

Status: Point in time view as at 02/04/2018.

Changes to legislation: Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 10 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

[^{F1}SCHEDULE 1

Section 1

[^{F2}INDEPENDENT SAFEGUARDING AUTHORITY]

Textual Amendments

- F1** Sch. 1 ceases to have effect (1.12.2012) by virtue of [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **112** (with Pt. 4)
- F2** Words in Sch. 1 heading substituted (12.11.2009) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 81(2)(3) (m)(ii), 116(5)(a)

Membership

- 1 (1) [^{F3}ISA] shall consist of—
- (a) a chairman;
 - (b) such number of other members as the Secretary of State decides.
- (2) The chairman and other members—
- (a) are to be appointed by the Secretary of State;
 - (b) must appear to the Secretary of State to have knowledge or experience of any aspect of child protection or the protection of vulnerable adults.

Textual Amendments

- F3** Words in Sch. 1 para. 1 substituted (12.11.2009) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 81(2)(3) (m)(ii), 116(5)(a)

Commencement Information

- I1** Sch. 1 para. 1 in force at 2.1.2008 for E.W. by [S.I. 2007/3545](#), **art. 3**
- I2** Sch. 1 para. 1 in force at 31.3.2008 for N.I. by [S.I. 2008/930](#), **art. 2(a)**

Tenure of office

- 2 (1) The chairman and members hold and must vacate office as such in accordance with the terms of their respective appointments.
- (2) The appointment of a person to hold office is for a term not exceeding five years.
- (3) A person holding office may at any time resign that office by giving notice in writing to the Secretary of State.
- (4) The Secretary of State may by notice in writing remove a person from office if satisfied that any of the following applies to him—

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- (a) he has, without reasonable excuse, failed, for a continuous period of three months, to carry out his functions;
 - (b) he has been convicted (whether before or after his appointment) of a criminal offence;
 - (c) he is an undischarged bankrupt or his estate has been sequestrated and he has not been discharged;
 - [^{F4}(ca) a moratorium period under a debt relief order applies in relation to him (under Part 7A of the Insolvency Act 1986);]
 - (d) he is the subject of a bankruptcy restrictions order or an interim order under Schedule 4A to the Insolvency Act 1986 (c. 45) or an order to the like effect made under any corresponding enactment in force in Scotland or Northern Ireland;
 - [^{F5}(da) he is the subject of a debt relief restrictions order or an interim debt relief restrictions order under Schedule 4ZB to the Insolvency Act (c45);]
 - (e) he has made a composition or arrangement with, or granted a trust deed for, his creditors;
 - (f) he has failed to comply with the terms of his appointment;
 - (g) he is otherwise unable or unfit to carry out his functions as chairman or member.
- (5) A person who ceases to be chairman or a member is eligible for re-appointment, except where he is removed from office under sub-paragraph (4).

Textual Amendments

- F4** Sch. 1 para. 2(4)(ca) inserted (1.10.2012) by [The Tribunals, Courts and Enforcement Act 2007 \(Consequential Amendments\) Order 2012 \(S.I. 2012/2404\)](#), art. 1, **Sch. 2 para. 58(2)** (with art. 5)
- F5** Sch. 1 para. 2(4)(da) inserted (1.10.2012) by [The Tribunals, Courts and Enforcement Act 2007 \(Consequential Amendments\) Order 2012 \(S.I. 2012/2404\)](#), art. 1, **Sch. 2 para. 58(3)** (with arts. 5, 6)

Commencement Information

- I3** Sch. 1 para. 2 in force at 2.1.2008 for E.W. by [S.I. 2007/3545](#), **art. 3**
- I4** Sch. 1 para. 2 in force at 31.3.2008 for N.I. by [S.I. 2008/930](#), **art. 2(a)**

Remuneration, pension etc. of members

- 3 (1) [^{F2}ISA] must pay to the chairman and each of the other members such remuneration and allowances as may be determined by the Secretary of State.
- (2) [^{F2}ISA] must, if required to do so by the Secretary of State—
- (a) pay such pension, allowances or gratuities as may be determined by the Secretary of State to or in respect of a person who is or has been the chairman or a member, or
 - (b) make such payments as may be so determined towards provision for the payment of a pension, allowances or gratuities to or in respect of such a person.
- (3) If the Secretary of State thinks that there are special circumstances which make it right for a person ceasing to hold office as chairman or a member to receive compensation, [^{F2}ISA] must pay to him a sum by way of compensation of such amount as may be determined by the Secretary of State.

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- (4) Service as chairman or other member of [F2ISA] is included among the kinds of service to which a scheme under section 1 of the Superannuation Act 1972 (c. 11) can apply, and accordingly in Schedule 1 to that Act (in which those kinds of service are listed) insert at the appropriate place— “ The [F2Independent Safeguarding Authority]. ”
- (5) [F2ISA] must pay to the Minister for the Civil Service, at such times as he may direct, such sums as he may determine in respect of any increase attributable to subparagraph (4) in the sums payable out of money provided by Parliament under that Act.

Commencement Information

- I5** Sch. 1 para. 3 in force at 2.1.2008 for E.W. by [S.I. 2007/3545](#), [art. 3](#)
I6 Sch. 1 para. 3 in force at 31.3.2008 for N.I. by [S.I. 2008/930](#), [art. 2\(a\)](#)

Staff

- 4 (1) [F2ISA] shall have—
 - (a) a chief executive;
 - (b) such other employees as it may appoint.
- (2) The chairman may be appointed as chief executive.
- (3) [F2ISA] may make arrangements for persons to be seconded to [F2ISA] to serve as members of its staff.
- (4) A member of a police force on temporary service with [F2ISA] shall be under the direction and control of [F2ISA].

Commencement Information

- I7** Sch. 1 para. 4 in force at 2.1.2008 for E.W. by [S.I. 2007/3545](#), [art. 3](#)
I8 Sch. 1 para. 4 in force at 31.3.2008 for N.I. by [S.I. 2008/930](#), [art. 2\(a\)](#)

Remuneration, pensions etc. of staff

- 5 (1) [F2ISA] must pay to its employees such remuneration and allowances as it may determine.
- (2) [F2ISA] may pay, or make payments in respect of, such pensions, allowances or gratuities to or in respect of its employees or former employees as it may determine.
- (3) Employment with [F2ISA] is included among the kinds of employment to which a scheme under section 1 of the Superannuation Act 1972 (c. 11) can apply, and accordingly in Schedule 1 to that Act (in which those kinds of employment are listed) insert at the appropriate place— “ Employment by the [F2Independent Safeguarding Authority]. ”
- (4) If any person—

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- (a) on ceasing to be employed by [F²ISA] becomes or continues to be one of its members, and
- (b) was, by reference to his employment, a participant in a scheme under section 1 of that Act,

the Minister for the Civil Service may determine that his service as a member of [F²ISA] is to be treated for the purposes of the scheme as if his service as a member were service as an employee of [F²ISA] (whether or not any benefits are payable to or in respect of him by virtue of paragraph 3).

- (5) [F²ISA] must pay to the Minister for the Civil Service, at such times as he may direct, such sums as he may determine in respect of any increase attributable to this paragraph in the sums payable out of money provided by Parliament under that Act.

Commencement Information

I9 Sch. 1 para. 5 in force at 2.1.2008 for E.W. by [S.I. 2007/3545, art. 3](#)

I10 Sch. 1 para. 5 in force at 31.3.2008 for N.I. by [S.I. 2008/930, art. 2\(a\)](#)

Delegation of functions

- 6 (1) [F²ISA] may to such extent as it may determine delegate any of its functions to—
 - (a) one of its members;
 - (b) a member of its staff;
 - (c) a committee consisting of some of its members, members of its staff or both members and members of staff.
- (2) A committee mentioned in sub-paragraph (1)(c) which consists of both members and members of staff must be chaired by a member.

Commencement Information

I11 Sch. 1 para. 6 in force at 2.1.2008 for E.W. by [S.I. 2007/3545, art. 3](#)

I12 Sch. 1 para. 6 in force at 31.3.2008 for N.I. by [S.I. 2008/930, art. 2\(a\)](#)

- 7 [F²ISA] may to such extent as it may determine delegate any of its functions, other than a core function, to—
 - (a) a person who is neither a member nor a member of staff;
 - (b) a committee (including a committee which comprises or includes persons who are neither members nor members of staff).

Commencement Information

I13 Sch. 1 para. 7 in force at 2.1.2008 for E.W. by [S.I. 2007/3545, art. 3](#)

I14 Sch. 1 para. 7 in force at 31.3.2008 for N.I. by [S.I. 2008/930, art. 2\(a\)](#)

- 8 A core function is—
 - (a) determining whether it is appropriate for a person to be included in a barred list;
 - (b) determining whether to remove a person from a barred list;

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(c) considering representations made for the purposes of Schedule 3.

Commencement Information

- I15** Sch. 1 para. 8 in force at 2.1.2008 for E.W. by [S.I. 2007/3545](#), [art. 3](#)
I16 Sch. 1 para. 8 in force at 31.3.2008 for N.I. by [S.I. 2008/930](#), [art. 2\(a\)](#)

Reports

- 9 (1) As soon as possible after the end of each financial year [F6ISA] must issue a report on the exercise of its functions during that year.
- (2) [F6ISA] must arrange for the report to be published in such manner as it considers appropriate.

Textual Amendments

- F6** Words in Sch. 1 paras. 9-16 substituted (12.11.2009) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 81(2)(3)(m)(ii), 116(5)(a)

Commencement Information

- I17** Sch. 1 para. 9 in force at 2.1.2008 for E.W. by [S.I. 2007/3545](#), [art. 3](#)
I18 Sch. 1 para. 9 in force at 31.3.2008 for N.I. by [S.I. 2008/930](#), [art. 2\(a\)](#)

- 10 The Secretary of State may direct [F6ISA] to submit a report to him on any matter regarding the exercise of [F6ISA's] functions as may be specified in the direction.

Textual Amendments

- F6** Words in Sch. 1 paras. 9-16 substituted (12.11.2009) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 81(2)(3)(m)(ii), 116(5)(a)

Commencement Information

- I19** Sch. 1 para. 10 in force at 2.1.2008 for E.W. by [S.I. 2007/3545](#), [art. 3](#)
I20 Sch. 1 para. 10 in force at 31.3.2008 for N.I. by [S.I. 2008/930](#), [art. 2\(a\)](#)

Funding

- 11 The Secretary of State may make payments to [F6ISA] of such amounts, at such times and on such conditions (if any) as he thinks appropriate.

Textual Amendments

- F6** Words in Sch. 1 paras. 9-16 substituted (12.11.2009) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 81(2)(3)(m)(ii), 116(5)(a)

Commencement Information

- I21** Sch. 1 para. 11 in force at 2.1.2008 for E.W. by [S.I. 2007/3545](#), [art. 3](#)
I22 Sch. 1 para. 11 in force at 31.3.2008 for N.I. by [S.I. 2008/930](#), [art. 2\(a\)](#)

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Accounts

- 12 (1) [F6ISA] must keep its accounts in such form as the Secretary of State determines.
- (2) [F6ISA] must prepare annual accounts in respect of each financial year in such form as the Secretary of State decides.
- (3) Before the end of the specified period following the end of each financial year to which the annual accounts relate [F6ISA] must send a copy of the accounts to the Secretary of State and the Comptroller and Auditor General.
- (4) The Comptroller and Auditor General must—
- (a) examine, certify and report on the annual accounts;
 - (b) send a copy of the accounts and of his report to the Secretary of State, who must lay them before each House of Parliament.
- (5) The financial year is—
- (a) the period starting on the day [F6ISA] is established and ending on the next 31st March;
 - (b) each succeeding period of 12 months.
- (6) The specified period is such period as the Secretary of State directs.

Textual Amendments

- F6** Words in Sch. 1 paras. 9-16 substituted (12.11.2009) by [Policing and Crime Act 2009 \(c. 26\), ss. 81\(2\)\(3\)\(m\)\(ii\), 116\(5\)\(a\)](#)

Commencement Information

- I23** Sch. 1 para. 12 in force at 2.1.2008 for E.W. by [S.I. 2007/3545, art. 3](#)
- I24** Sch. 1 para. 12 in force at 31.3.2008 for N.I. by [S.I. 2008/930, art. 2\(a\)](#)

Status

- 13 (1) [F6ISA] is not to be regarded—
- (a) as the servant or agent of the Crown, or
 - (b) as enjoying any status, immunity or privilege of the Crown.
- (2) [F6ISA's] property is not to be regarded as property of, or property held on behalf of, the Crown.

Textual Amendments

- F6** Words in Sch. 1 paras. 9-16 substituted (12.11.2009) by [Policing and Crime Act 2009 \(c. 26\), ss. 81\(2\)\(3\)\(m\)\(ii\), 116\(5\)\(a\)](#)

Commencement Information

- I25** Sch. 1 para. 13 in force at 2.1.2008 for E.W. by [S.I. 2007/3545, art. 3](#)
- I26** Sch. 1 para. 13 in force at 31.3.2008 for N.I. by [S.I. 2008/930, art. 2\(a\)](#)

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Payments in connection with maladministration

- 14 (1) If [F6]ISA] thinks—
- (a) that action taken by or on behalf of [F6]ISA] amounts to maladministration, and
 - (b) that a person has been adversely affected by the action,
- [F6]ISA] may make such payment (if any) to the person as it thinks appropriate.
- (2) “Action” includes failure to act.

Textual Amendments

F6 Words in Sch. 1 paras. 9-16 substituted (12.11.2009) by [Policing and Crime Act 2009 \(c. 26\), ss. 81\(2\)\(3\)\(m\)\(ii\), 116\(5\)\(a\)](#)

Commencement Information

I27 Sch. 1 para. 14 in force at 2.1.2008 for E.W. by [S.I. 2007/3545, art. 3](#)

I28 Sch. 1 para. 14 in force at 31.3.2008 for N.I. by [S.I. 2008/930, art. 2\(a\)](#)

Incidental powers

- 15 (1) In connection with the exercise of any of its functions [F6]ISA] may—
- (a) enter into contracts and other agreements (whether legally binding or not);
 - (b) acquire and dispose of property (including land);
 - (c) borrow money;
 - (d) do such other things as [F6]ISA] thinks necessary or expedient.
- (2) The power conferred by sub-paragraph (1)(b) includes accepting—
- (a) gifts of money, and
 - (b) gifts or loans of other property,
- on such terms as [F6]ISA] thinks appropriate.
- (3) But [F6]ISA] may exercise the power conferred by sub-paragraph (1)(b) or (c) only with the consent of the Secretary of State.
- (4) Such consent may be given—
- (a) with respect to a particular case or with respect to a class of cases;
 - (b) subject to such conditions as the Secretary of State thinks appropriate.

Textual Amendments

F6 Words in Sch. 1 paras. 9-16 substituted (12.11.2009) by [Policing and Crime Act 2009 \(c. 26\), ss. 81\(2\)\(3\)\(m\)\(ii\), 116\(5\)\(a\)](#)

Commencement Information

I29 Sch. 1 para. 15 in force at 2.1.2008 for E.W. by [S.I. 2007/3545, art. 3](#)

I30 Sch. 1 para. 15 in force at 31.3.2008 for N.I. by [S.I. 2008/930, art. 2\(a\)](#)

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Documents

- 16 A document purporting to be signed on behalf of [F6ISA] shall be received in evidence and, unless the contrary is proved, be taken to be so signed.]

Textual Amendments

- F6** Words in Sch. 1 paras. 9-16 substituted (12.11.2009) by [Policing and Crime Act 2009 \(c. 26\), ss. 81\(2\)\(3\)\(m\)\(ii\), 116\(5\)\(a\)](#)

Commencement Information

- I31** Sch. 1 para. 16 in force at 2.1.2008 for E.W. by [S.I. 2007/3545, art. 3](#)
I32 Sch. 1 para. 16 in force at 31.3.2008 for N.I. by [S.I. 2008/930, art. 2\(a\)](#)

[F7]SCHEDULE 2

Section 1

TRANSFERS TO [F8ISA]

Textual Amendments

- F7** [Sch. 2](#) ceases to have effect (1.12.2012) by virtue of [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\), arts. 1\(1\), 112 \(with Pt. 4\)](#)
F8 Words in Sch. 3 substituted (12.11.2009) by [Policing and Crime Act 2009 \(c. 26\), ss. 81\(2\)\(3\)\(m\)\(iii\), 116\(5\)\(a\)](#)

Staff transfer schemes

- 1 (1) The Secretary of State may make a scheme (a “staff transfer scheme”) providing—
- (a) for a person employed in the civil service of the state to become an employee of [F9ISA];
 - (b) for his terms of employment to have effect (subject to any necessary modifications) as the terms of his contract of employment with [F9ISA];
 - (c) for the transfer to [F9ISA] of the rights, powers, duties and liabilities of the Crown under or in connection with his terms of employment;
 - (d) for anything done (or having effect as if done) before that transfer by or in relation to the Crown in respect of the terms of employment or the person to be treated as having been done by or in relation to [F9ISA].
- (2) A staff transfer scheme may provide for a period before a person became an employee of [F9ISA] to count as a period during which he was such an employee (and for the operation of the scheme not to be treated as having interrupted the continuity of that period).
- (3) A staff transfer scheme may provide for a person in the civil service of the state who would otherwise become an employee of [F9ISA] not to become such an employee if he gives notice objecting to the operation of the scheme in relation to him.

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- (4) A staff transfer scheme may provide for any person who would be treated (whether by an enactment or otherwise) as having his employment terminated by the operation of the scheme not to be so treated.

