare. All North Ayrshire Council Elected Members who currently require a PVG check have one in place.

The PVG Scheme extends beyond paid employment and covers voluntary work too. Where a volunteer requires a PVG check this is carried out by the Service utilising the volunteer, for example, a parent volunteering in a school. In this instance, the PVG check would be carried out by the Education Resourcing Team.

2.2 Legislative Changes

The Disclosure (Scotland) Act 2020 was given royal assent during July 2020, and changes were implemented over a two-year period commencing in 2025.

The phased implementation of the Disclosure (Scotland) Act 2020 reflected the scale of the reform, which replaced and modernised Scotland’s disclosure system and PVG scheme. The delayed approach was deliberate to allow for system redesign, stakeholder consultation, digital development and a managed transition for employers and existing scheme members.

Changes in effect from 1st April 2025:

- **PVG membership became a Legal Requirement**
Legislation now requires anyone working in a regulated role with children, protected adults, or both must have a PVG check completed before they begin their duties.
- **“Regulated Work” became “Regulated Roles”**
“Regulated work” under the previous legislation was defined through detailed activity-based criteria, which could be complex to apply in practice. The Disclosure

(Scotland) Act 2020 introduced “regulated roles”, a role-based approach which focuses on the purpose of the role and the level of responsibility, power or influence over children and protected adults.

- **New Disclosure Structure (for Non PVG posts)**
The previous Basic/Standard and Enhanced disclosures were replaced with a simplified disclosure structure consisting of Level 1 (Basic) and Level 2 (Standard) checks. Enhanced Disclosures replaced by Level 2 along with a barred list check where required. These level of checks cover a few specific roles, such as Solicitor.
- **Greater Control for Individuals**
Applicants have greater control over their disclosure information; they can communicate directly with Disclosure and receive their certificate direct rather than this being shared with organisations automatically.

Changes in effect from 1 April 2026:

- **End of Lifetime Membership – New Members**
PVG membership has moved from a lifetime membership to a five-year renewable membership. This change applied to new applications made on or after the 1st April 2026.
- **End of Lifetime Membership – Existing Members**
Existing members who joined before the 1st April 2026, transition to the new five-year model in phases, starting with those who joined the scheme the earliest.
- **Memberships approaching expiry (after 5 years)**
Disclosure Scotland will contact both PVG members and employer organisations three months before the five-year expiry date to arrange renewal. Renewals will be completed through online accounts, with an offline process available for those unable to use the digital service.

Where an individual fails to renew their PVG membership, they will no longer be legally permitted to carry out regulated work.

2.3 Support and Guidance

Guidance on the Protecting Vulnerable Groups (PVG) Scheme is available via the Council’s intranet (Connects). This includes a dedicated Disclosure Scotland page outlining the purpose of the PVG Scheme, the types of information contained within PVG disclosures, and the process for determining whether a post requires a disclosure check.

Supporting this are corporate policies and HR guidance documents which set out the different levels of disclosure available, when PVG Scheme membership is required, and the legal requirement that individuals undertaking regulated roles must have appropriate PVG clearance in place prior to commencing duties.

A new HR Guide: Volunteering with the Council is available which includes guidance on PVGs requirements and frequently asked questions on PVGs required specifically within educational establishments.

These resources provide a consistent framework to support compliance with statutory safeguarding responsibilities and ensure appropriate checks are undertaken for posts involving contact with children and protected adults.

3. Proposals

- 3.1 Audit & Scrutiny Committee is asked to note the content of the report outlining the legislative and procedural changes to the PVG Scheme.

4. Implications/Socio-economic Duty

Financial

- 4.1 None

Human Resources

- 4.2 The HR Resourcing team will continue to maintain responsibility for ensuring all PVG and Disclosure requirements are applied consistently, and that all roles requiring checks are accurately recorded and monitored.

Where a PVG scheme membership is approaching expiry, a proactive and robust communications process will be implemented between HR and the relevant manager to prevent any lapse in membership. Where an employee fails to renew their PVG membership, they will no longer be legally permitted to undertake regulated work.

Legal

- 4.3. Disclosure Scotland has confirmed it will notify both PVG members and organisations three months prior to the expiry date to support renewals. However, the Council must still ensure that renewal takes place, as the responsibility for maintaining a valid membership ultimately relies on the employee taking the appropriate action to maintain their membership.

Equality/Socio-economic

- 4.4 None

Climate Change and Carbon

- 4.5 None

Key Priorities

- 4.6 None

Community Wealth Building

4.7 None

Islands Communities Impact Assessment (ICIA)

4.8 None

United Nations Rights of the Child (UNCRC)

4.9 None

Consumer Duty

4.10 None

5. Consultation

5.1 No consultation was required in the preparation of this report.

Fiona Walker
Head of People & ICT

For further information please contact **Jackie Smillie, Senior Manager (People Services)**, on jackiesmillie@north-ayrshire.gov.uk.

Background Papers

None