

Am I able to obtain a Disclosure for a Santa position during the festive period?

Answer: Taking on this role usually involves interaction with children. As such, you have to determine whether or not you are doing regulated work with children.

The concept of regulated work was introduced in February 2011 when the Protection of Vulnerable Groups (Scotland) Act 2007 was commenced and the Protecting Vulnerable Groups Scheme established. The definition of what constitutes regulated work with children is available on the Publications Page of our website.

The definition previously used for a Santa role relating to “work in a childcare position”, as defined in the Protection of Children (Scotland) Act 2003 has been repealed and replaced by doing regulated work under the PVG Scheme.

Am I doing regulated work?

Answer: It will be the nature of the arrangements put in place by the employers, organisations or those wishing individuals to act as Santa that will determine whether or not regulated work with children is being done. You should follow the steps set out in the PVG Guidance which is available on our website at: <http://www.disclosurescotland.co.uk/guidance/index.html>.

It's important to note that simply having access to or contact with children does not mean that the position is regulated work with children.

If you wish to employ a Santa for work in a shopping centre or store for a prolonged period (e.g. four weeks), you would have to (1) consider whether or not the role involves Santa carrying out activities which **may** bring him into regulated work. These activities may include having sole charge of children or unsupervised contact with children under arrangements made by a responsible person e.g. parent, AND (2) that the activity forms part of the position's normal duties

There are things you will have to consider with regard to whether or not Santa is in sole charge or has unsupervised contact with the children: are the parents, guardians, teachers, etc. present? If yes then the position would not be regulated work. If you are arranging a Christmas party at your school, or place of employment for children of employees and you wish to appoint a parent or other person to act as Santa e.g., for a one off party, then this would not fall within the scope of the legislation as it would not be defined as normal duties for the individual acting as Santa.

Please note, under no circumstances will a Standard or Enhanced Disclosure be applicable to the position of Santa.

If the role is not regulated work with children, you cannot join the PVG scheme. If you wish some form of check as part of your recruitment process, you can request the applicant to provide you with a Basic Disclosure, which provides details of any unspent convictions.