Textual Amendments

- F9** Words in Sch. 2 para. 1 substituted (12.11.2009) by [Policing and Crime Act 2009 \(c. 26\), ss. 81\(2\)\(3\)\(m\)\(iii\), 116\(5\)\(a\)](#)

Commencement Information

- I33** Sch. 2 para. 1 in force at 2.1.2008 by [S.I. 2007/3545, art. 3](#)

Property transfer schemes

- 2 (1) The Secretary of State may make a scheme (a “property transfer scheme”) providing for the transfer to [^{F10}ISA] of any property, rights or liabilities of the Secretary of State.
- (2) The things that may be transferred by a property transfer scheme include—
- (a) property, rights and liabilities that could not otherwise be transferred;
 - (b) property acquired, and rights and liabilities arising, after the making of the scheme.
- (3) A property transfer scheme may—
- (a) create interests in, or rights in relation to, anything that is or could be transferred by the scheme;
 - (b) impose liabilities in relation to anything that is or could be transferred or created by the scheme;
 - (c) apportion property, rights and liabilities;
 - (d) provide for things done by or in relation to the Secretary of State in connection with any property, rights or liabilities transferred by the scheme to be treated as done, or to be continued, by or in relation to [^{F10}ISA];
 - (e) make provision about the continuation of legal proceedings.

Textual Amendments

- F10** Words in Sch. 2 para. 2 substituted (12.11.2009) by [Policing and Crime Act 2009 \(c. 26\), ss. 81\(2\)\(3\)\(m\)\(iii\), 116\(5\)\(a\)](#)

Commencement Information

- I34** Sch. 2 para. 2 in force at 2.1.2008 by [S.I. 2007/3545, art. 3](#)

Schemes: supplementary

- 3 A staff transfer scheme, or property transfer scheme, may make supplementary, incidental, transitional and consequential provision.]

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Commencement Information

I35 Sch. 2 para. 3 in force at 2.1.2008 by [S.I. 2007/3545](#), [art. 3](#)

SCHEDULE 3

Section 2

BARRED LISTS

Modifications etc. (not altering text)

C1 Sch. 3 modified (20.1.2009) by [Safeguarding Vulnerable Groups Act 2006 \(Transitory Provisions\) Order 2009 \(S.I. 2009/12\)](#), arts. 1(1), [5](#)

PART 1

CHILDREN'S BARRED LIST

Automatic inclusion

- 1 (1) This paragraph applies to a person if any of the criteria prescribed for the purposes of this paragraph is satisfied in relation to the person.
- [^{F11}(2) If DBS is satisfied that this paragraph applies to a person, it must include the person in the children's barred list.]

Textual Amendments

F11 Sch. 3 para. 1(2) substituted for Sch. 3 para. 1(2)(3) (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), [56](#) (with Pt. 4)

Modifications etc. (not altering text)

C2 Sch. 3 para. 1 modified (temp.) (12.10.2009) by [The Safeguarding Vulnerable Groups Act 2006 \(Regulated Activity, Miscellaneous and Transitional Provisions and Commencement No. 5\) Order 2009 \(S.I. 2009/2610\)](#), arts. 1(1), [9\(2\)](#)

Commencement Information

I36 Sch. 3 para. 1 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545](#), [art. 4\(a\)](#)

I37 Sch. 3 para. 1 in force at 20.1.2009 in so far as not already in force by [S.I. 2009/39](#), [art. 2\(1\)\(k\)](#)

I38 Sch. 3 para. 1(1) in force at 31.12.2007 for specified purposes by [S.I. 2007/3545](#), [art. 2\(j\)](#)

Inclusion subject to consideration of representations

- 2 (1) This paragraph applies to a person if any of the criteria prescribed for the purposes of this paragraph is satisfied in relation to the person.

[^{F12}[^{F13}(2) Sub-paragraph (4) applies if it appears to DBS that—

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- (a) this paragraph applies to a person, and
 - (b) the person is or has been, or might in future be, engaged in regulated activity relating to children.]
- (4) [F14DBS] must give the person the opportunity to make representations as to why the person should not be included in the children's barred list.
- (5) Sub-paragraph (6) applies if—
- (a) the person does not make representations before the end of any time prescribed for the purpose, or
 - (b) the duty in sub-paragraph (4) does not apply by virtue of paragraph 16(2).
- (6) If [F14DBS] —
- (a) is satisfied that this paragraph applies to the person, and
 - (b) has reason to believe that the person is or has been, or might in future be, engaged in regulated activity relating to children,
- it must include the person in the list.
- (7) Sub-paragraph (8) applies if the person makes representations before the end of any time prescribed for the purpose.
- (8) If [F14DBS] —
- (a) is satisfied that this paragraph applies to the person,
 - (b) has reason to believe that the person is or has been, or might in future be, engaged in regulated activity relating to children, and
 - (c) is satisfied that it is appropriate to include the person in the children's barred list,
- it must include the person in the list.]

Textual Amendments

- F12** Sch. 3 para. 2(2)-(8) substituted for Sch. 3 para. 2(2)-(4) (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), ss. 67\(2\), 120 \(with s. 97\); S.I. 2012/2234, art. 2\(d\) \(with arts. 6-16\) \(as amended \(31.3.2014\) by S.I. 2014/831, art. 2\(2\)\)](#)
- F13** Sch. 3 para. 2(2) substituted for Sch. 3 para 2(2)(3) (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\), arts. 1\(1\), 57 \(with Pt. 4\)](#)
- F14** Word in Sch. 3 paras. 2-5 substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\), arts. 1\(1\), 3\(f\)\(i\) \(with Pt. 4\)](#)

Modifications etc. (not altering text)

- C3** Sch. 3 para. 2 modified (temp.) (12.10.2009) by [The Safeguarding Vulnerable Groups Act 2006 \(Regulated Activity, Miscellaneous and Transitional Provisions and Commencement No. 5\) Order 2009 \(S.I. 2009/2610\), arts. 1\(1\), 9\(3\)](#)

Commencement Information

- I39** Sch. 3 para. 2 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545, art. 4\(a\)](#)
- I40** Sch. 3 para. 2 in force at 20.1.2009 in so far as not already in force by [S.I. 2009/39, art. 2\(1\)\(k\)](#)
- I41** Sch. 3 para. 2(1) in force at 31.12.2007 for specified purposes by [S.I. 2007/3545, art. 2\(j\)](#)

Status: Point in time view as at 02/04/2018.

Changes to legislation: Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 10 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Behaviour

- 3 (1) This paragraph applies to a person if—
- (a) it appears to [F14DBS] that the person [F15—
 - (i) has (at any time) engaged in relevant conduct, and
 - (ii) is or has been, or might in future be, engaged in regulated activity relating to children,] and
 - (b) [F14DBS] proposes to include him in the children's barred list.
- (2) [F14DBS] must give the person the opportunity to make representations as to why he should not be included in the children's barred list.
- (3) [F14DBS] must include the person in the children's barred list if—
- (a) it is satisfied that the person has engaged in relevant conduct,
 - [F16(aa) it has reason to believe that the person is or has been, or might in future be, engaged in regulated activity relating to children,] and
 - (b) it [F17is satisfied] that it is appropriate to include the person in the list.
- (4) This paragraph does not apply to a person if the relevant conduct consists only of an offence committed against a child before the commencement of section 2 and the court, having considered whether to make a disqualification order, decided not to.
- (5) In sub-paragraph (4)—
- (a) the reference to an offence committed against a child must be construed in accordance with Part 2 of the Criminal Justice and Court Services Act 2000 (c. 43);
 - (b) a disqualification order is an order under section 28, 29 or 29A of that Act.

Textual Amendments

- F14** Word in Sch. 3 paras. 2-5 substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **3(f)(i)** (with Pt. 4)
- F15** Words in Sch. 3 para. 3(1)(a) substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), **ss. 67(3)(a)**, 120 (with s. 97); [S.I. 2012/2234](#), art. 2(d) (with arts. 6-16) (as amended (31.3.2014) by [S.I. 2014/831](#), art. 2(2))
- F16** Sch. 3 para. 3(3)(aa) inserted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), **ss. 67(3)(b)**, 120 (with s. 97); [S.I. 2012/2234](#), art. 2(d) (with arts. 6-16) (as amended (31.3.2014) by [S.I. 2014/831](#), art. 2(2))
- F17** Words in Sch. 3 para. 3(3)(b) substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), **ss. 67(3)(c)**, 120 (with s. 97); [S.I. 2012/2234](#), art. 2(d) (with arts. 6-16) (as amended (31.3.2014) by [S.I. 2014/831](#), art. 2(2))

Commencement Information

- I42** Sch. 3 para. 3 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545](#), **art. 4(a)**
- I43** Sch. 3 para. 3 in force at 20.1.2009 in so far as not already in force by [S.I. 2009/39](#), **art. 2(1)(k)**

- 4 (1) For the purposes of paragraph 3 relevant conduct is—
- (a) conduct which endangers a child or is likely to endanger a child;

Status: Point in time view as at 02/04/2018.

Changes to legislation: Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 10 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (b) conduct which, if repeated against or in relation to a child, would endanger that child or would be likely to endanger him;
 - (c) conduct involving sexual material relating to children (including possession of such material);
 - (d) conduct involving sexually explicit images depicting violence against human beings (including possession of such images), if it appears to [F14DBS] that the conduct is inappropriate;
 - (e) conduct of a sexual nature involving a child, if it appears to [F14DBS] that the conduct is inappropriate.
- (2) A person's conduct endangers a child if he—
- (a) harms a child,
 - (b) causes a child to be harmed,
 - (c) puts a child at risk of harm,
 - (d) attempts to harm a child, or
 - (e) incites another to harm a child.
- (3) “Sexual material relating to children” means—
- (a) indecent images of children, or
 - (b) material (in whatever form) which portrays children involved in sexual activity and which is produced for the purposes of giving sexual gratification.
- (4) “Image” means an image produced by any means, whether of a real or imaginary subject.
- (5) A person does not engage in relevant conduct merely by committing an offence prescribed for the purposes of this sub-paragraph.
- (6) For the purposes of sub-paragraph (1)(d) and (e), [F14DBS] must have regard to guidance issued by the Secretary of State as to conduct which is inappropriate.

Textual Amendments

F14 Word in Sch. 3 paras. 2-5 substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **3(f)(i)** (with Pt. 4)

Commencement Information

I44 Sch. 3 para. 4 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545](#), **art. 4(a)**

I45 Sch. 3 para. 4(1)-(4)(6) in force at 20.1.2009 in so far as not already in force by [S.I. 2009/39](#), **art. 2(1)(k)**

I46 Sch. 3 para. 4(5) in force at 12.10.2009 in so far as not already in force by [S.I. 2009/2611](#), **art. 2, Sch.**

Risk of harm

- 5 (1) This paragraph applies to a person if—
- (a) it appears to [F14DBS] that the person[F18]—
 - (i) falls within sub-paragraph (4), and
 - (ii) is or has been, or might in future be, engaged in regulated activity relating to children] and
 - (b) [F14DBS] proposes to include him in the children's barred list.

Status: Point in time view as at 02/04/2018.

Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 10 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (2) [F14DBS] must give the person the opportunity to make representations as to why he should not be included in the children's barred list.
- (3) [F14DBS] must include the person in the children's barred list if—
- (a) it is satisfied that the person falls within sub-paragraph (4),
 - [F19(aa) it has reason to believe that the person is or has been, or might in future be, engaged in regulated activity relating to children,] and
 - (b) it [F20:is satisfied] that it is appropriate to include the person in the list.
- (4) A person falls within this sub-paragraph if he may—
- (a) harm a child,
 - (b) cause a child to be harmed,
 - (c) put a child at risk of harm,
 - (d) attempt to harm a child, or
 - (e) incite another to harm a child.

Textual Amendments

- F14** Word in Sch. 3 paras. 2-5 substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **3(f)(i)** (with Pt. 4)
- F18** Words in Sch. 3 para. 5(1)(a) substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), ss. **67(4)(a)**, 120 (with s. 97); S.I. 2012/2234, art. 2(d) (with arts. 6-16) (as amended (31.3.2014) by S.I. 2014/831, art. 2(2))
- F19** Sch. 3 para. 5(3)(aa) inserted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), ss. **67(4)(b)**, 120 (with s. 97); S.I. 2012/2234, art. 2(d) (with arts. 6-16) (as amended (31.3.2014) by S.I. 2014/831, art. 2(2))
- F20** Words in Sch. 3 para. 5(3)(b) substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), ss. **67(4)(c)**, 120 (with s. 97); S.I. 2012/2234, art. 2(d) (with arts. 6-16) (as amended (31.3.2014) by S.I. 2014/831, art. 2(2))

Commencement Information

- I47** Sch. 3 para. 5 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545](#), art. 4(a)
- I48** Sch. 3 para. 5 in force at 20.1.2009 in so far as not already in force by [S.I. 2009/39](#), art. 2(1)(k)

Restriction on inclusion

- 6 (1) [F21DBS] must not include a person in the children's barred list—
- (a) only on a particular ground if a relevant Scottish authority has already considered whether the person should be included in a corresponding list on the same ground (whether or not it decided to include him in the list), or
 - (b) if, in accordance with such criteria as the Secretary of State specifies by order, it is more appropriate for the person's case to be considered by the relevant Scottish authority.
- (2) A relevant Scottish authority is such authority as the Secretary of State specifies by order as exercising for the purposes of the law of Scotland functions which correspond to those of [F21DBS] .

Status: Point in time view as at 02/04/2018.

Changes to legislation: Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 10 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (3) A corresponding list is a list maintained for the purposes of the law of Scotland which the Secretary of State specifies by order as corresponding to the children's barred list.

Textual Amendments

- F21** Word in [Sch. 3 para. 6](#) substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **3(f)(iii)** (with Pt. 4)

Commencement Information

- I49** Sch. 3 para. 6 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545](#), **art. 4(a)**
I50 Sch. 3 para. 6 in force at 12.10.2009 in so far as not already in force by [S.I. 2009/2611](#), **art. 2**, [Sch.](#)
I51 Sch. 3 para. 6(1)(b)(2)(3) in force at 19.5.2008 for specified purposes by [S.I. 2008/1320](#), **art. 5(o)**

PART 2

ADULTS' BARRED LIST

Automatic inclusion

- 7 (1) This paragraph applies to a person if any of the criteria prescribed for the purposes of this paragraph is satisfied in relation to the person.
- [^{F22}(2) If DBS is satisfied that this paragraph applies to a person, it must include the person in the adults' barred list.]

Textual Amendments

- F22** Sch. 3 para. 7(2) substituted for Sch. 3 para. 7(2)(3) (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **58** (with Pt. 4)

Modifications etc. (not altering text)

- C4** Sch. 3 para. 7 modified (temp.) (12.10.2009) by [The Safeguarding Vulnerable Groups Act 2006 \(Regulated Activity, Miscellaneous and Transitional Provisions and Commencement No. 5\) Order 2009 \(S.I. 2009/2610\)](#), arts. 1(1), **9(4)**

Commencement Information

- I52** Sch. 3 para. 7 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545](#), **art. 4(a)**
I53 Sch. 3 para. 7 in force at 20.1.2009 in so far as not already in force by [S.I. 2009/39](#), **art. 2(1)(k)**
I54 Sch. 3 para. 7(1) in force at 31.12.2007 for specified purposes by [S.I. 2007/3545](#), **art. 2(j)**

Inclusion subject to consideration of representations

- 8 (1) This paragraph applies to a person if any of the criteria prescribed for the purposes of this paragraph is satisfied in relation to the person.
- [^{F23}[^{F24}(2) Sub-paragraph (4) applies if it appears to DBS that—
- (a) this paragraph applies to a person, and
 - (b) the person is or has been, or might in future be, engaged in regulated activity relating to vulnerable adults.]

Status: Point in time view as at 02/04/2018.

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- (4) [^{F25}DBS] must give the person the opportunity to make representations as to why the person should not be included in the adults' barred list.
- (5) Sub-paragraph (6) applies if—
- (a) the person does not make representations before the end of any time prescribed for the purpose, or
 - (b) the duty in sub-paragraph (4) does not apply by virtue of paragraph 16(2).
- (6) If [^{F25}DBS] —
- (a) is satisfied that this paragraph applies to the person, and
 - (b) has reason to believe that the person is or has been, or might in future be, engaged in regulated activity relating to vulnerable adults,
- it must include the person in the list.
- (7) Sub-paragraph (8) applies if the person makes representations before the end of any time prescribed for the purpose.
- (8) If [^{F25}DBS] —
- (a) is satisfied that this paragraph applies to the person,
 - (b) has reason to believe that the person is or has been, or might in future be, engaged in regulated activity relating to vulnerable adults, and
 - (c) is satisfied that it is appropriate to include the person in the adults' barred list,
- it must include the person in the list.]

