



The Exempted Question & Code of Practice Guidance

The Exempted Question

An exempted question is a question which employers are not normally entitled to ask in relation to a person's criminal history.

The Rehabilitation of Offenders Act 1974 ("the 1974 Act") and the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013 ("the 2013 Order") regulate self-disclosure, which is the obligation on an individual to admit to previous convictions if asked questions about them by a prospective employer.

Disclosure applications for Level 2/Level 2 with barred list check or PVG scheme disclosures are for exempted positions, for example a position concerned with a care service, health service or for regulated roles with children or protected adults.

The Code of Practice

All enrolled signatories with VSDS must sign a declaration to confirm that they will follow and adhere to the Code of Practice which can be found on Disclosure Scotland's [website](#). If your organisation does not comply, we can refuse to process your PVG scheme disclosures.

Here are the key areas that will help you in your role as a signatory:

Section(s) from the Code of Practice	Content
5	Different levels of disclosure and what information they will give you
7.1	Who must comply with the Code of Practice?
7.2	Failure to comply with the Code.

Section(s) from the Code of Practice	Content
9.3	Volunteer Scotland Disclosure Services and Qualifying Voluntary Organisations.
10	Identification Checking.
12.2	Handling, Storage and Destruction.
12.4	Assurance and audit.
12.6	Missing disclosures.
13	Offences relating to the disclosure process.



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