

Partial Child Rights and Wellbeing Impact Assessment

CRWIA front sheet	
Policy/measure A general description of the policy/measure	The Proposed Draft Police Act 1997 and The Protection of Vulnerable Groups (Scotland) Act 2007 Remedial Order 2018
Project initiation document Add link to the document	N/A
Initiating department The responsible team or division. If this is a cross-cutting policy, name the team that has overall responsibility	Disclosure Scotland
Policy aims What the policy or measure is trying to achieve; what are the expected outcomes	<p>To ensure we have a disclosure regime in Scotland that strikes a fair balance between the individual's right to respect for their private life and the interests of public protection in compliance with the European Convention on Human Rights (ECHR).</p> <p>The 2018 Proposed Draft Order sets out the proposed amendments to the Police Act 1997 and the Protection of Vulnerable Groups (Scotland) Act 2007. The effect of the amendments will be that recipients of higher level disclosures under those Acts whose disclosure contains information about a conviction for an offence listed in schedule 8A of the Police Act 1997 (offences which must always be disclosed) will in certain specified circumstances have the right to apply to a sheriff in order to seek removal of that conviction information before their disclosure is sent to a third party such as an employer.</p> <p>They will have this right where the conviction for a schedule 8A offence is spent and –</p> <p>(a) where the person was aged under 18 at the date of conviction, 7 years and 6 months have passed since the date of the conviction; or (b) where the person was aged 18 or over at the date of conviction, 15 years have passed</p>

	<p>since the date of the conviction.</p> <p>We consider that this policy should provide an ECHR compliant system.</p>
<p>Timetable</p> <p>What is the time frame for a policy announcement/consultation/implementation?</p>	<p>60-day period for receipt of written observations (set out in section 13 of the Convention Rights (Compliance) (Scotland) Act 2001) will commence on 11 September 2017 and finish on 26 November 2017</p> <p>Remedial Order laid in draft before Parliament on 15 December 2017,</p> <p><i>(Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) Amendment (Scotland) Order would be laid in draft on same date)</i></p> <p>- standard Parliamentary affirmative procedure (Parliament to approve within 40 days of laying)</p> <p>Remedial Order and ROA Order made with a commencement date of 17 February 2018</p>
<p>Date</p>	<p>31 August 2017</p>
<p>Signature</p>	<p>Lynne McMinn Head of Policy Disclosure Scotland</p>