Textual Amendments

- F23** Sch. 3 para. 8(2)-(8) substituted for Sch. 3 para. 8(2)-(4) (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), ss. 67\(6\), 120 \(with s. 97\); S.I. 2012/2234, art. 2\(d\) \(with arts. 6-16\) \(as amended \(31.3.2014\) by S.I. 2014/831, art. 2\(2\)\)](#)
- F24** Sch. 3 para. 8(2) substituted for Sch. 3 para. 8(2)(3) (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\), arts. 1\(1\), 59 \(with Pt. 4\)](#)
- F25** Word in Sch. 3 paras. 8-11 substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\), arts. 1\(1\), 3\(f\)\(iv\) \(with Pt. 4\)](#)

Modifications etc. (not altering text)

- C5** Sch. 3 para. 8 modified (temp.) (12.10.2009) by [The Safeguarding Vulnerable Groups Act 2006 \(Regulated Activity, Miscellaneous and Transitional Provisions and Commencement No. 5\) Order 2009 \(S.I. 2009/2610\), arts. 1\(1\), 9\(5\)](#)

Commencement Information

- I55** Sch. 3 para. 8 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545, art. 4\(a\)](#)
- I56** Sch. 3 para. 8 in force at 20.1.2009 in so far as not already in force by [S.I. 2009/39, art. 2\(1\)\(k\)](#)
- I57** Sch. 3 para. 8(1) in force at 31.12.2007 for specified purposes by [S.I. 2007/3545, art. 2\(j\)](#)

Behaviour

- 9 (1) This paragraph applies to a person if—
- (a) it appears to [^{F25}DBS] that the person [^{F26}—

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- (i) has (at any time) engaged in relevant conduct, and
 - (ii) is or has been, or might in future be, engaged in regulated activity relating to vulnerable adults,] and
 - (b) [F²⁵DBS] proposes to include him in the adults' barred list.
- (2) [F²⁵DBS] must give the person the opportunity to make representations as to why he should not be included in the adults' barred list.
- (3) [F²⁵DBS] must include the person in the adults' barred list if—
- (a) it is satisfied that the person has engaged in relevant conduct,
 - [F²⁷(aa) it has reason to believe that the person is or has been, or might in future be, engaged in regulated activity relating to vulnerable adults,] and
 - (b) it [F²⁸is satisfied] that it is appropriate to include the person in the list.

Textual Amendments

- F25** Word in Sch. 3 paras. 8-11 substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **3(f)(iv)** (with Pt. 4)
- F26** Words in Sch. 3 para. 9(1)(a) substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), ss. **67(7)(a)**, 120 (with s. 97); S.I. 2012/2234, art. 2(d) (with arts. 6-16) (as amended (31.3.2014) by S.I. 2014/831, art. 2(2))
- F27** Sch. 3 para. 9(3)(aa) inserted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), ss. **67(7)(b)**, 120 (with s. 97); S.I. 2012/2234, art. 2(d) (with arts. 6-16) (as amended (31.3.2014) by S.I. 2014/831, art. 2(2))
- F28** Words in Sch. 3 para. 9(3)(b) substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), ss. **67(7)(c)**, 120 (with s. 97); S.I. 2012/2234, art. 2(d) (with arts. 6-16) (as amended (31.3.2014) by S.I. 2014/831, art. 2(2))

Commencement Information

- I58** Sch. 3 para. 9 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545](#), art. 4(a)
- I59** Sch. 3 para. 9 in force at 20.1.2009 in so far as not already in force by [S.I. 2009/39](#), art. 2(1)(k)

- 10 (1) For the purposes of paragraph 9 relevant conduct is—
- (a) conduct which endangers a vulnerable adult or is likely to endanger a vulnerable adult;
 - (b) conduct which, if repeated against or in relation to a vulnerable adult, would endanger that adult or would be likely to endanger him;
 - (c) conduct involving sexual material relating to children (including possession of such material);
 - (d) conduct involving sexually explicit images depicting violence against human beings (including possession of such images), if it appears to [F²⁵DBS] that the conduct is inappropriate;
 - (e) conduct of a sexual nature involving a vulnerable adult, if it appears to [F²⁵DBS] that the conduct is inappropriate.
- (2) A person's conduct endangers a vulnerable adult if he—
- (a) harms a vulnerable adult,

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- (b) causes a vulnerable adult to be harmed,
 - (c) puts a vulnerable adult at risk of harm,
 - (d) attempts to harm a vulnerable adult, or
 - (e) incites another to harm a vulnerable adult.
- (3) “Sexual material relating to children” means—
- (a) indecent images of children, or
 - (b) material (in whatever form) which portrays children involved in sexual activity and which is produced for the purposes of giving sexual gratification.
- (4) “Image” means an image produced by any means, whether of a real or imaginary subject.
- (5) A person does not engage in relevant conduct merely by committing an offence prescribed for the purposes of this sub-paragraph.
- (6) For the purposes of sub-paragraph (1)(d) and (e), [F25DBS] must have regard to guidance issued by the Secretary of State as to conduct which is inappropriate.

Textual Amendments

F25 Word in Sch. 3 paras. 8-11 substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **3(f)(iv)** (with Pt. 4)

Commencement Information

I60 Sch. 3 para. 10 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545](#), art. 4(a)

I61 Sch. 3 para. 10(1)-(4)(6) in force at 20.1.2009 in so far as not already in force by [S.I. 2009/39](#), art. 2(1)(k)

I62 Sch. 3 para. 10(5) in force at 12.10.2009 in so far as not already in force by [S.I. 2009/2611](#), art. 2, [Sch.](#)

Risk of harm

- 11 (1) This paragraph applies to a person if—
- (a) it appears to [F25DBS] that the person[F29]—
 - (i) falls within sub-paragraph (4), and
 - (ii) is or has been, or might in future be, engaged in regulated activity relating to vulnerable adults], and
 - (b) [F25DBS] proposes to include him in the adults' barred list.
- (2) [F25DBS] must give the person the opportunity to make representations as to why he should not be included in the adults' barred list.
- (3) [F25DBS] must include the person in the adults' barred list if—
- (a) it is satisfied that the person falls within sub-paragraph (4),
 - [F30(aa) it has reason to believe that the person is or has been, or might in future be, engaged in regulated activity relating to vulnerable adults,] and
 - (b) it [F31is satisfied] that it is appropriate to include the person in the list.
- (4) A person falls within this sub-paragraph if he may—
- (a) harm a vulnerable adult,
 - (b) cause a vulnerable adult to be harmed,
 - (c) put a vulnerable adult at risk of harm,

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Changes to legislation: Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 10 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (d) attempt to harm a vulnerable adult, or
- (e) incite another to harm a vulnerable adult.

Textual Amendments

- F25** Word in Sch. 3 paras. 8-11 substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **3(f)(iv)** (with Pt. 4)
- F29** Words in Sch. 3 para. 11(1)(a) substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), ss. **67(8)(a)**, 120 (with s. 97); S.I. 2012/2234, art. 2(d) (with arts. 6-16) (as amended (31.3.2014) by S.I. 2014/831, art. 2(2))
- F30** Sch. 3 para. 11(3)(aa) inserted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), ss. **67(8)(b)**, 120 (with s. 97); S.I. 2012/2234, art. 2(d) (with arts. 6-16) (as amended (31.3.2014) by S.I. 2014/831, art. 2(2))
- F31** Words in Sch. 3 para. 11(3)(b) substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), ss. **67(8)(c)**, 120 (with s. 97); S.I. 2012/2234, art. 2(d) (with arts. 6-16) (as amended (31.3.2014) by S.I. 2014/831, art. 2(2))

Commencement Information

- I63** Sch. 3 para. 11 in force at 11.2.2008 for specified purposes by S.I. 2007/3545, art. 4(a)
- I64** Sch. 3 para. 11 in force at 20.1.2009 in so far as not already in force by S.I. 2009/39, art. 2(1)(k)

Restriction on inclusion

- 12 (1) [^{F32}DBS] must not include a person in the adults' barred list—
- (a) only on a particular ground if a relevant Scottish authority has already considered whether the person should be included in a corresponding list on the same ground (whether or not it decided to include him in the list), or
 - (b) if, in accordance with such criteria as the Secretary of State specifies by order, it is more appropriate for the person's case to be considered by the relevant Scottish authority.
- (2) A relevant Scottish authority is such authority as the Secretary of State specifies by order as exercising for the purposes of the law of Scotland functions which correspond to those of [^{F32}DBS].
- (3) A corresponding list is a list maintained for the purposes of the law of Scotland which the Secretary of State specifies by order as corresponding to the adults' barred list.

Textual Amendments

- F32** Word in Sch. 3 para. 12 substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **3(f)(vi)** (with Pt. 4)

Commencement Information

- I65** Sch. 3 para. 12 in force at 11.2.2008 for specified purposes by S.I. 2007/3545, art. 4(a)
- I66** Sch. 3 para. 12 in force at 12.10.2009 in so far as not already in force by S.I. 2009/2611, art. 2, Sch.
- I67** Sch. 3 para. 12(1)(b)(2)(3) in force at 19.5.2008 for specified purposes by S.I. 2008/1320, art. 5(o)

Status: Point in time view as at 02/04/2018.

Changes to legislation: Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 10 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

PART 3

SUPPLEMENTARY

Modifications etc. (not altering text)

- C6** Sch. 3 Pt. 3 modified (7.4.2008) by [The Safeguarding Vulnerable Groups Act 2006 \(Transitional Provisions\) Order 2008 \(S.I. 2008/473\)](#), arts. 1(1), **4(5)**
- C7** Sch. 3 Pt. 3 modified (7.4.2008) by [The Safeguarding Vulnerable Groups Act 2006 \(Transitional Provisions\) Order 2008 \(S.I. 2008/473\)](#), arts. 1(1), **2(5)**

Procedure

- 13 (1) [^{F33}DBS] must ensure that in respect of any information it receives in relation to an individual from whatever source or of whatever nature it considers whether the information is relevant to its consideration as to whether the individual should be included in each barred list.
- (2) Sub-paragraph (1) does not, without more, require [^{F33}DBS] to give an individual the opportunity to make representations as to why he should not be included in a barred list.

Textual Amendments

- F33** Word in Sch. 3 paras. 13-21 substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **3(f)(vii)** (with Pt. 4)

Commencement Information

- I68** Sch. 3 para. 13 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545](#), **art. 4(a)**
- I69** Sch. 3 para. 13 in force at 12.10.2009 in so far as not already in force by [S.I. 2009/2611](#), **art. 2, Sch.**

- 14 When an individual is included in a barred list [^{F33}DBS] must take all reasonable steps to notify the individual of that fact.

Textual Amendments

- F33** Word in Sch. 3 paras. 13-21 substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **3(f)(vii)** (with Pt. 4)

Commencement Information

- I70** Sch. 3 para. 14 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545](#), **art. 4(a)**
- I71** Sch. 3 para. 14 in force at 20.1.2009 in so far as not already in force by [S.I. 2009/39](#), **art. 2(1)(k)**

- 15 (1) The Secretary of State may, by regulations, make provision as to the procedure to be followed for the purposes of any decision [^{F33}DBS] is required or authorised to take under this Schedule.
- (2) Such provision may include provision as to the time within which anything is to be done.

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Textual Amendments

F33 Word in Sch. 3 paras. 13-21 substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **3(f)(vii)** (with Pt. 4)

Commencement Information

I72 Sch. 3 para. 15 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545](#), **art. 4(a)**

I73 Sch. 3 para. 15(1)(2) in force at 31.12.2007 by [S.I. 2007/3545](#), **art. 2(k)**

Representations

- 16 (1) A person who is, by virtue of any provision of this Schedule, given an opportunity to make representations must have the opportunity to make representations in relation to all of the information on which [^{F33}DBS] intends to rely in taking a decision under this Schedule.
- (2) Any requirement of this Schedule to give a person an opportunity to make representations does not apply if [^{F33}DBS] does not know and cannot reasonably ascertain the whereabouts of the person.
- (3) The opportunity to make representations does not include the opportunity to make representations that findings of fact made by a competent body were wrongly made.
- (4) Findings of fact made by a competent body are findings of fact made in proceedings before [^{F34}the Secretary of State in the exercise of the Secretary of State's functions under section 141B of the Education Act 2002, or in proceedings before] one of the following bodies or any of its committees—
- ^{F35}(a)
- (b) the General Teaching Council for Wales;
- (c) the Council of the Pharmaceutical Society of Great Britain;
- (d) the General Medical Council;
- (e) the General Dental Council;
- (f) the General Optical Council;
- (g) the General Osteopathic Council;
- (h) the General Chiropractic Council;
- (i) the Nursing and Midwifery Council;
- (j) [^{F36}the Health and Care Professions Council];
- (k) the General Social Care Council;
- [^{F37}(l) Social Care Wales]
- [^{F38}(4A) The reference in sub-paragraph (4) to “any of its committees” is, in respect of Social Care Wales, to be read as if it were a reference to “any panel established under Part 8 of the Regulation and Inspection of Social Care (Wales) Act 2016”.]
- (5) The Secretary of State may by order amend sub-paragraph (4) by inserting a paragraph or amending or omitting a paragraph for the time being contained in the sub-paragraph.

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Textual Amendments

- F33** Word in Sch. 3 paras. 13-21 substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **3(f)(vii)** (with Pt. 4)
- F34** Words in Sch. 3 para. 16(4) inserted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 2 para. 27(4)(a)**; S.I. 2012/924, art. 2
- F35** Sch. 3 para. 16(4)(a) omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 2 para. 27(4)(b)**; S.I. 2012/924, art. 2
- F36** Words in Sch. 3 para. 16(4)(j) substituted (1.8.2012) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 15 para. 56(e)**; S.I. 2012/1319, art. 2(4)
- F37** Words in Sch. 3 para. 16(4)(l) substituted (3.4.2017) by [Regulation and Inspection of Social Care \(Wales\) Act 2016 \(anaw 2\)](#), s. 188(1), **Sch. 3 para. 55(a)**; S.I. 2017/309, art. 2(j) (with arts. 3, 4, Sch.)
- F38** Sch. 3 para. 16(4A) inserted (3.4.2017) by [Regulation and Inspection of Social Care \(Wales\) Act 2016 \(anaw 2\)](#), s. 188(1), **Sch. 3 para. 55(b)**; S.I. 2017/309, art. 2(j) (with arts. 3, 4, Sch.)

Commencement Information

- I74** Sch. 3 para. 16 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545](#), **art. 4(a)**
- I75** Sch. 3 para. 16 in force at 20.1.2009 in so far as not already in force by [S.I. 2009/39](#), **art. 2(1)(k)**
- I76** Sch. 3 para. 16(5) in force at 19.5.2008 for specified purposes by [S.I. 2008/1320](#), **art. 5(o)**

- 17 (1) This paragraph applies to a person who is included in a barred list (except a person included in pursuance of paragraph 1 or 7) if, before he was included in the list, [F33DBS] was unable to ascertain his whereabouts.
- (2) This paragraph also applies to such a person if—
- he did not, before the end of any time prescribed for the purpose, make representations as to why he should not be included in the list, and
 - [F33DBS] grants him permission to make such representations out of time.
- (3) If a person to whom this paragraph applies makes such representations after the prescribed time—
- [F33DBS] must consider the representations, and
 - if it thinks that it is not appropriate for the person to be included in the list concerned, it must remove him from the list.
- (4) For the purposes of this paragraph, it is immaterial that any representations mentioned in sub-paragraph (3) relate to a time after the person was included in the list concerned.

Textual Amendments

- F33** Word in Sch. 3 paras. 13-21 substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **3(f)(vii)** (with Pt. 4)

Commencement Information

- I77** Sch. 3 para. 17 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545](#), **art. 4(a)**
- I78** Sch. 3 para. 17 in force at 20.1.2009 in so far as not already in force by [S.I. 2009/39](#), **art. 2(1)(k)**

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Review

- 18 (1) A person who is included in a barred list may apply to [F33DBS] for a review of his inclusion.
- (2) An application for a review may be made only with the permission of [F33DBS] .
- (3) A person may apply for permission only if—
- (a) the application is made after the end of the minimum barred period, and
 - (b) in the prescribed period ending with the time when he applies for permission, he has made no other such application.
- (4) [F33DBS] must not grant permission unless it thinks—
- (a) that the person's circumstances have changed since he was included in the list or since he last applied for permission (as the case may be), and
 - (b) that the change is such that permission should be granted.
- (5) On a review of a person's inclusion, if [F33DBS] is satisfied that it is no longer appropriate for him to be included in the list it must remove him from it; otherwise it must dismiss the application.
- (6) The minimum barred period is the prescribed period beginning with such of the following as may be prescribed—
- (a) the date on which the person was first included in the list;
 - (b) the date on which any criterion prescribed for the purposes of paragraph 1, 2, 7 or 8 is first satisfied;
 - (c) where the person is included in the list on the grounds that he has been convicted of an offence in respect of which a custodial sentence (within the meaning of section 76 of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)) was imposed, the date of his release;
 - (d) the date on which the person made any representations as to why he should not be included in the list.

Textual Amendments

F33 Word in Sch. 3 paras. 13-21 substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **3(f)(vii)** (with Pt. 4)

Commencement Information

I79 Sch. 3 para. 18 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545](#), **art. 4(a)**

I80 Sch. 3 para. 18(1)(2)(3)(a)(4)(5) in force at 20.1.2009 in so far as not already in force by [S.I. 2009/39](#), **art. 2(1)(k)**

I81 Sch. 3 para. 18(3)(b)(6) in force at 31.12.2007 by [S.I. 2007/3545](#), **art. 2(k)**

- [F39]18A(1) Sub-paragraph (2) applies if a person's inclusion in a barred list is not subject to—
- (a) a review under paragraph 18, or
 - (b) an application under that paragraph,
- which has not yet been determined.
- (2) [F33DBS] may, at any time, review the person's inclusion in the list.

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- (3) On any such review, [F33DBS] may remove the person from the list if, and only if, it is satisfied that, in the light of—
- (a) information which it did not have at the time of the person's inclusion in the list,
 - (b) any change of circumstances relating to the person concerned, or
 - (c) any error by [F33DBS] ,
- it is not appropriate for the person to be included in the list.]

