



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

It's expected that such a position will involve contact with children. As a consequence, you have to determine whether or not the position is a child care position in terms of the Protection of Children (Scotland) Act 2003 (PoCSA) *as amended* and this can depend on the nature of the arrangements put in place by the employers, or those wishing individuals to act as Santa. Details of PoCSA and what constitutes a child care position are available on the Publications Page of our website.

It's important to note that simply having access or contact with children does not mean that the position is a child care position and is capable of being Disclosure checked at Enhanced level.

At one extreme, 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 having sole charge of children or that he has unsupervised contact with children AND (2) that this forms part of the position's normal duties. In this regard, Disclosure Scotland would consider that if a Santa was employed in such an environment AND the position meets both the above criteria then the position would come within the scope of PoCSA and you could ask the applicant to undergo an Enhanced Disclosure check. However, you have to ask yourself if the Santa will have sole charge or unsupervised contact with the children – if parents, guardians, teachers, etc. are present then the position would not fall within the scope of the legislation and you would not be able to request that he undergo an Enhanced Disclosure.

On the other extreme, 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, for example, for a single party, then this would not fall within the scope of the legislation unless the role can be defined as normal duties for the individual.

The above considerations have also to be made for Santa's helpers or assistants.

Please note that under no circumstances will a Standard level Disclosure be applicable to the position of Santa. If you are not entitled to ask for an Enhanced Disclosure, and 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 unspent convictions.



