
STATUTORY INSTRUMENTS

2007 No. 1351

**The Safeguarding Vulnerable Groups
(Northern Ireland) Order 2007**

Education and Library Boards and HSS Bodies

Education and Library Boards and HSS Bodies: duty to refer

41.—(1) An education and library board (“a board”) and an HSS body must provide IBB with any prescribed information it holds relating to a person if the first and second conditions are satisfied.

(2) The first condition is that the board or HSS body thinks—

- (a) that paragraph 1, 2, 7 or 8 of Schedule 1 applies to the person,
- (b) that the person has engaged in relevant conduct (within the meaning of paragraph 4 or 10 of Schedule 1) occurring after the commencement of this Article, or
- (c) that the harm test is satisfied.

(3) The harm test is that the person may—

- (a) harm a child or vulnerable adult,
- (b) cause a child or vulnerable adult to be harmed,
- (c) put a child or vulnerable adult at risk of harm,
- (d) attempt to harm a child or vulnerable adult,
- (e) incite another to harm a child or vulnerable adult.

(4) The second condition is that the board or HSS body thinks—

- (a) that the person is engaged or may engage in regulated activity or controlled activity, and
- (b) (except in a case where paragraph 1, 2, 7 or 8 of Schedule 1 applies) that IBB may consider it appropriate for the person to be included in a barred list.

(5) A board or an HSS body may provide IBB with any prescribed information it holds relating to a person if—

- (a) the board or HSS body thinks that a person has engaged in relevant conduct (within the meaning of paragraph 4 or 10 of Schedule 1) occurring before the commencement of this Article, and
- (b) the condition in paragraph (4) is satisfied.

(6) For the purposes of paragraphs (2)(b) or (5)(a), conduct is inappropriate if it appears to the board or HSS body to be inappropriate having regard to the guidance issued by the Secretary of State under paragraph 4(6) or 10(6) of Schedule 1.

Education and Library Boards and HSS bodies: duty to provide information on request

42.—(1) This Article applies if IBB is considering—

- (a) whether to include any person in a barred list;

(b) whether to remove any person from a barred list.

(2) If IBB thinks that an education and library board or an HSS body holds any prescribed information relating to the person, it may require that board or body to provide it with the information.

(3) The board or body must comply with a requirement under paragraph (2).