Textual Amendments

- F33** Word in Sch. 3 paras. 13-21 substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **3(f)(vii)** (with Pt. 4)
- F39** Sch. 3 para. 18A inserted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), ss. **71**, **120** (with s. 97); S.I. 2012/2234, art. 2(h)

Information

- 19 (1) [F33DBS] may require—
- (a) any person who holds records of convictions or cautions for the use of police forces generally to provide to it any relevant information relating to a person to whom any of paragraphs 1 to 5 or 7 to 11 applies [F40 or appears to apply];
 - (b) any person who holds such records to provide to it prescribed details of relevant matter (within the meaning of section 113A of the Police Act 1997 (c. 50)) relating to a person to whom any of those paragraphs [F41 applies or appears to apply];
 - (c) the [F42 relevant chief officer] to provide to it any such relevant information;
 - [F43(d)
- (2) For the purposes of sub-paragraph (1)(a), relevant information relating to a person is information which the person holding the records [F44 reasonably believes to] be relevant in relation to the regulated activity concerned.
- (3) For the purposes of sub-paragraph (1)(c), relevant information relating to a person is information which the [F45 relevant] chief officer [F44 reasonably believes to] be relevant in relation to the regulated activity concerned.
- (4) [F33DBS] must pay to the appropriate [F46 local policing body] such fee as the Secretary of State thinks appropriate for information provided to IBB in accordance with sub-paragraph (1)(c).
- (5) For the purpose of deciding under this Schedule whether or not a person is included in a barred list [F33DBS] must not take account of relevant police information if the [F47 relevant chief officer] thinks that it would not be in the interests of the prevention or detection of crime to disclose the information to the person.
- (6) In sub-paragraph (5) relevant police information is information [F48 ... obtained by [F33DBS] in pursuance of sub-paragraph (1)(c) [F49
- (7) In this paragraph—

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“caution” has the same meaning as in section 126 of the Police Act 1997 (c. 50);

[^{F50} “ the relevant chief officer ” means any chief officer of a police force who is identified by [^{F51}DBS] for the purposes of this paragraph;]

[^{F52}(7A) Subsections (10) and (11) of section 113B of the Police Act 1997 apply for the purposes of the definition of “the relevant chief officer” as they apply for the purposes of that section.]

^{F53}(8)

Textual Amendments

- F33** Word in Sch. 3 paras. 13-21 substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **3(f)(vii)** (with Pt. 4)
- F40** Words in Sch. 3 para. 19(1)(a) inserted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), ss. 70(1)(a)(i), 120 (with s. 97); S.I. 2012/2234, art. 2(g)
- F41** Words in Sch. 3 para. 19(1)(b) substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), ss. 70(1)(a)(ii), 120 (with s. 97); S.I. 2012/2234, art. 2(g)
- F42** Words in Sch. 3 para. 19(1)(c) substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, **Sch. 9 para. 129(2)** (with s. 97); S.I. 2012/2234, art. 2(aa)(xiv)
- F43** Sch. 3 para. 19(1)(d) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), ss. 70(1)(a)(iii), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(g)(bb)
- F44** Words in Sch. 3 para. 19(2)(3) substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), ss. **70(1)(b)**, 120 (with s. 97); S.I. 2012/2234, art. 2(g)
- F45** Word in Sch. 3 para. 19(3) inserted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, **Sch. 9 para. 129(3)** (with s. 97); S.I. 2012/2234, art. 2(aa)(xiv)
- F46** Words in Sch. 3 para. 19(4) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 361**; S.I. 2011/3019, art. 3, Sch. 1
- F47** Words in Sch. 3 para. 19(5) substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, **Sch. 9 para. 129(4)** (with s. 97); S.I. 2012/2234, art. 2(aa)(xiv)
- F48** Words in Sch. 3 para. 19(6) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), ss. 70(1)(c)(i), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(g)(bb)
- F49** Words in Sch. 3 para. 19(6) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), ss. 70(1)(c)(ii), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(g)(bb)
- F50** Definition in Sch. 3 para. 19(7) substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by

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Protection of Freedoms Act 2012 (c. 9), s. 120, **Sch. 9 para. 129(5)** (with s. 97); S.I. 2012/2234, art. 2(aa)(xiv)

- F51** Word in Sch. 3 para. 19(7) substituted (1.12.2012) by The Protection of Freedoms Act 2012 (Disclosure and Barring Service Transfer of Functions) Order 2012 (S.I. 2012/3006), arts. 1(1), **48(i)** (with Pt. 4)
- F52** Sch. 3 para. 19(7A) inserted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by Protection of Freedoms Act 2012 (c. 9), s. 120, **Sch. 9 para. 129(6)** (with s. 97); S.I. 2012/2234, art. 2(aa)(xiv)
- F53** Sch. 3 para. 19(8) omitted (1.12.2012) by virtue of The Protection of Freedoms Act 2012 (Disclosure and Barring Service Transfer of Functions) Order 2012 (S.I. 2012/3006), arts. 1(1), **60** (with Pt. 4)

Commencement Information

- I82** Sch. 3 para. 19 in force at 11.2.2008 for specified purposes by S.I. 2007/3545, **art. 4(a)**
- I83** Sch. 3 para. 19 in force at 20.1.2009 in so far as not already in force by S.I. 2009/39, **art. 2(1)(k)**
- I84** Sch. 3 para. 19(1)(b) in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 4(v)**

- 20 (1) The Secretary of State may provide to ^{F33}[DBS] any information relating to a person which is held by him in connection with his functions under—
- (a) the Protection of Children Act 1999 (c. 14), except section 9 (the Tribunal);
 - (b) Part 7 of the Care Standards Act 2000 (c. 14);
 - (c) sections 142 to 144 of the Education Act 2002 (c. 32).

^{F54}(2)

Textual Amendments

- F33** Word in Sch. 3 paras. 13-21 substituted (1.12.2012) by The Protection of Freedoms Act 2012 (Disclosure and Barring Service Transfer of Functions) Order 2012 (S.I. 2012/3006), arts. 1(1), **3(f)(vii)** (with Pt. 4)
- F54** Sch. 3 para. 20(2) omitted (1.12.2012) by virtue of The Protection of Freedoms Act 2012 (Disclosure and Barring Service Transfer of Functions) Order 2012 (S.I. 2012/3006), arts. 1(1), **61** (with Pt. 4)

Commencement Information

- I85** Sch. 3 para. 20 in force at 11.2.2008 for specified purposes by S.I. 2007/3545, **art. 4(a)**
- I86** Sch. 3 para. 20 in force at 20.1.2009 in so far as not already in force by S.I. 2009/39, **art. 2(1)(k)**

- 21 ^{F33}[DBS] must provide the Secretary of State with the prescribed information relating to a person if—
- (a) it includes that person in a barred list;
 - (b) it is considering whether to include him in a barred list;
 - (c) it thinks that any of the criteria prescribed for the purposes of paragraph 1, 2, 7 or 8 is satisfied in relation to him and that the Secretary of State does not already have the information.

Textual Amendments

- F33** Word in Sch. 3 paras. 13-21 substituted (1.12.2012) by The Protection of Freedoms Act 2012 (Disclosure and Barring Service Transfer of Functions) Order 2012 (S.I. 2012/3006), arts. 1(1), **3(f)(vii)** (with Pt. 4)

Commencement Information

- I87** Sch. 3 para. 21 in force at 11.2.2008 for specified purposes by S.I. 2007/3545, **art. 4(a)**
- I88** Sch. 3 para. 21 in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 4(v)**

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189 Sch. 3 para. 21(a) in force at 12.10.2009 in so far as not already in force by S.I. 2009/2611, art. 2, Sch.

22 ^[F55]DBS] must inform the Scottish Ministers if a person is included in a barred list.

Textual Amendments

F55 Word in Sch. 3 para. 22 substituted (1.12.2012) by The Protection of Freedoms Act 2012 (Disclosure and Barring Service Transfer of Functions) Order 2012 (S.I. 2012/3006), arts. 1(1), 48(i) (with Pt. 4)

Commencement Information

I90 Sch. 3 para. 22 in force at 11.2.2008 for specified purposes by S.I. 2007/3545, art. 4(a)

I91 Sch. 3 para. 22 in force at 20.1.2009 in so far as not already in force by S.I. 2009/39, art. 2(1)(k)

^[F56]22A. ^[F57]DBS] may provide the Scottish Ministers with such information as it thinks may be relevant to the exercise by the Scottish Ministers of their functions under Parts 1 and 2 of the Protection of Vulnerable Groups (Scotland) Act 2007 (asp 14).]

Textual Amendments

F56 Sch. 3 para. 22A inserted (1.3.2011) by The Protection of Vulnerable Groups (Scotland) Act 2007 (Consequential Modifications) Order 2011 (S.I. 2011/565), arts. 1, 2

F57 Word in Sch. 3 para. 22A substituted (1.12.2012) by The Protection of Freedoms Act 2012 (Disclosure and Barring Service Transfer of Functions) Order 2012 (S.I. 2012/3006), arts. 1(1), 3(f)(viii) (with Pt. 4)

23 ^[F58]DBS] may, at the request of the Welsh Ministers, provide them with such information relating to the exercise of its functions as it thinks may be relevant to the exercise by the Welsh Ministers of any of their functions.

Textual Amendments

F58 Word in Sch. 3 para. 23 substituted (1.12.2012) by The Protection of Freedoms Act 2012 (Disclosure and Barring Service Transfer of Functions) Order 2012 (S.I. 2012/3006), arts. 1(1), 3(f)(viii) (with Pt. 4)

Commencement Information

I92 Sch. 3 para. 23 in force at 11.2.2008 for specified purposes by S.I. 2007/3545, art. 4(a)

I93 Sch. 3 para. 23 in force at 20.1.2009 in so far as not already in force by S.I. 2009/39, art. 2(1)(k)

Prescribed criteria

24 (1) The criteria which may be prescribed for the purposes of paragraphs 1, 2, 7 and 8 are—

- (a) that a person has been convicted of, or cautioned in relation to, an offence of a specified description;
- (b) that an order of a specified description requiring the person to do or not to do anything has been made against him;
- (c) that a person is included in a specified list maintained for the purposes of a country or territory outside the United Kingdom;
- (d) that an order or direction of a specified description requiring the person to do or not to do anything has been made against him for the purposes of a country or territory outside the United Kingdom.

Status: Point in time view as at 02/04/2018.

Changes to legislation: Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 10 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (2) The power to specify offences for the purposes of sub-paragraph (1) includes power to specify offences under—
- [^{F59}(a) the law of a country or territory outside England and Wales;]
- (b) section 70 of the Army Act 1955 (3 & 4 Eliz. 2 c. 18);
- (c) section 70 of the Air Force Act 1955 (3 & 4 Eliz. 2 c. 19);
- (d) section 42 of the Naval Discipline Act 1957 (c. 53);
- (e) section 42 of the Armed Forces Act 2006 (c. 52).
- (3) The Secretary of State may specify a list for the purposes of sub-paragraph (1)(c) only if he thinks that inclusion in the list has a corresponding or similar effect to inclusion in a barred list.
- (4) For the purposes of determining whether any of the criteria is satisfied in relation to a person, ignore—
- (a) any offence committed before he attained the age of 18;
- (b) any order or direction made before that time.
- (5) The criteria which may be prescribed for the purposes of paragraph 1 or 2 must not consist only of circumstances in which the person has committed an offence against a child before the commencement of section 2 if the court, having considered whether to make a disqualification order, decided not to.
- (6) In sub-paragraph (5)—
- (a) the reference to an offence committed against a child must be construed in accordance with Part 2 of the Criminal Justice and Court Services Act 2000 (c. 43);
- (b) a disqualification order is an order under section 28, 29 or 29A of that Act.
- (7) For the purposes of sub-paragraph (4) an offence committed over a period of time must be treated as committed on the last day of the period.
- ^{F60}(8)
- ^{F60}(9)
- [^{F61}(10) For the purposes of sub-paragraph (2)(a) in its application to an offence committed outside the British Islands the Secretary of State must not specify the offence unless—
- (a) the conduct which constitutes the offence would, if carried out in England and Wales, amount to an offence under the law of England and Wales (the equivalent offence), and
- (b) the equivalent offence is also specified for the purposes of paragraph 1, 2, 7 or 8 (as the case may be).]

Textual Amendments

F59 Sch. 3 para. 24(2)(a) substituted (13.11.2008) by [The Safeguarding Vulnerable Groups Act 2006 \(Prescribed Criteria\) \(Foreign Offences\) Order 2008 \(S.I. 2008/3050\)](#), arts. 1(1), 2(2)

F60 Sch. 3 para. 24(8)(9) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, Sch. 9 para. 72(2), [Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(iv)

Status: Point in time view as at 02/04/2018.

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F61 Sch. 3 para. 24(10) inserted (13.11.2008) by [The Safeguarding Vulnerable Groups Act 2006 \(Prescribed Criteria\) \(Foreign Offences\) Order 2008 \(S.I. 2008/3050\)](#), arts. 1(1), **2(3)**

Commencement Information

I94 Sch. 3 para. 24 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545](#), **art. 4(a)**

I95 Sch. 3 para. 24(1)(2)(9) in force at 31.12.2007 by [S.I. 2007/3545](#), **art. 2(k)**

I96 Sch. 3 para. 24(3)-(7) in force at 20.1.2009 in so far as not already in force by [S.I. 2009/39](#), **art. 2(1)(k)**

25^[F62(1)] A court by or before which a person is convicted of an offence of a description specified for the purposes of paragraph 24(1)(a), or which makes an order of a description specified for the purposes of paragraph 24(1)(b), must inform the person at the time he is convicted or the order is made that ^[F63]DBS will ^[F64]or (as the case may be) may] include him in the barred list concerned.

^[F65](2) This paragraph does not apply to convictions by or before a court in a country or territory outside England and Wales.]

Textual Amendments

F62 Sch. 3 para. 25(1): Sch. 3 para. 25 renumbered as Sch. 3 para. 25(1) (13.11.2008) by [The Safeguarding Vulnerable Groups Act 2006 \(Prescribed Criteria\) \(Foreign Offences\) Order 2008 \(S.I. 2008/3050\)](#), arts. 1(1), **3(2)**

F63 Word in [Sch. 3 para. 25](#) substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **3(f)(ix)** (with Pt. 4)

F64 Words in Sch. 3 para. 25(1) inserted (10.9.2012 immediately after the coming into force of the [Safeguarding Vulnerable Groups \(Miscellaneous Amendments\) Order 2012 \(S.I. 2012/2157\)](#)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, **Sch. 9 para. 72(3)** (with s. 97); [S.I. 2012/2234](#), art. 2(aa)(iv)

F65 Sch. 3 para. 25(2) inserted (13.11.2008) by [The Safeguarding Vulnerable Groups Act 2006 \(Prescribed Criteria\) \(Foreign Offences\) Order 2008 \(S.I. 2008/3050\)](#), arts. 1(1), **3(3)**

Commencement Information

I97 Sch. 3 para. 25 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545](#), **art. 4(a)**

I98 Sch. 3 para. 25 in force at 20.1.2009 in so far as not already in force by [S.I. 2009/39](#), **art. 2(1)(k)**

SCHEDULE 4

Section 5

REGULATED ACTIVITY

PART 1

REGULATED ACTIVITY RELATING TO CHILDREN

Regulated activity: general

- 1 (1) An activity is a regulated activity relating to children if—
(a) it is mentioned in paragraph 2(1), and

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- (b) [^{F66}except in the case of activities falling within sub-paragraph (1A),] it is carried out frequently by the same person or the period condition is satisfied.

[^{F67}(1A) The following activities fall within this sub-paragraph—

- (a) relevant personal care, and
(b) health care provided by, or under the direction or supervision of, a health care professional.

(1B) In this Part of this Schedule “ relevant personal care ” means—

- (a) physical assistance which is given to a child who is in need of it by reason of illness or disability and is given in connection with eating or drinking (including the administration of parenteral nutrition),
(b) physical assistance which is given to a child who is in need of it by reason of age, illness or disability and is given in connection with—
(i) toileting (including in relation to the process of menstruation),
(ii) washing or bathing, or
(iii) dressing,
(c) the prompting (together with supervision) of a child, who is in need of it by reason of illness or disability, in relation to the performance of the activity of eating or drinking where the child is unable to make a decision in relation to performing such an activity without such prompting and supervision,
(d) the prompting (together with supervision) of a child, who is in need of it by reason of age, illness or disability, in relation to the performance of any of the activities listed in paragraph (b)(i) to (iii) where the child is unable to make a decision in relation to performing such an activity without such prompting and supervision,
(e) any form of training, instruction, advice or guidance which—
(i) relates to the performance of the activity of eating or drinking,
(ii) is given to a child who is in need of it by reason of illness or disability, and
(iii) does not fall within paragraph (c), or
(f) any form of training, instruction, advice or guidance which—
(i) relates to the performance of any of the activities listed in paragraph (b)(i) to (iii),
(ii) is given to a child who is in need of it by reason of age, illness or disability, and
(iii) does not fall within paragraph (d).

(1C) In this Part of this Schedule —

“ health care ” includes all forms of health care provided for children, whether relating to physical or mental health and also includes palliative care for children and procedures that are similar to forms of medical or surgical care but are not provided for children in connection with a medical condition,

“ health care professional ” means a person who is a member of a profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002.

(1D) Any reference in this Part of this Schedule to health care provided by, or under the direction or supervision of, a health care professional includes a reference to first aid provided to a child by any person acting on behalf of an organisation established for the purpose of providing first aid.]

