

# **SAFEGUARDING VULNERABLE GROUPS ACT 2006**

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## **EXPLANATORY NOTES**

### **EXCEPTIONS**

#### ***Section 16: Exception to requirement to make monitoring check***

93. This section lists regulated activity (in relation to vulnerable adults) in relation to which regulated activity providers are exempted from the obligation to make an appropriate check under section 11, and from the offence under section 10 of employing an individual who is known or suspected not to be subject to monitoring. Subsection (1) sets out the activities in respect of which the exemption applies. These include activities carried out for the purposes of prisons and certain activities targeted at individuals because of their age, health or disability. In cases where the exemptions apply checks may still be made but are not mandatory. The section contains a provision which allows for this list to be amended in the future. A sun-setting subsection provides that the exemptions in relation to recreational, social, sporting or educational activity, housing and prescribed welfare services will only apply for three years after commencement of any provision of the section, or at such later date as the Secretary of State may specify by order.

#### ***Section 17: NHS employment***

94. This section relates specifically to those regulated activity providers who employ people in relevant NHS employment which is defined as employment with one of the NHS bodies listed in subsection (3). Where a person is employed in relevant NHS employment, and provided that employment continues, he can undertake other such employment without the need for a monitoring check to be made in relation to that other employment. This provision is aimed, for example, at the situation where a person who is employed with the NHS as his main employment, is then supplied by NHS Professionals (the NHS's in-house supplier of staff) or by another agency to work for the NHS on a temporary basis to cover staff absences and holiday etc. The main NHS employment acts as an "umbrella" for any other NHS employment undertaken whilst the main NHS employment continues. This modification of the normal requirements applies to employment (which is relevant NHS employment) with an NHS body, or with a person who provides healthcare for an NHS body.