

Appendix 14: Legislation for the protection of children and adults and risk – Scotland

Any action towards protecting an adult at risk should be undertaken in accordance with your area Adult Protection Committee procedures or your area Child Protection Committee procedures. See also: Scottish government: Adult Support and Protection for further information
<http://www.gov.scot/Topics/Health/Support-Social-Care/Adult-Support-Protection>

Protection of Vulnerable Groups (Scotland) Act 2007

[Protection of Vulnerable Groups \(Scotland\) Act 2007](#)

This legislation introduced the Protection of Vulnerable Groups (PVG) scheme to replace the former system of disclosure for people working with vulnerable groups. It identifies categories of employment or contact (regulated work) where there is the expectation that a PVG check will be required. The measures are intended to prevent unsuitable adults from working with children.

Adult Support and Protection (Scotland) Act 2007

The Act makes new provisions intended to protect those adults who are unable to safeguard their own interests, such as those affected by disability, mental disorder, illness or physical or mental infirmity, and who are at risk of harm or self-harm, including neglect. The fundamental principles underpinning the Act are that any intervention must provide benefit to the adult, that this benefit could not have been reasonably achieved without intervention and that any intervention is the least restrictive option to the adult's freedom.

Adult Support and Protection (Scotland) Act 2007: Code of Practice

<http://www.gov.scot/Publications/2009/01/30112831/0>

The Code of Practice provides information and guidance on the practical application of the Act. It should be used in conjunction with other relevant codes of practice as appropriate, i.e. the Mental Health (Care and Treatment) (Scotland) Act 2003 and the Adults with Incapacity (Scotland) Act 2000.

Children (Scotland) Act 1995

<https://www.nspcc.org.uk/preventing-abuse/child-protection-system/scotland/legislation-policy-guidance/>

Provides the legislative framework for Scotland's child protection system. It sets out: parental responsibilities and rights, and duties and powers public authorities have to support children and intervene if there are concerns about a child. NB: Child Protection Committees (CPCs) are responsible for child protection policy, procedure, guidance and practice at the local authority level and ensure that agencies work together to protect children.

Protection of Children (Scotland) Act 2003 and the Children and Young People (Scotland) Act 2014

<http://www.legislation.gov.uk/asp/2014/8/contents/enacted>

The Children and Young People Act sets the legal framework in Scotland and this is supported by national and local guidance. It provides measures to further improve outcomes for children and young people.

National Guidance for Child Protection in Scotland 2014

<http://www.gov.scot/Resource/0045/00450733.pdf>

The National Guidance for Child Protection in Scotland 2014 provides the framework to enable all those working with children to recognise the role they can play in remaining vigilant and providing robust support for child protection. Churches and faith organisations are included in the third sector and are recognised as having a significant role to play. The guidance serves as a practical reference point for practitioners and agencies. Appendix A provides a list of other relevant legislation.

Getting It Right For Every Child (GIRFEC)

<http://www.gov.scot/Topics/People/Young-People/gettingitright>

The practical implementation of the National Guidance for Child Protection takes places within the wider framework of Getting It Right For Every Child (GIRFEC). GIRFEC aims to build a network of support and early intervention promoting the well-being of every child in Scotland. Key components of GIRFEC include establishing a shared understanding of well-being; appropriately involving children and families in assessment, planning and intervention; and agreeing actions and outcomes that result in families getting the right help at the right time.