
STATUTORY INSTRUMENTS

2003 No. 417

The Protection of Children and Vulnerable
Adults (Northern Ireland) Order 2003

PART II

PROTECTION OF CHILDREN

CHAPTER I

PERSONS UNSUITABLE TO WORK WITH CHILDREN

List in connection with prohibiting or restricting employment in schools, etc.

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15.—(1) The [Education and Libraries \(Northern Ireland\) Order 1986 \(NI 3\)](#) shall have effect subject to the following provisions of this Article.

(2) In Article 70(2)(e) (regulations for prohibiting or restricting the employment or further employment of teachers) for the words from “on medical grounds” to the end there shall be substituted

- “(i) on medical grounds;
- (ii) on the grounds of misconduct;
- (iii) on the grounds that the persons concerned are unsuitable to work with children;
- (iv) on the grounds that the persons concerned are included (other than provisionally) in the list kept by the Department of Health, Social Services and Public Safety under Article 3 of the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003; or
- (v) on educational grounds”.

(3) In Article 88A(2)(b) (regulations for prohibiting or restricting the employment or further employment of non-teaching staff) for the words from “on medical grounds” to the end there shall be substituted

- “(i) on medical grounds;
- (ii) on the grounds of misconduct;
- (iii) on the grounds that the persons concerned are unsuitable to work with children; or
- (iv) on the grounds that the persons concerned are included (other than provisionally) in the list kept by the Department of Health, Social Services and Public Safety under Article 3 of the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003”.

(4) The power to make regulations under Article 70 or Article 88A includes power to provide that a person may appeal to a Social Care Tribunal against—

- (a) a decision to prohibit or restrict the person's employment or further employment on the grounds mentioned in Article 70 (2)(e)(iii) or (iv) or (as the case may be) Article 88A(2)(b)(iii) or (iv); or
 - (b) a decision not to revoke or vary such a decision as is mentioned in sub-paragraph (a).
- (5) Those regulations may—
- (a) make provision as to the circumstances in which a Social Care Tribunal shall allow an appeal under the regulations and as to the powers available to it on allowing such an appeal;
 - (b) provide that, where a person has been convicted of an offence involving misconduct, no finding of fact on which the conviction must be taken to have been based shall be challenged on an appeal under the regulations.
- (6) The power to make regulations under Article 70 or Article 88A also includes power to make provision for a person who has been subject, for a prescribed period, to a prohibition or restriction imposed on the grounds mentioned in Article 70(2)(e)(iv) or 88A(2)(b)(iv) to apply, with the leave of a Social Care Tribunal, for a review of the prohibition or restriction.
- (7) Those regulations may make provision as to —
- (a) the circumstances in which an application for leave, or a review, under the regulations shall be determined in the person's favour;
 - (b) the powers available to the Tribunal on determining a review in the person's favour.