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- (2) An activity is a regulated activity relating to children if—
- (a) it is carried out frequently by the same person or the period condition is satisfied,
 - (b) it is carried out in an establishment mentioned in paragraph 3(1),
 - (c) it is carried out by a person while engaging in ^{F68}any work falling within sub-paragraph (2A) or (2B)],
 - (d) it is carried out for or in connection with the purposes of the establishment, and
 - (e) it gives that person the opportunity, in consequence of anything he is permitted or required to do in connection with the activity, to have contact with children.

^{F69}(2A) Work falls within this sub-paragraph if it is any form of work for gain, other than any such work which—

- (a) is undertaken in pursuance of a contract for the provision of occasional or temporary services, and
- (b) is not an activity mentioned in paragraph 2(1) (disregarding paragraph 2(3A) and (3B)(b)).

(2B) Work falls within this sub-paragraph if it is any form of work which is not for gain, other than—

- (a) any such work which—
 - (i) is carried out on a temporary or occasional basis, and
 - (ii) is not an activity mentioned in paragraph 2(1) (disregarding paragraph 2(3A) and (3B)(b)), or
- (b) any such work which is, on a regular basis, subject to the day to day supervision of another person who is engaging in regulated activity relating to children.

(2C) The reference in subsection (2B)(b) to day to day supervision is a reference to such day to day supervision as is reasonable in all the circumstances for the purpose of protecting any children concerned.]

(3) Each of the following, if carried out in England, is a regulated activity relating to children—

- (a) providing early years childminding in respect of which a requirement to register arises by section 33(1) of the Childcare Act 2006 (c. 21) (requirement to register);
- (b) providing later years childminding in respect of which a requirement to register arises by section 52(1) of that Act (requirement to register);
- (c) providing early years childminding or later years childminding, if it is provided by a person who is registered by virtue of section 62(1) of that Act (voluntary registration of childminders);
- (d) providing later years childminding for a child who has attained the age of eight, if a requirement to register would arise in respect of that provision by section 52(1) of that Act if the child had not attained that age.

(4) Any expression used both in sub-paragraph (3) and in Part 3 of the Childcare Act 2006 has the meaning given by that Act.

(5) It is a regulated activity relating to children to foster a child (as mentioned in section 53).

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- (6) Each of the following, if carried out in Wales, is a regulated activity relating to children—
- (a) acting as a child minder so as to give rise to a requirement to register under [F70]section 21 of the Children and Families (Wales) Measure 2010];
 - (b) an activity which would give rise to such a requirement if the child in relation to whom the activity is carried out were under the age of eight [F71](or such other age as may be substituted by order under section 19(4)(a) of the Children and Families (Wales) Measure 2010)].
- (7) For the purposes of sub-paragraph (6), “acting as a child minder” must be construed in accordance with [F72]section 19 of the Children and Families (Wales) Measure 2010].
- ^{F73}(8)
- (9) The exercise of a function of [F74]the Children's Commissioner for Wales or the deputy Children's Commissioner for Wales] is a regulated activity relating to children.
- [F75](9A) The exercise of a function so far as the function—
- (a) relates to any of the matters mentioned in sub-paragraph (9B),
 - (b) gives the person exercising the function the opportunity, in consequence of anything the person is permitted or required to do in the exercise of that function, to have contact with children, and
 - (c) is not a function which falls within sub-paragraph (9C),
- is a regulated activity relating to children.
- (9B) The matters in this sub-paragraph are—
- ^{F76}(a)
- (b) the exercise of a power under [F77] section 41 or 42 of the Children and Families (Wales) Measure 2010] (powers of inspection etc on entry onto childminding or day care premises in Wales or premises on which childminding or day care is suspected to be taking place);
 - (c) any step taken [F78:in relation to Wales] for the purposes of section 87(3) of [F79]the Children Act 1989] (welfare of children in boarding schools and colleges);
 - (d) an inspection [F80:in Wales] under section 87(6) of that Act (inspection of boarding school or college);
 - (e) any step taken [F81:in relation to Wales] by a person appointed under section 87A(1) of that Act (appointment as an inspector of boarding schools and colleges)—
 - (i) for the purposes of an agreement made in accordance with section 87A(2) of that Act, or
 - (ii) in order to comply with any requirement imposed on the person under section 87B of that Act;
 - (f) an inspection under section ^{F82} ... 18C of the Education Act 1994 (inspection of teacher training);
 - (g) an inspection under section 38 of the Education Act 1997 (inspection of local education authorities in Wales);

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- [^{F83}(h) an inspection in Wales under section 33 of the Regulation and Inspection of Social Care (Wales) Act 2016 (inspections of regulated care and support services) of a residential family centre service, a fostering service, or an adoption service (each of which has the meaning given in Schedule 1 to that Act);]
- (i) an inspection under Part 4 of the Learning and Skills Act 2000 (inspection of education and training within the remit of Her Majesty’s Chief Inspector of Education and Training in Wales);
- (j) a review or investigation under section 94 of the Health and Social Care (Community Health and Standards) Act 2003 (review or investigation of the discharge of social services functions by local authorities in Wales);
- (k) a review or investigation under section 94 of that Act as applied by section 30 of the Children Act 2004 (review or investigation of the functions of children’s services authorities in Wales);
- (l) an inspection under section 28 of the Education Act 2005 (duty of Her Majesty’s Chief Inspector of Education and Training in Wales to arrange regular inspections of certain schools);
- (m) an inspection under section ^{F84} ... 50 of that Act (inspection of religious education);
- (n) an inspection [^{F85}in Wales] under section 51 of that Act (power of local education authorities to inspect maintained school for specific purpose);
- (o) an inspection under section 55 of that Act (inspection of careers services in Wales);
- ^{F86}(p)
- ^{F86}(q)
- ^{F86}(r)
- ^{F86}(s)
- ^{F86}(t)

(9C) The exercise of a function to which sub-paragraph (10) applies so far as the function—

- (a) relates to the inspection of an establishment mentioned in paragraph 3(1), and
- (b) gives the person exercising the function the opportunity, in consequence of anything the person is permitted or required to do in the exercise of that function, to have contact with children,

is a regulated activity relating to children.]

(10) [^{F87}This sub-paragraph applies to a function of]—

- ^{F88}(a)
- (b) HM Chief Inspector of Education and Training in Wales;
- [^{F89}(ba) a body approved under section 106 of the Education and Skills Act 2008 (bodies approved to inspect registered independent educational institutions in England);]
- (c) a body approved in pursuance of section 163(1)(b) of the Education Act 2002 (c. 32) to inspect a registered independent school [^{F90}in Wales] ;
- ^{F91}(d)
- ^{F91}(e)

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- ^{F92}(f)
- (g) the [^{F93}Welsh Ministers].

- [^{F94}(11) The exercise of a function of the Welsh Ministers so far as the function—
- (a) relates to the inspection of an establishment, agency [^{F95}, service provider] or body falling within sub-paragraph (12), and
- (b) gives the person exercising the function the opportunity, in consequence of anything the person is permitted or required to do in the exercise of that function, to have contact with children,
- is a regulated activity relating to children.]
- (12) An establishment, agency [^{F96}, service provider] or body falls within this sub-paragraph if it is—
- (a) an establishment in relation to which a requirement to register arises under section 11 of the Care Standards Act 2000 (c. 14),
- (b) an agency in relation to which such a requirement arises, ^{F97}...
- [^{F98}(ba) a service provider within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016,]
- (c) an NHS body within the meaning of section 148 of the Health and Social Care (Community Health and Standards) Act 2003 (c. 43),
- and it provides any form of treatment or therapy for children.

^{F99}(12A)

- (13) In sub-paragraph (12)(c) the reference to an NHS body includes a reference to any person who provides, or is to provide, health care for the body (wherever the health care is or is to be provided).

^{F100}(13A)

- (14) Any activity which consists in or involves on a regular basis the day to day management or supervision of a person carrying out an activity mentioned in sub-paragraph (1), (2), [^{F101}(9A), (9C) or (11)] is a regulated activity relating to children.
- [^{F102}(15) Any activity which consists in or involves on a regular basis the day to day management or supervision of a person who would be carrying out an activity mentioned in sub-paragraph (1) or (2) but for the exclusion for supervised activity in paragraph 2(3A) or (3B)(b) or sub-paragraph (2B)(b) above is a regulated activity relating to children.]

Textual Amendments

- F66** Words in Sch. 4 para. 1(1)(b) inserted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), ss. 64\(2\), 120 \(with s. 97\); S.I. 2012/2234, art. 2\(a\) \(with art. 4\)](#)
- F67** Sch. 4 para. 1(1A)-(1D) inserted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), ss. 64\(3\), 120 \(with s. 97\); S.I. 2012/2234, art. 2\(a\) \(with art. 4\)](#)
- F68** Words in Sch. 4 para. 1(2)(c) substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), ss. 64\(4\), 120 \(with s. 97\); S.I. 2012/2234, art. 2\(a\) \(with art. 4\)](#)

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- F69** Sch. 4 para. 1(2A)-(2C) inserted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), ss. 64\(5\), 120 \(with s. 97\); S.I. 2012/2234, art. 2\(a\) \(with art. 4\)](#)
- F70** Words in Sch. 4 para. 1(6)(a) substituted (1.4.2011) by [Children and Families \(Wales\) Measure 2010 \(nawm 1\), s. 75\(3\), Sch. 1 para. 28\(a\); S.I. 2010/2582, art. 2, Sch. 1 \(with Sch. 2Sch. 3\)](#)
- F71** Words in Sch. 4 para. 1(6)(b) inserted (1.4.2011) by [Children and Families \(Wales\) Measure 2010 \(nawm 1\), s. 75\(3\), Sch. 1 para. 28\(b\); S.I. 2010/2582, art. 2, Sch. 1 \(with Sch. 2Sch. 3\)](#)
- F72** Words in Sch. 4 para. 1(7) substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), ss. 64\(6\)\(a\), 120 \(with s. 97\); S.I. 2012/2234, art. 2\(a\) \(with art. 4\)](#)
- F73** Sch. 4 para. 1(8) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), ss. 64\(6\)\(b\), 120, Sch. 10 Pt. 5 \(with s. 97\); S.I. 2012/2234, art. 2\(a\)\(bb\) \(with art. 4\)](#)
- F74** Words in Sch. 4 para. 1(9) substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), ss. 64\(6\)\(c\), 120 \(with s. 97\); S.I. 2012/2234, art. 2\(a\) \(with art. 4\)](#)
- F75** Sch. 4 para. 1(9A)-(9C) inserted (31.3.2010) by [The Safeguarding Vulnerable Groups Act 2006 \(Regulated Activity, Devolution and Miscellaneous Provisions\) Order 2010 \(S.I. 2010/1154\), arts. 1\(1\), 3\(2\)](#)
- F76** Sch. 4 para. 1(9B)(a) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), ss. 64\(6\)\(d\)\(i\), 120, Sch. 10 Pt. 5 \(with s. 97\); S.I. 2012/2234, art. 2\(a\)\(bb\) \(with art. 4\)](#)
- F77** Words in Sch. 4 para. 1(9B)(b) substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), ss. 64\(6\)\(d\)\(ii\), 120 \(with s. 97\); S.I. 2012/2234, art. 2\(a\) \(with art. 4\)](#)
- F78** Words in Sch. 4 para. 1(9B)(c) inserted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), ss. 64\(6\)\(d\)\(iii\), 120 \(with s. 97\); S.I. 2012/2234, art. 2\(a\) \(with art. 4\)](#)
- F79** Words in Sch. 4 para. 1(9B)(c) substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), ss. 64\(6\)\(d\)\(iii\), 120 \(with s. 97\); S.I. 2012/2234, art. 2\(a\) \(with art. 4\)](#)
- F80** Words in Sch. 4 para. 1(9B)(d) inserted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), ss. 64\(6\)\(d\)\(iv\), 120 \(with s. 97\); S.I. 2012/2234, art. 2\(a\) \(with art. 4\)](#)
- F81** Words in Sch. 4 para. 1(9B)(e) inserted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), ss. 64\(6\)\(d\)\(v\), 120 \(with s. 97\); S.I. 2012/2234, art. 2\(a\) \(with art. 4\)](#)
- F82** Words in Sch. 4 para. 1(9B)(f) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), ss. 64\(6\)\(d\)\(vi\), 120, Sch. 10 Pt. 5 \(with s. 97\); S.I. 2012/2234, art. 2\(a\)\(bb\) \(with art. 4\)](#)
- F83** Sch. 4 para. 1(9B)(h) substituted (2.4.2018) by [Regulation and Inspection of Social Care \(Wales\) Act 2016 \(anaw 2\), s. 188\(1\), Sch. 3 para. 28\(a\); S.I. 2017/1326, art. 2\(3\)\(h\), Sch. \(with art. 6\)](#)
- F84** Words in Sch. 4 para. 1(9B)(m) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by

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- Protection of Freedoms Act 2012 (c. 9), ss. 64(6)(d)(viii), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(a)(bb) (with art. 4)
- F85** Words in Sch. 4 para. 1(9B)(n) inserted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by Protection of Freedoms Act 2012 (c. 9), ss. 64(6)(d)(ix), 120 (with s. 97); S.I. 2012/2234, art. 2(a) (with art. 4)
- F86** Sch. 4 para. 1(9B)(p)-(t) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by Protection of Freedoms Act 2012 (c. 9), ss. 64(6)(d)(x), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(a)(bb) (with art. 4)
- F87** Words in Sch. 4 para. 1(10) substituted (31.3.2010) by The Safeguarding Vulnerable Groups Act 2006 (Regulated Activity, Devolution and Miscellaneous Provisions) Order 2010 (S.I. 2010/1154), arts. 1(1), 3(3)
- F88** Sch. 4 para. 1(10)(a) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by Protection of Freedoms Act 2012 (c. 9), ss. 64(6)(e), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(a)(bb) (with art. 4)
- F89** Sch. 4 para. 1(10)(ba) inserted (5.1.2015) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 41(3)**; S.I. 2014/3364, art. 2(z)
- F90** Words in Sch. 4 para. 1(10)(c) inserted (5.1.2015) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 41(4)**; S.I. 2014/3364, art. 2(z)
- F91** Sch. 4 para. 1(10)(d)(e) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by Protection of Freedoms Act 2012 (c. 9), ss. 64(6)(e), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(a)(bb) (with art. 4)
- F92** Sch. 4 para. 1(10)(f) repealed (1.4.2009) by Health and Social Care Act 2008 (c. 14), s. 170(3)(4), Sch. 5 para. 92(2)(b), **Sch. 15 Pt. 1**; S.I. 2009/462, art. 2(1), Sch. 1 paras. 35(bb), 36
- F93** Words in Sch. 4 para. 1(10)(g) substituted (12.10.2009) by The Safeguarding Vulnerable Groups Act 2006 (Regulated Activity, Miscellaneous and Transitional Provisions and Commencement No. 5) Order 2009 (S.I. 2009/2610), arts. 1(1), 30(c)
- F94** Sch. 4 para. 1(11) substituted (31.3.2010) by The Safeguarding Vulnerable Groups Act 2006 (Regulated Activity, Devolution and Miscellaneous Provisions) Order 2010 (S.I. 2010/1154), arts. 1(1), 3(4)
- F95** Words in Sch. 4 para. 1(11)(a) inserted (2.4.2018) by The Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Regulations 2018 (S.I. 2018/195), **regs. 2(1)**, 36(a)
- F96** Words in Sch. 4 para. 1(12) inserted (2.4.2018) by The Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Regulations 2018 (S.I. 2018/195), **regs. 2(1)**, 36(b)(i)
- F97** Word in Sch. 4 para. 1(12)(b) omitted (2.4.2018) by The Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Regulations 2018 (S.I. 2018/195), **regs. 2(1)**, 36(b)(ii)
- F98** Sch. 4 para. 1(12)(ba) inserted (2.4.2018) by The Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Regulations 2018 (S.I. 2018/195), **regs. 2(1)**, 36(b)(iii)
- F99** Sch. 4 para. 1(12A) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by Protection of Freedoms Act 2012 (c. 9), ss. 64(6)(f), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(a)(bb) (with art. 4)
- F100** Sch. 4 para. 1(13A) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by Protection of Freedoms Act 2012 (c. 9), ss. 64(6)(g), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(a)(bb) (with art. 4)
- F101** Words in Sch. 4 para. 1(14) substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by Protection of Freedoms Act 2012 (c. 9), ss. 64(6)(h), 120 (with s. 97); S.I. 2012/2234, art. 2(a) (with art. 4)

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F102 Sch. 4 para. 1(15) inserted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), ss. 64\(6\)\(i\), 120 \(with s. 97\); S.I. 2012/2234, art. 2\(a\) \(with art. 4\)](#)

Modifications etc. (not altering text)

C8 Sch. 4 para. 1(10)(c) modified (temp.) (12.10.2009) by [The Safeguarding Vulnerable Groups Act 2006 \(Regulated Activity, Miscellaneous and Transitional Provisions and Commencement No. 5\) Order 2009 \(S.I. 2009/2610\), arts. 1\(1\), 29](#)

Commencement Information

I99 Sch. 4 para. 1 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545, art. 4\(b\)](#)

I100 Sch. 4 para. 1 in force at 19.5.2008 for specified purposes by [S.I. 2008/1320, art. 2\(a\)](#)

I101 Sch. 4 para. 1 in force at 20.1.2009 in so far as not already in force by [S.I. 2009/39, art. 2\(1\)\(b\)](#)

Activities

- 2 (1) The activities referred to in paragraph 1(1) are—
- (a) any form of teaching, training or instruction of children, unless the teaching, training or instruction is merely incidental to teaching, training or instruction of persons who are not children;
 - (b) any form of care for or supervision of children, unless the care or supervision is merely incidental to care for or supervision of persons who are not children;
 - (c) any form of advice or guidance provided wholly or mainly for children, if the advice or guidance relates to their physical, emotional or educational well-being;
 - ^{F103}(d)
 - (e) moderating a public electronic interactive communication service which is likely to be used wholly or mainly by children;
 - (f) driving a vehicle which is being used only for the purpose of conveying children and any person supervising or caring for the children pursuant to arrangements made in prescribed circumstances.
- (2) Sub-paragraph (1)(a), (b) [^{F104}and (c)] do not include—
- (a) teaching, training or instruction provided to a child in the course of his employment;
 - (b) care for or supervision of a child in the course of his employment;
 - (c) advice or guidance provided for a child in the course of his employment;
 - ^{F105}(d)
- (3) Sub-paragraph (2) does not apply if—
- (a) the child has not attained the age of 16, and
 - (b) the activity is carried out by a person in respect of whom arrangements exist principally for that purpose.
- [^{F106}3A) Sub-paragraph (1)(a) does not include any form of teaching, training or instruction of children which is, on a regular basis, subject to the day to day supervision of another person who is engaging in regulated activity relating to children.
- (3B) Sub-paragraph (1)(b)—

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- (a) does not include any health care provided otherwise than by (or under the direction or supervision of) a health care professional, and
 - (b) does not, except in the case of relevant personal care or of health care provided by (or under the direction or supervision of) a health care professional, include any form of care for or supervision of children which is, on a regular basis, subject to the day to day supervision of another person who is engaging in regulated activity relating to children.
- (3C) The references in subsections (3A) and (3B)(b) to day to day supervision are references to such day to day supervision as is reasonable in all the circumstances for the purpose of protecting any children concerned.
- (3D) Sub-paragraph (1)(c) does not include any legal advice.]
- (4) For the purposes of sub-paragraph (1)(e) a person moderates a public electronic interactive communication service if, for the purpose of protecting children, he has any function relating to—
- (a) monitoring the content of matter which forms any part of the service,
 - (b) removing matter from, or preventing the addition of matter to, the service, or
 - (c) controlling access to, or use of, the service.
- (5) But a person does not moderate a public electronic interactive communications service as mentioned in sub-paragraph (4)(b) or (c) unless he has—
- (a) access to the content of the matter;
 - (b) contact with users of the service.
- (6) In sub-paragraph (2) employment includes any form of work which is carried out under the supervision or control of another, whether or not the person carrying it out is paid for doing so.

