
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the information that, in specified circumstances, must be provided to the Independent Barring Board (“IBB”) under various provisions in the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (“the Order”) and the information that may be provided to IBB in other circumstances. In brief, the duties and powers to provide information arise where it may be appropriate for a person to be considered by IBB for inclusion in one or both of the barred lists established under Article 6 of the Order or where IBB is considering removing a person from a barred list.

A duty to refer the prescribed information or to provide such information following a request from IBB is placed on regulated activity providers, responsible persons, personnel suppliers, HSS bodies, education and library boards, keepers of relevant registers and supervisory authorities. The circumstances in which such duties arise are set out in Articles 37, 38, 39, 41, 42, 43, 44, 47 and 48 of the Order.

The Regulations also include details that must be provided to IBB under paragraph 19(1)(b) of Schedule 1 to the Order (namely prescribed details of cautions and convictions). This duty falls on any person who holds records of convictions or cautions for the use of police forces generally.

In addition, the Regulations prescribe the information that IBB must provide to the Secretary of State under paragraph 21 of Schedule 1 to the Order in circumstances in which it includes a person on a barred list, is considering doing so, or where IBB thinks that any of the criteria prescribed for the purposes of paragraph 1, 2, 7 or 8 of Schedule 1 to the Order (i.e. criteria leading to automatic inclusion in a barred list) are satisfied with respect to a person and that the Secretary of State does not already have this information.

Regulations 5, 7, 9, 11 and 12 will come into operation on 13th March 2009 to assist IBB to exercise functions under transitory provisions that will mark the start of IBB making barring decisions in relation to individuals who would formerly have been referred to the Department of Health, Social Services and Public Safety or the Department of Education. This is one of the steps towards full implementation of the vetting and barring scheme under the Order. The remaining regulations will come into operation on 12th October 2009.

Changes to legislation:

There are currently no known outstanding effects for the The Safeguarding Vulnerable Groups (Prescribed Information) Regulations (Northern Ireland) 2009.