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Clare Adamson MSP
Convener
Education and Skills Committee
Scottish Parliament
EDINBURGH
EH99 1SP

16 August 2019

Dear Convener,

Thank you for your letter of 22nd July 2019 regarding the Disclosure (Scotland) Bill.

A keeling schedule reflecting the amendments which the Bill seeks to make to the Protection of Vulnerable Groups (Scotland) Act 2007 has been provided to the Committee's clerk under separate cover.

The Committee has requested that the Scottish Government informs the Committee as close to the start of Stage 1 scrutiny as possible of any amendments that the Government will lodge at Stage 2. The Government understands this will enable the Committee to consider the policy intention of any substantive amendments during Stage 1.

The Bill will require consequential amendments to be made to other legislation and the Government intends to address this at Stage 2. For instance, we intend to lodge amendments to the Bill in relation to the Rehabilitation of Offenders Act 1974. This Act provides for a system of protection to individuals with previous convictions not to have to self-disclose their convictions in certain circumstances. The 1974 Act will need to be amended to ensure there is consistency between 'self-disclosure' and 'state-disclosure' regimes, particularly in relation to the treatment of childhood convictions. In addition, the Age of Criminal Responsibility (Scotland) Act 2019 and the Management of Offenders (Scotland) Act 2019 make changes to the self-disclosure system. There are currently no provisions in the Bill to make necessary consequential amendments to those Acts, as neither had received Royal Assent at the time of the Bill being introduced. Work on implementing those Acts is ongoing, as is the Government's consideration of how to ensure the Bill operates alongside them effectively to ensure consistency between the self-disclosure and state-disclosure regimes.

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More generally, the Government's position on the existing provisions in the Bill will be shaped by stakeholder views and the Committee's scrutiny of the Bill, and we will ensure that the Committee is aware of the Government's plans for any further substantive amendments in sufficient time for the Committee to consider the policy intention behind them.

There will also be other technical and minor amendments lodged and the Government will make them known to the Committee in due course.

Yours sincerely

MAREE TODD

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