Textual Amendments

- F103** Sch. 4 para. 2(1)(d) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), ss. 64(7)(a), 120, [Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(a)(bb) (with art. 4)
- F104** Words in Sch. 4 para. 2(2) substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), ss. 64(7)(b)(i), 120 (with s. 97); S.I. 2012/2234, art. 2(a) (with art. 4)
- F105** Sch. 4 para. 2(2)(d) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), ss. 64(7)(b)(ii), 120, [Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(a)(bb) (with art. 4)
- F106** Sch. 4 para. 2(3A)-(3D) inserted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), ss. 64(7)(c), 120 (with s. 97); S.I. 2012/2234, art. 2(a) (with art. 4)

Commencement Information

- I102** Sch. 4 para. 2 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545](#), [art. 4\(b\)](#)
- I103** Sch. 4 para. 2 in force at 19.5.2008 for specified purposes by [S.I. 2008/1320](#), [art. 2\(a\)](#)
- I104** Sch. 4 para. 2 in force at 20.1.2009 in so far as not already in force by [S.I. 2009/39](#), [art. 2\(1\)\(b\)](#)

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1105 Sch. 4 para. 2(1)(f) in force at 19.5.2008 for specified purposes by [S.I. 2008/1320](#), [art. 4\(w\)](#)

Establishments

- 3 (1) The establishments referred to in paragraph 1(2) and ^{F107}(9C)] are—
- (a) an educational institution which is exclusively or mainly for the provision of full-time education to children;
 - ^{F108}(aa) a school falling within section 19(2) or (2B) of the Education Act 1996 (pupil referral units etc) which does not fall within sub-paragraph (1)(a);]
 - ^{F109}(ab) an alternative provision Academy which does not fall within paragraph (a);]
 - (b) an establishment which is exclusively or mainly for the provision of nursery education (within the meaning of section 117 of the School Standards and Framework Act 1998 (c. 31));
 - ^{F110}(c)
 - (d) an institution which is exclusively or mainly for the detention of children;
 - ^{F111}(da) premises in Wales at which a secure accommodation service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 is provided;]
 - (e) a children's home ^{F112}in England] (within the meaning of section 1 of the Care Standards Act 2000 (c. 14));
 - ^{F113}(ea) premises in Wales at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 is provided wholly or mainly to children;]
 - (f) a home provided in pursuance of arrangements under section 82(5) of the Children Act 1989 (c. 41);
 - ^{F114}(fa) a children's centre (within the meaning of section 5A(4) of the Childcare Act 2006);]
 - (g) relevant childcare premises.
- (2) Relevant childcare premises are any part of premises on which a person carries on—
- (a) any form of childcare (within the meaning of section 18 of the Childcare Act 2006 (c. 21)) in respect of which he must be registered under that Act;
 - (b) any form of such childcare in respect of which he may be registered under that Act, whether or not he is so registered;
 - (c) any form of ^{F115}child minding or] day care ^{F116}(within the meaning of section 19 of the Children and Families (Wales) Measure 2010)] in respect of which he must be registered under that Act.
- ^{F117}(3) But premises on which a person carries on childcare or child minding are not relevant childcare premises if the premises are the home of a parent of at least one child to whom the childcare or child minding is provided.
- (4) For the purposes of paragraph (3) “parent” includes any person who has parental responsibility for a child or who has care of a child.
- (5) “Parental responsibility” has the same meaning as in the Children Act 1989.]

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Textual Amendments

- F107** Word in Sch. 4 para. 3(1) substituted (31.3.2010) by [The Safeguarding Vulnerable Groups Act 2006 \(Regulated Activity, Devolution and Miscellaneous Provisions\) Order 2010 \(S.I. 2010/1154\)](#), arts. 1(1), **4(a)**
- F108** Sch. 4 para. 3(1)(aa) inserted (31.3.2010) by [The Safeguarding Vulnerable Groups Act 2006 \(Regulated Activity, Devolution and Miscellaneous Provisions\) Order 2010 \(S.I. 2010/1154\)](#), arts. 1(1), **4(b)**
- F109** Sch. 4 para. 3(1)(ab) inserted (1.4.2012) by [The Alternative Provision Academies \(Consequential Amendments to Acts\) \(England\) Order 2012 \(S.I. 2012/976\)](#), art. 1, **Sch. para. 21(a)** (with art. 3)
- F110** Sch. 4 para. 3(1)(c) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), ss. 64(8), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(a)(bb) (with art. 4)
- F111** Sch. 4 para. 3(1)(da) inserted (2.4.2018) by [The Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2018 \(S.I. 2018/195\)](#), **regs. 2(1)**, 37(a)
- F112** Words in Sch. 4 para. 3(1)(e) inserted (2.4.2018) by [The Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2018 \(S.I. 2018/195\)](#), **regs. 2(1)**, 37(b)
- F113** Sch. 4 para. 3(1)(ea) inserted (2.4.2018) by [The Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2018 \(S.I. 2018/195\)](#), **regs. 2(1)**, 37(c)
- F114** Sch. 4 para. 3(1)(fa) inserted (12.1.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), **ss. 200**, 269(2)
- F115** Words in Sch. 4 para. 3(2)(c) inserted (12.10.2009) by [The Safeguarding Vulnerable Groups Act 2006 \(Regulated Activity, Miscellaneous and Transitional Provisions and Commencement No. 5\) Order 2009 \(S.I. 2009/2610\)](#), arts. 1(1), **25(2)**
- F116** Words in Sch. 4 para. 3(2)(c) substituted (1.4.2011) by [Children and Families \(Wales\) Measure 2010 \(nawm 1\)](#), s. 75(3), **Sch. 1 para. 28(c)**; S.I. 2010/2582, art. 2, Sch. 1 (with Schs. 2, 3)
- F117** Sch. 4 para. 3(3)-(5) inserted (12.10.2009) by [The Safeguarding Vulnerable Groups Act 2006 \(Regulated Activity, Miscellaneous and Transitional Provisions and Commencement No. 5\) Order 2009 \(S.I. 2009/2610\)](#), arts. 1(1), **25(3)**

Commencement Information

- I106** Sch. 4 para. 3 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545](#), **art. 4(b)**
- I107** Sch. 4 para. 3 in force at 19.5.2008 for specified purposes by [S.I. 2008/1320](#), **art. 2(a)**
- I108** Sch. 4 para. 3 in force at 20.1.2009 in so far as not already in force by [S.I. 2009/39](#), **art. 2(1)(b)**

F118 ...

Textual Amendments

- F118** Sch. 4 para. 4 and cross-heading repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), ss. 64(9), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(a)(bb) (with art. 4)

F118⁴

- 5 A person who is part of a group in relation to which another (P) engages in regulated activity relating to children does not engage in regulated activity only because he assists P or does anything on behalf of or under the direction of P which, but for this paragraph, would amount to engaging in regulated activity relating to children.

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Commencement Information

- I109** Sch. 4 para. 5 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545](#), [art. 4\(b\)](#)
I110 Sch. 4 para. 5 in force at 19.5.2008 for specified purposes by [S.I. 2008/1320](#), [art. 2\(a\)](#)
I111 Sch. 4 para. 5 in force at 20.1.2009 in so far as not already in force by [S.I. 2009/39](#), [art. 2\(1\)\(b\)](#)

[^{F119}Guidance

Textual Amendments

- F119** Sch. 4 para. 5A and cross-heading inserted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), [ss. 77\(6\)](#), [120](#) (with [s. 97](#)); [S.I. 2012/2234](#), [art. 2\(n\)](#)

- 5A (1) The Secretary of State must give guidance for the purpose of assisting regulated activity providers and personnel suppliers in deciding whether supervision is of such a kind that, as a result of paragraph 1(2B)(b), 2(3A) or 2(3B)(b), the person being supervised would not be engaging in regulated activity relating to children.
- (2) Before giving guidance under this paragraph, the Secretary of State must consult the Welsh Ministers.
- (3) The Secretary of State must publish guidance given under this paragraph.
- (4) A regulated activity provider or a personnel supplier must, in exercising any functions under this Act, have regard to guidance for the time being given under this paragraph.]

Exceptions

- 6 The Secretary of State may, by order, provide that in such circumstances as are specified an activity which is a regulated activity in relation to children is not to be treated as a regulated activity.

Commencement Information

- I112** Sch. 4 para. 6 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545](#), [art. 4\(b\)](#)
I113 Sch. 4 para. 6 in force at 19.5.2008 for specified purposes by [S.I. 2008/1320](#), [art. 2\(a\)](#)
I114 Sch. 4 para. 6 in force at 19.5.2008 for specified purposes by [S.I. 2008/1320](#), [art. 5\(p\)](#)
I115 Sch. 4 para. 6 in force at 20.1.2009 in so far as not already in force by [S.I. 2009/39](#), [art. 2\(1\)\(b\)](#)

PART 2

REGULATED ACTIVITY RELATING TO VULNERABLE ADULTS

- 7 ^{F120}(1) Each of the following is a regulated activity relating to vulnerable adults—
- the provision to an adult of health care by, or under the direction or supervision of, a health care professional,
 - the provision to an adult of relevant personal care,

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- (c) the provision by a social care worker of relevant social work to an adult who is a client or potential client,
 - (d) the provision of assistance in relation to general household matters to an adult who is in need of it by reason of age, illness or disability,
 - (e) any relevant assistance in the conduct of an adult's own affairs,
 - (f) the conveying by persons of a prescribed description in such circumstances as may be prescribed of adults who need to be conveyed by reason of age, illness or disability,
 - (g) such activities—
 - (i) involving, or connected with, the provision of health care or relevant personal care to adults, and
 - (ii) not falling within any of the above paragraphs,
 as are of a prescribed description.
- (2) Health care includes all forms of health care provided for individuals, whether relating to physical or mental health and also includes palliative care and procedures that are similar to forms of medical or surgical care but are not provided in connection with a medical condition.
- (3) A health care professional is a person who is a member of a profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002.
- (3A) Any reference in this Part of this Schedule to health care provided by, or under the direction or supervision of, a health care professional includes a reference to first aid provided to an adult by any person acting on behalf of an organisation established for the purpose of providing first aid.
- (3B) Relevant personal care means—
- (a) physical assistance, given to a person who is in need of it by reason of age, illness or disability, in connection with—
 - (i) eating or drinking (including the administration of parenteral nutrition),
 - (ii) toileting (including in relation to the process of menstruation),
 - (iii) washing or bathing,
 - (iv) dressing,
 - (v) oral care, or
 - (vi) the care of skin, hair or nails,
 - (b) the prompting, together with supervision, of a person who is in need of it by reason of age, illness or disability in relation to the performance of any of the activities listed in paragraph (a) where the person is unable to make a decision in relation to performing such an activity without such prompting and supervision, or
 - (c) any form of training, instruction, advice or guidance which—
 - (i) relates to the performance of any of the activities listed in paragraph (a),
 - (ii) is given to a person who is in need of it by reason of age, illness or disability, and
 - (iii) does not fall within paragraph (b).

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- (3C) Relevant social work has the meaning given by section 55(4) of the Care Standards Act 2000 and social care worker means a person who is a social care worker by virtue of section 55(2)(a) of that Act.
- [^{F121}(3CA) In relation to a vulnerable adult in Wales, relevant social work has the meaning given by section 79(4) of the Regulation and Inspection of Social Care (Wales) Act 2016, and social care worker means a person who is a social care worker by virtue of section 79(1)(a) of that Act.]
- (3D) Assistance in relation to general household matters is day to day assistance in relation to the running of the household of the person concerned where the assistance is the carrying out of one or more of the following activities on behalf of that person—
- (a) managing the person's cash,
 - (b) paying the person's bills,
 - (c) shopping.
- (3E) Relevant assistance in the conduct of a person's own affairs is anything done on behalf of the person by virtue of—
- (a) a lasting power of attorney created in respect of the person in accordance with section 9 of the Mental Capacity Act 2005,
 - (b) an enduring power of attorney (within the meaning of Schedule 4 to that Act) in respect of the person which is—
 - (i) registered in accordance with that Schedule, or
 - (ii) the subject of an application to be so registered,
 - (c) an order made under section 16 of that Act by the Court of Protection in relation to the making of decisions on the person's behalf,
 - (d) the appointment of an independent mental health advocate or (as the case may be) an independent mental capacity advocate in respect of the person in pursuance of arrangements under section 130A of the Mental Health Act 1983 or section 35 of the Mental Capacity Act 2005,
 - (e) the provision of independent advocacy services (within the meaning of section 248 of the National Health Service Act 2006 or section 187 of the National Health Service (Wales) Act 2006) in respect of the person, or
 - (f) the appointment of a representative to receive payments on behalf of the person in pursuance of regulations made under the Social Security Administration Act 1992.]
- [^{F122}(3EA) Relevant assistance in the conduct of a person's own affairs is also representing or supporting the person in pursuance of arrangements made under section 67 or 68 of the Care Act 2014 (independent advocacy support).]
- ^{F123}(4)
- (5) Any activity which consists in or involves on a regular basis the day to day management or supervision of a person carrying out an activity mentioned in subparagraph (1) ^{F124}... is a regulated activity relating to vulnerable adults.
- [^{F125}(6) The exercise of an inspection function of the Welsh Ministers so far as the function gives the person exercising the function the opportunity, in consequence of anything the person is permitted or required to do in the exercise of that function, to have contact with vulnerable adults, is a regulated activity relating to vulnerable adults.]
- (7) [^{F126}An inspection function is a function] relating to the inspection of—

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- (a) a local authority (within the meaning of section 1 of the Local Authority Social Services Act 1970 (c. 42)) in the exercise of its social services functions (within the meaning of that Act),
 - (b) an establishment in relation to which a requirement to register arises under section 11 of the Care Standards Act 2000,
 - (c) an agency in relation to which such a requirement arises,
 - (d) a person to whom Part 2 of that Act applies in pursuance of [^{F127}regulations] under section 42 of that Act,
 - [^{F128}(da) a service provider within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016,]
 - (e) an NHS body within the meaning of section 148 of the Health and Social Care (Community Health and Standards) Act 2003, or
 - (f) any person, other than a local authority, providing ^{F129}... Welsh local authority social services within the meaning of that section,
- in so far as the inspection relates to social services, care, treatment or therapy provided for vulnerable adults by the establishment, agency, person or body.
- (8) In sub-paragraph (7)(e) the reference to an NHS body includes a reference to any person who provides, or is to provide, health care for the body (wherever the health care is or is to be provided).

^{F130}(8A)

- (9) The exercise of a function of [^{F131}the Commissioner for older people in Wales or the deputy Commissioner for older people in Wales] is a regulated activity relating to vulnerable adults.
- (10) A person who is part of a group in relation to which another (P) engages in regulated activity relating to vulnerable adults does not engage in regulated activity only because he assists P or does anything on behalf of or under the direction of P which, but for this sub-paragraph, would amount to engaging in regulated activity relating to vulnerable adults.

Textual Amendments

- F120** Sch. 4 para. 7(1)-(3E) substituted for Sch. 4 para. 7(1)-(3) (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), ss. **66(2)**, 120 (with s. 97); S.I. 2012/2234, art. 2(c) (with art. 4)
- F121** Sch. 4 para. 7(3CA) inserted (3.4.2017) by [Regulation and Inspection of Social Care \(Wales\) Act 2016 \(anaw 2\)](#), s. 188(1), **Sch. 3 para. 56(b)**; S.I. 2017/309, art. 2(j) (with arts. 3, 4, Sch.)
- F122** Sch. 4 para. 7(3EA) inserted (1.4.2015) by [The Care Act 2014 and Children and Families Act 2014 \(Consequential Amendments\) Order 2015 \(S.I. 2015/914\)](#), art. 1(2), **Sch. para. 87** (with arts. 1(3), 3)
- F123** Sch. 4 para. 7(4) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), ss. 66(3), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(c)(bb) (with art. 4)
- F124** Words in Sch. 4 para. 7(5) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), ss. 66(4), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(c)(bb) (with art. 4)

Status: Point in time view as at 02/04/2018.

Changes to legislation: Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 10 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- F125** Sch. 4 para. 7(6) substituted (31.3.2010) by [The Safeguarding Vulnerable Groups Act 2006 \(Regulated Activity, Devolution and Miscellaneous Provisions\) Order 2010 \(S.I. 2010/1154\)](#), arts. 1(1), **7(2)**
- F126** Words in Sch. 4 para. 7(7) substituted (31.3.2010) by [The Safeguarding Vulnerable Groups Act 2006 \(Regulated Activity, Devolution and Miscellaneous Provisions\) Order 2010 \(S.I. 2010/1154\)](#), arts. 1(1), **7(3)**
- F127** Word in Sch. 4 para. 7(7)(d) substituted (31.3.2010) by [The Safeguarding Vulnerable Groups Act 2006 \(Regulated Activity, Devolution and Miscellaneous Provisions\) Order 2010 \(S.I. 2010/1154\)](#), arts. 1(1), **9**
- F128** Sch. 4 para. 7(7)(da) inserted (2.4.2018) by [The Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2018 \(S.I. 2018/195\)](#), **regs. 2(1)**, 38
- F129** Words in Sch. 4 para. 7(7)(f) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), ss. 66(5), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(c)(bb) (with art. 4)
- F130** Sch. 4 para. 7(8A) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), ss. 66(6), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(c)(bb) (with art. 4)
- F131** Words in Sch. 4 para. 7(9) substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), ss. 66(7), 120 (with s. 97); S.I. 2012/2234, art. 2(c) (with art. 4)

Commencement Information

- I116** Sch. 4 para. 7 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545](#), **art. 4(b)**
- I117** Sch. 4 para. 7 in force at 19.5.2008 for specified purposes by [S.I. 2008/1320](#), **art. 2(a)**
- I118** Sch. 4 para. 7 in force at 20.1.2009 in so far as not already in force by [S.I. 2009/39](#), **art. 2(1)(b)**

F132g

Textual Amendments

- F132** Sch. 4 para. 8 repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), ss. 66(8), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(c)(bb) (with art. 4)

9 The Secretary of State may, by order, provide that in such circumstances as are specified an activity which is a regulated activity in relation to vulnerable adults is not to be treated as a regulated activity.

Commencement Information

- I119** Sch. 4 para. 9 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545](#), **art. 4(b)**
- I120** Sch. 4 para. 9 in force at 19.5.2008 for specified purposes by [S.I. 2008/1320](#), **art. 2(a)**
- I121** Sch. 4 para. 9 in force at 19.5.2008 for specified purposes by [S.I. 2008/1320](#), **art. 5(p)**
- I122** Sch. 4 para. 9 in force at 20.1.2009 in so far as not already in force by [S.I. 2009/39](#), **art. 2(1)(b)**

Status: Point in time view as at 02/04/2018.

Changes to legislation: Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 10 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

PART 3

THE PERIOD CONDITION

- 10 (1) The period condition is satisfied if the person carrying out the activity does so at any time on more than [^{F133}three] days in any period of 30 days.
- (2) In relation to an activity that falls within paragraph 2(1)(a), (b) [^{F134}or (c)]^{F135} ..., the period condition is also satisfied if—
- (a) the person carrying out the activity does so at any time between 2 a.m. and 6 a.m. and
 - (b) the activity gives the person the opportunity to have face-to-face contact with children ^{F136}

Textual Amendments

F133 Word in Sch. 4 para. 10(1) substituted (31.3.2010) by [The Safeguarding Vulnerable Groups Act 2006 \(Regulated Activity, Devolution and Miscellaneous Provisions\) Order 2010 \(S.I. 2010/1154\)](#), arts. 1(1), **10**

F134 Words in Sch. 4 para. 10(2) substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), ss. **64(10)**, 120 (with s. 97); S.I. 2012/2234, art. 2(a) (with art. 4)

F135 Words in Sch. 4 para. 10(2) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), ss. 66(9)(a), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(c)(bb) (with art. 4)

F136 Words in Sch. 4 para. 10(2)(b) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), ss. 66(9)(b), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(c)(bb) (with art. 4)

Commencement Information

I123 Sch. 4 para. 10 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545](#), art. 4(b)

I124 Sch. 4 para. 10 in force at 19.5.2008 for specified purposes by [S.I. 2008/1320](#), art. 2(a)

I125 Sch. 4 para. 10 in force at 20.1.2009 in so far as not already in force by [S.I. 2009/39](#), art. 2(1)(b)

Textual Amendments

F137 Sch. 5 repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, **Sch. 9 para. 51**, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)

Status: Point in time view as at 02/04/2018.

Changes to legislation: Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 10 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

F138 SCHEDULE 6

Section 12

EMPLOYMENT BUSINESSES: FAILURE TO CHECK

Textual Amendments

F138 Sch. 6 repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012](#) (c. 9), s. 120, Sch. 9 para. 52, [Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)

Offences

PROSPECTIVE

...

2

PROSPECTIVE

F138 ...

...

PROSPECTIVE

F138 ...

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Power to amend paragraph 2(1)(c)

.....

PROSPECTIVE

F138

...

Status: Point in time view as at 02/04/2018.

Changes to legislation: Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 10 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULE 7

Section 30

[^{F139}BARRING INFORMATION]**Textual Amendments**

F139 Words in [Sch. 7](#) heading substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 73\(4\)](#) (with s. 97); [S.I. 2012/2234, art. 2\(aa\)\(iv\)](#)

1 This is the table referred to in [^{F140}sections 30A and 30B]—

<i>Column 1</i>	<i>Column 2</i>
1. Person who permits, or is considering whether to permit, B to engage in regulated activity relating to children	Children
2. Person who permits, or is considering whether to permit, B to engage in regulated activity relating to vulnerable adults	Vulnerable adults
F141	F141
...	...
F141	F141
...	...
5. Personnel supplier in connection with the supply, or possible supply, of B to another person for B to engage in regulated activity relating to children	Children
6. Personnel supplier in connection with the supply, or possible supply, of B to another person for B to engage in regulated activity relating to vulnerable adults	Vulnerable adults
F142	F142
...	...
F142	F142
...	...
9. Person who has parental responsibility for a child and is considering whether B is suitable to engage in regulated activity in relation to the child, but not if B is permitted to do so by an independent regulated activity provider	Children

Status: Point in time view as at 02/04/2018.

Changes to legislation: Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 10 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- | | |
|---|-------------------|
| 10. Parent who is considering whether B should be a private foster parent (within the meaning of section 53) in relation to his child | Children |
| 11. Person (except the parent of a child to be fostered) making or who has made arrangements for another to foster a child who is considering whether B is suitable to live in premises in which the child is fostered | Children |
| 12. Local authority (within the meaning of the Children Act 1989) in the exercise of functions under section 67 of that Act considering whether B is suitable —
(a) to foster a child privately (within the meaning of that Act);
(b) to live in premises in which a child is so fostered | Children |
| 13. Person who is considering whether B is suitable to engage in regulated activity in relation to a vulnerable adult who is a friend or family member of the person, but not if B is permitted to do so by an independent regulated activity provider | Vulnerable adults |
| 14. Person who carries on an adult placement scheme and is considering whether B is suitable to live in premises in which an adult is provided with accommodation as part of the scheme | Vulnerable adults |
| 15. Person who is permitting, or considering whether to permit, B to have access to health or educational records relating to a child | Children |
| 16. Person who is permitting, or considering whether to permit, B to have access to health records relating to vulnerable adults | Vulnerable adults |
| F143
... | Children |
| 18. Person who is permitting, or is considering whether to permit, B to engage in an activity in respect of which financial resources are provided pursuant to [F144] section F145 | Children |

Status: Point in time view as at 02/04/2018.

Changes to legislation: Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 10 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

... 100 of the Apprenticeships, Skills, Children and Learning Act 2009 [^{F146}, section 14 of the Education Act 2002] or section] 34(1) of the Learning and Skills Act 2000 (c. 21), if engaging in the activity gives B the opportunity to have contact with children

F147

F147

...

...

[^{F148}19. The [^{F149}DBS] in relation to members and employees and prospective members and employees of the [^{F149}DBS]]

[^{F148}Children and vulnerable adults]

Textual Amendments

- F140** Words in Sch. 7 para. 1 substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by Protection of Freedoms Act 2012 (c. 9), s. 120, **Sch. 9 para. 73(2)(a)** (with s. 97); S.I. 2012/2234, art. 2(aa)(iv)
- F141** Sch. 7 para. 1 entries 3, 4 repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by Protection of Freedoms Act 2012 (c. 9), s. 120, Sch. 9 para. 73(2)(b), **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(iv)
- F142** Sch. 7 para. 1 entries 7, 8 repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by Protection of Freedoms Act 2012 (c. 9), s. 120, Sch. 9 para. 73(2)(b), **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(iv)
- F143** Sch. 7 para. 1 entry 17 repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by Protection of Freedoms Act 2012 (c. 9), s. 120, Sch. 9 para. 73(2)(b), **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(iv)
- F144** Words in Sch. 7 para. 1 substituted (1.4.2010) by The Apprenticeships, Skills, Children and Learning Act 2009 (Consequential Amendments) (England and Wales) Order 2010 (S.I. 2010/1080), art. 1(2)(a), **Sch. 1 para. 71** (with art. 2(3))
- F145** Words in Sch. 7 para. 1 omitted (1.4.2012) by virtue of Education Act 2011 (c. 21), s. 82(3), **Sch. 16 para. 38(a)**; S.I. 2012/924, art. 2
- F146** Words in Sch. 7 para. 1 inserted (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 16 para. 38(b)**; S.I. 2012/924, art. 2
- F147** Sch. 7 para. 1 entry 19 repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by Protection of Freedoms Act 2012 (c. 9), ss. 72(4), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(i)(bb)
- F148** Sch. 7 para. 1 new entry 19 inserted (10.9.2012) by The Safeguarding Vulnerable Groups Act 2006 (Miscellaneous Provisions) Order 2012 (S.I. 2012/2113), arts. 1(2), **8**
- F149** Word in Sch. 7 para. 1 substituted (1.12.2012) by The Protection of Freedoms Act 2012 (Disclosure and Barring Service Transfer of Functions) Order 2012 (S.I. 2012/3006), arts. 1(1), **3(g)** (with Pt. 4)

Commencement Information

- I126** Sch. 7 para. 1 in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 4(z)**

Status: Point in time view as at 02/04/2018.

Changes to legislation: Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 10 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

2 The Secretary of State may by order amend ^{F150}this Schedule].

Textual Amendments

F150 Words in [Sch. 7 para. 2](#) substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), ss. 72\(5\), 120 \(with s. 97\); S.I. 2012/2234, art. 2\(i\)](#)

Commencement Information

I127 Sch. 7 para. 2 in force at 19.5.2008 for specified purposes by [S.I. 2008/1320, art. 5\(s\)](#)

PROSPECTIVE

- 3 (1) In entries 1 and 5 in the table the reference to regulated activity must be construed by disregarding sub-paragraph (2) of paragraph 2 of Schedule 4 if the activity—
- (a) relates to a child who has not attained the age of 16, or
 - ^{F151}(b)
- (2) In entries [^{F152}1, 5 and 9] in the table the reference to regulated activity includes a reference to an activity which would be a regulated activity if—
- (a) it were carried out frequently, or
 - (b) it were not merely incidental to another activity.
- ^{F153}(3)

Textual Amendments

F151 Sch. 7 para. 3(1)(b) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), ss. 72\(6\), 120, Sch. 10 Pt. 5 \(with s. 97\); S.I. 2012/2234, art. 2\(i\)\(bb\)](#)

F152 Words in Sch. 7 para. 3(2) substituted (10.9.2012) by [The Safeguarding Vulnerable Groups Act 2006 \(Miscellaneous Provisions\) Order 2012 \(S.I. 2012/2113\), arts. 1\(2\), 9](#)

F153 Sch. 7 para. 3(3) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 73\(3\), Sch. 10 Pt. 5 \(with s. 97\); S.I. 2012/2234, art. 2\(aa\)\(bb\)\(iv\)](#)

PROSPECTIVE

4 Parental responsibility has the same meaning as in the Children Act 1989 (c. 41).

PROSPECTIVE

5 A regulated activity provider is an independent regulated activity provider unless it is a company wholly owned by B.

Status: Point in time view as at 02/04/2018.

Changes to legislation: Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 10 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

PROSPECTIVE

- 6 An adult placement scheme is a scheme—
 - (a) under which an individual agrees with the person carrying on the scheme to provide accommodation, in the home in which the individual ordinarily resides, to an adult who is in need of it, and
 - (b) in respect of which a requirement to register [^{F154}arises—
 - (i) in relation to England, under section 10 of the Health and Social Care Act 2008, ^{F155} ...
 - ^{F156}(ii)]

Textual Amendments

F154 Words in Sch. 7 para. 6(b) substituted (1.10.2010) by [The Health and Social Care Act 2008 \(Consequential Amendments No.2\) Order 2010 \(S.I. 2010/813\)](#), [art. 19\(6\)](#)

F155 Word in Sch. 7 para. 6(b) omitted (29.4.2019) by virtue of [The Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2019 \(S.I. 2019/772\)](#), regs. 1(2), [28\(b\)\(i\)](#)

F156 Sch. 7 para. 6(b)(ii) omitted (29.4.2019) by virtue of [The Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2019 \(S.I. 2019/772\)](#), regs. 1(2), [28\(b\)\(ii\)](#)

SCHEDULE 8

Section 62

TRANSITIONAL PROVISIONS

Advice by [^{F157}DBS]

Textual Amendments

F157 Word in Sch. 8 para. 1 heading substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), [3\(h\)](#) (with Pt. 4)

- 1 [^{F158}DBS] must provide the Secretary of State with such advice as he requests in connection with—
 - (a) any decision in relation to the inclusion of a person in the list kept under section 1 of the Protection of Children Act 1999 (c. 14);
 - (b) any decision in relation to the inclusion of a person in the list kept under section 81 of the Care Standards Act 2000 (c. 14);
 - (c) any decision in relation to a direction under section 142 of the Education Act 2002 (c. 32) in relation to a person.

Textual Amendments

F158 Word in Sch. 8 para. 1 substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), [3\(h\)](#) (with Pt. 4)

Status: Point in time view as at 02/04/2018.

Changes to legislation: Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 10 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

I128 Sch. 8 para. 1 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545](#), [art. 4\(q\)](#)

Existing restrictions relating to children

- 2 (1) This paragraph applies to a person who is—
- (a) included in the list kept under section 1 of the Protection of Children Act 1999 (c. 14) (individuals considered unsuitable to work with children);
 - (b) disqualified from working with children by virtue of an order of the court under section 28, 29 or 29A of the Criminal Justice and Court Services Act 2000 (c. 43);
 - (c) subject to a direction under section 142 of the Education Act 2002 (prohibition from teaching etc).
- (2) The Secretary of State may, by order, make such provision as he thinks appropriate—
- (a) requiring [^{F159}DBS] to include the person in the children's barred list;
 - (b) requiring [^{F159}DBS] to consider including the person in the children's barred list;
 - (c) as to circumstances in which the person may make representations to [^{F159}DBS] and the time at which such representations may be made;
 - (d) modifying the provisions of this Act so as to enable the person to engage in regulated activity of such description as is specified in the order in such circumstances as are so specified;
 - (e) modifying anything done under paragraph 15 or in paragraphs 16 to 21 of Schedule 3 in connection with [^{F159}DBS's] consideration of any matter relating to the person.
- (3) An order under this paragraph may contain provision—
- ^{F160}(a)
 - (b) enabling the General Teaching Council for Wales to make determinations on an application by a person who has ceased to be subject to a direction under section 142 of the Education Act 2002 in relation to his eligibility for registration under the Teaching and Higher Education Act 1998;
 - ^{F160}(c)
 - (d) for the Welsh Ministers to prescribe the procedure in relation to an application as mentioned in paragraph (b).
- (4) In sub-paragraph [^{F161}(3)(d)] “prescribe” means prescribe by regulations made by statutory instrument.
- (5) Regulations made by virtue of sub-paragraph (3)(c) are subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) Regulations made by virtue of sub-paragraph (3)(d) are subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (7) Sections 61(5) and 64(1) apply to power to make regulations by virtue of sub-paragraph [^{F162}(3)(d)] as they apply to power to make regulations under this Act.

Status: Point in time view as at 02/04/2018.

Changes to legislation: Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 10 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

- F159** Word in Sch. 8 para. 2(2) substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **3(h)** (with Pt. 4)
- F160** Sch. 8 para. 2(3)(a)(c) omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 2 para. 27(5)(a)**; S.I. 2012/924, art. 2
- F161** Words in Sch. 8 para. 2(4) substituted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 2 para. 27(5)(b)**; S.I. 2012/924, art. 2
- F162** Words in Sch. 8 para. 2(7) substituted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 2 para. 27(5)(c)**; S.I. 2012/924, art. 2

Commencement Information

- I129** Sch. 8 para. 2 in force at 31.12.2007 for specified purposes by S.I. 2007/3545, **art. 2(h)**
- I130** Sch. 8 para. 2 in force at 11.2.2008 for specified purposes by S.I. 2007/3545, **art. 4(q)**

Existing restrictions relating to vulnerable adults

- 3 (1) This paragraph applies to a person who is included in the list kept under section 81 of the Care Standards Act 2000 (c. 14) (individuals considered unsuitable to work with certain adults).
- (2) The Secretary of State may, by order, make such provision as he thinks appropriate—
- requiring [^{F163}DBS] to include the person in the adults' barred list;
 - requiring [^{F163}DBS] to consider including the person in the adults' barred list;
 - as to circumstances in which the person may make representations to [^{F163}DBS] and the time at which such representations may be made;
 - modifying the provisions of this Act so as to enable the person to engage in regulated activity of such description as is specified in the order in such circumstances as are so specified;
 - modifying anything done under paragraph 15 or in paragraphs 16 to 21 of Schedule 3 in connection with [^{F163}DBS's] consideration of any matter relating to the person.

Textual Amendments

- F163** Word in Sch. 8 para. 3(2) substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **3(h)** (with Pt. 4)

Commencement Information

- I131** Sch. 8 para. 3 in force at 31.12.2007 for specified purposes by S.I. 2007/3545, **art. 2(h)**
- I132** Sch. 8 para. 3 in force at 11.2.2008 for specified purposes by S.I. 2007/3545, **art. 4(q)**

Existing restrictions: supplementary

- 4 An order under paragraph 2 or 3 may—
- modify any criminal offence created by this Act;
 - create any new criminal offence,
- but the penalty for an offence created by virtue of this paragraph must not exceed level 5 on the standard scale.

Status: Point in time view as at 02/04/2018.

Changes to legislation: Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 10 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

- I133** Sch. 8 para. 4 in force at 31.12.2007 for specified purposes by [S.I. 2007/3545](#), [art. 2\(h\)](#)
I134 Sch. 8 para. 4 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545](#), [art. 4\(q\)](#)

F164 ...

Textual Amendments

- F164** Sch. 8 para. 5 and cross-heading repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, [Sch. 9 para. 74](#), [Sch. 10 Pt. 5](#) (with s. 97); [S.I. 2012/2234](#), [art. 2\(aa\)\(bb\)\(iv\)](#)

F1645

SCHEDULE 9

Section 63

AMENDMENTS

PART 1

EXISTING LISTS

Children Act 1989 (c. 41)

- 1 In Schedule 9A to the Children Act 1989 (child minding and day care for young children), after paragraph 4(2)(b) insert—
“(ba) he is barred from regulated activity relating to children (within the meaning of section 3(2) of the Safeguarding Vulnerable Groups Act 2006);”.

Commencement Information

- I135** Sch. 9 para. 1 in force at 12.10.2009 by [S.I. 2009/2611](#), [art. 2](#), [Sch.](#)

Teaching and Higher Education Act 1998 (c. 30)

- 2 The Teaching and Higher Education Act 1998 is amended as follows.

Commencement Information

- I136** Sch. 9 para. 2 in force at 17.12.2008 for specified purposes by [S.I. 2008/3204](#), [art. 2\(c\)](#)
I137 Sch. 9 para. 2 in force at 20.1.2009 for specified purposes by [S.I. 2009/39](#), [art. 2\(1\)\(l\)\(3\)\(h\)](#)
I138 Sch. 9 para. 2 in force at 12.10.2009 in so far as not already in force by [S.I. 2009/2611](#), [art. 2](#), [Sch.](#)

Status: Point in time view as at 02/04/2018.

Changes to legislation: Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 10 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

3 Section 2(4) (advisory functions of General Teaching Council) is omitted.

Commencement Information

I139 Sch. 9 para. 3 in force at 12.10.2009 by [S.I. 2009/2611](#), [art. 2](#), [Sch.](#)

4 In section 3(3) (eligibility for registration), after paragraph (a) insert—
 “(aa) barred from regulated activity relating to children (within the meaning of section 3(2) of the Safeguarding Vulnerable Groups Act 2006).”.

Commencement Information

I140 Sch. 9 para. 4 in force at 12.10.2009 by [S.I. 2009/2611](#), [art. 2](#), [Sch.](#)

- 5 (1) Section 15 (supply of information following dismissal etc) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (a) for “a person's services on a ground mentioned in section 142 of the Education Act 2002” substitute “ the services of a registered teacher on a ground mentioned in subsection (1A) ”;
 - (b) in paragraph (b)—
 - (i) for “a person's” substitute “ a registered teacher's ”;
 - (ii) for “section” substitute “ subsection ”;
 - (iii) for “the person” substitute “ the teacher ”.
- (3) After subsection (1) insert—
- “(1A) The grounds are—
- (a) misconduct;
 - (b) professional incompetence;
 - (c) conviction of a relevant offence within the meaning of paragraph 8 of Schedule 2.”

(4) In subsection (2)—

 - (a) for “a person” substitute “ a teacher ”;
 - (b) for the words from “such of the following” to the end substitute “ the Council ”.

(5) In subsection (3)—

 - (a) for “a person” substitute “ a teacher ”.
 - (b) for the words from “such of the following” to the end substitute “ the General Teaching Council for Wales ”.

(6) Omit subsection (4).

(7) In subsection (5) for the definition of “relevant employer” substitute—

““relevant employer” means—

 - (a) a local education authority;
 - (b) a person exercising a function relating to the provision of education on behalf of a local education authority;

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- (c) the proprietor of a school;
- (d) the governing body of a further education institution;

“education” includes vocational, social, physical and recreational training;

“proprietor” and “school” have the meanings given in the Education Act 1996;

“further education institution” has the meaning given in section 140 of the Education Act 2002;”.

Commencement Information

- I141** Sch. 9 para. 5 in force at 12.10.2009 in so far as not already in force by [S.I. 2009/2611](#), art. 2, **Sch.**
- I142** Sch. 9 para. 5(1) in force at 17.12.2008 for specified purposes by [S.I. 2008/3204](#), **art. 2(b)(iii)**
- I143** Sch. 9 para. 5(1) in force at 20.1.2009 for specified purposes by [S.I. 2009/39](#), **art. 2(1)(l)(3)(c)**
- I144** Sch. 9 para. 5(2)(3)(6)(7) in force at 17.12.2008 for specified purposes for E. by [S.I. 2008/3204](#), **art. 2(b)(i)**
- I145** Sch. 9 para. 5(2)(3)(6)(7) in force at 20.1.2009 for E. so far as not already in force by [S.I. 2009/39](#), **art. 2(1)(l)(3)(a)**
- I146** Sch. 9 para. 5(4) in force at 17.12.2008 for specified purposes by [S.I. 2008/3204](#), **art. 2(b)(ii)**
- I147** Sch. 9 para. 5(4) in force at 20.1.2009 in so far as not already in force by [S.I. 2009/39](#), **art. 2(1)(l)(3)(b)**

- 6 (1) Section 15A (supply of information by contractor, agency, etc) is amended as follows.
- (2) In subsection (1) for “another person (the “worker”)” substitute “ a registered teacher (the “teacher”) ”.
 - (3) In subsection (2)—
 - (a) in paragraph (a) for “section 142 of the Education Act 2002” substitute “ section 15(1A) ”;
 - (b) in paragraph (b) for “section” substitute “ subsection ”;
 - (c) in paragraph (c)—
 - (i) for “worker” substitute “ teacher ”;
 - (ii) for “section” substitute “ subsection ”.
 - (4) In subsection (3)—
 - (a) for “worker” substitute “ teacher ”;
 - (b) for the words from “such of the following” to the end substitute “ the Council ”.
 - (5) In subsection (4)—
 - (a) for “worker” substitute “ teacher ”;
 - (b) for the words from “such of the following” to the end substitute “ the General Teaching Council for Wales ”.
 - (6) In subsection (9)—
 - (a) for “Subsections (4) and” substitute “ Subsection ”;
 - (b) for “they apply” substitute “ it applies ”.

Status: Point in time view as at 02/04/2018.

Changes to legislation: Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 10 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

- I148** Sch. 9 para. 6 in force at 12.10.2009 in so far as not already in force by [S.I. 2009/2611](#), [art. 2](#), [Sch.](#)
- I149** Sch. 9 para. 6(1) in force at 17.12.2008 for specified purposes by [S.I. 2008/3204](#), [art. 2\(b\)\(vi\)](#)
- I150** Sch. 9 para. 6(1) in force at 20.1.2009 for specified purposes by [S.I. 2009/39](#), [art. 2\(1\)\(l\)\(3\)\(f\)](#)
- I151** Sch. 9 para. 6(2)(3)(6) in force at 17.12.2008 for specified purposes for E. by [S.I. 2008/3204](#), [art. 2\(b\)\(iv\)](#)
- I152** Sch. 9 para. 6(2)(3)(6) in force at 20.1.2009 for E. so far as not already in force by [S.I. 2009/39](#), [art. 2\(1\)\(l\)\(3\)\(d\)](#)
- I153** Sch. 9 para. 6(4) in force at 17.12.2008 for specified purposes by [S.I. 2008/3204](#), [art. 2\(b\)\(v\)](#)
- I154** Sch. 9 para. 6(4) in force at 20.1.2009 in so far as not already in force by [S.I. 2009/39](#), [art. 2\(1\)\(l\)\(3\)\(e\)](#)

- 7 In paragraph 1(4) of Schedule 2 (disciplinary powers of Council), for the words from “of the powers exercisable” to the end substitute “ of the powers exercisable by the Independent Barring Board under the Safeguarding Vulnerable Groups Act 2006 ”.

Commencement Information

- I155** Sch. 9 para. 7 in force at 17.12.2008 for specified purposes for E. by [S.I. 2008/3204](#), [art. 2\(b\)\(vii\)](#)
- I156** Sch. 9 para. 7 in force at 20.1.2009 for E. so far as not already in force by [S.I. 2009/39](#), [art. 2\(1\)\(l\)\(3\)\(g\)](#)
- I157** Sch. 9 para. 7 in force at 12.10.2009 in so far as not already in force by [S.I. 2009/2611](#), [art. 2](#), [Sch.](#)

Protection of Children Act 1999 (c. 14)

- 8 (1) The Protection of Children Act 1999 is amended as follows.
- (2) Sections 1 to 4C and 7 (list of persons considered unsuitable to work with children) are omitted.
- (3) In section 9 (the Tribunal)—
- (a) in subsection (1), omit the words from “ which shall exercise ” to the end;
 - (b) in subsection (2)—
 - (i) omit paragraphs (a) and (b);
 - (ii) in paragraph (d), for “68, 86, 87 or 88” substitute “ or 68 ”;
 - (iii) omit paragraph (e);
 - (c) omit subsection (3A).
- (4) In section 12 (interpretation)—
- (a) in subsection “ (1) ”, omit all the definitions except the definition of “prescribed”;
 - (b) omit subsections “ (2) to (3A) ”.

Commencement Information

- I158** Sch. 9 para. 8 in force at 12.10.2009 by [S.I. 2009/2611](#), [art. 2](#), [Sch.](#)

Care Standards Act 2000 (c. 14)

- 9 Sections 80 to 89 and 91 to 93 of the Care Standards Act 2000 (list of persons considered unsuitable to work with vulnerable adults) are omitted.

Status: Point in time view as at 02/04/2018.

Changes to legislation: Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 10 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

I159 Sch. 9 para. 9 in force at 12.10.2009 by [S.I. 2009/2611](#), [art. 2](#), [Sch.](#)

Childcare Act 2006

- 10 (1) In section 75(3) of the Childcare Act 2006 (disqualification from registration), after paragraph (b) insert—

“(ba) he is barred from regulated activity relating to children (within the meaning of section 3(2) of the Safeguarding Vulnerable Groups Act 2006);”.

Commencement Information

I160 Sch. 9 para. 10 in force at 19.5.2008 by [S.I. 2008/1320](#), [art. 2\(d\)](#)

PART 2

OTHER AMENDMENTS

Police Pensions Act 1976 (c. 35)

- 11 (1) The Police Pensions Act 1976 is amended as follows.
- (2) In section 7(2) (persons eligible for police pensions), after paragraph (cf) insert—
- “(cg) a member of staff of the Independent Barring Board who holds the office of constable;”.
- (3) In section 11—
- (a) in subsection (1) (references to membership of a police force etc.), after paragraph (bf) insert—
- “(bg) service, by a person holding the office of constable, as a member of staff of the Independent Barring Board;”
- (b) in subsection (2) (meaning of “police authority”), after paragraph (f) insert—
- “(bg) in relation to any service such as is mentioned in subsection (1)(bg), it means the Independent Barring Board;”
- (c) in subsection (3) (meaning of “police force”), in paragraph (b), after “(bf),” insert “(bg),”>.

Commencement Information

I161 Sch. 9 para. 11 in force at 12.10.2009 by [S.I. 2009/2611](#), [art. 2](#), [Sch.](#)

Children Act 1989 (c. 41)

- 12 In section 68 of the Children Act 1989 (persons disqualified from being private foster parents) after subsection (3) insert—

Status: Point in time view as at 02/04/2018.

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“(3A) A person shall not foster a child privately if—

- (a) he is barred from regulated activity relating to children (within the meaning of section 3(2) of the Safeguarding Vulnerable Groups Act 2006); or
- (b) he lives in the same household as a person who is barred from such activity.”

Commencement Information

I162 Sch. 9 para. 12 in force at 12.10.2009 by [S.I. 2009/2611](#), art. 2, [Sch.](#)

Police Act 1996 (c. 16)

- 13 (1) Section 97 of the Police Act 1996 (police officers engaged on service outside their force) is amended as follows.
- (2) In subsection (1) (meaning of “relevant service”), after paragraph (cg) insert—
- “(ch) temporary service with the Independent Barring Board on which a person is engaged with the consent of the appropriate authority.”.
- (3) In subsections (6)(a) and (8), after “(cg)” insert “ , (ch) ”>.

Commencement Information

I163 Sch. 9 para. 13 in force at 12.10.2009 by [S.I. 2009/2611](#), art. 2, [Sch.](#)

Police Act 1997 (c. 50)

- 14 (1) The Police Act 1997 is amended as follows.
- (2) In section 113A (criminal record certificates) after subsection (6) insert—
- “(7) The Secretary of State may by order amend the definitions of “central records” and “relevant matter” in subsection (6).
- (8) The power to make an order under subsection (7) is exercisable by statutory instrument, but no such order may be made unless a draft of the instrument containing the order is laid before and approved by resolution of each House of Parliament.”
- (3) In section 113B (enhanced criminal record certificates), in subsection (2)(b) after “required” insert “ for the purposes of an exempted question asked ”.
- (4) After section 113B insert—

“113BA Suitability information relating to children

- (1) In such cases as are prescribed, an enhanced criminal record certificate must also include suitability information relating to children.
- (2) Suitability information relating to children is—

Status: Point in time view as at 02/04/2018.

Changes to legislation: Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 10 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) whether the applicant is barred from regulated activity relating to children;
 - (b) if the applicant is barred from such activity, such details as are prescribed of the circumstances in which he became barred;
 - (c) whether the applicant is subject to monitoring in relation to regulated activity relating to children;
 - (d) whether the Independent Barring Board is considering whether to include the applicant in the children's barred list in pursuance of paragraph 3 or 5 of Schedule 3 to the 2006 Act.
- (3) Expressions used in this section and in the 2006 Act have the same meaning in this section as in that Act, except that “prescribed” must be construed in accordance with section 125 of this Act.
- (4) “The 2006 Act” means the Safeguarding Vulnerable Groups Act 2006.

113BB Suitability information relating to vulnerable adults

- (1) In such cases as are prescribed, an enhanced criminal record certificate must also include suitability information relating to vulnerable adults.
- (2) Suitability information relating to vulnerable adults is —
- (a) whether the applicant is barred from regulated activity relating to vulnerable adults;
 - (b) if the applicant is barred from such activity, such details as are prescribed of the circumstances in which he became barred;
 - (c) whether the applicant is subject to monitoring in relation to regulated activity relating to vulnerable adults;
 - (d) whether the Independent Barring Board is considering whether to include the applicant in the adults' barred list in pursuance of paragraph 9 or 11 of Schedule 3 to the 2006 Act.
- (3) Expressions used in this section and in the 2006 Act have the same meaning in this section as in that Act, except that “prescribed” must be construed in accordance with section 125 of this Act.
- (4) “The 2006 Act” means the Safeguarding Vulnerable Groups Act 2006.

113BC Suitability information: power to amend

- (1) The Secretary of State may by order made by statutory instrument—
- (a) amend section 113BA for the purpose of altering the meaning of suitability information relating to children;
 - (b) amend section 113BB for the purpose of altering the meaning of suitability information relating to vulnerable adults.
- (2) Such an order is subject to annulment in pursuance of a resolution of either House of Parliament.”

^{F165}(5)

^{F165}(6)

(7) In section 119 (sources of information)—

Status: Point in time view as at 02/04/2018.

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- (a) in subsection (1), for the words from “his functions” to the end substitute “a relevant function”;
- (b) before subsection (2) insert—
 - “(1B) The Secretary of State may require the chief officer of a police force to make available such information as he may specify for the purpose of determining, in relation to applications under section 113B, whether the police force is a relevant police force.”;
- ^{F166}(c)
- (d) after subsection (7) insert—
 - “(8) In this section a relevant function is a function of the Secretary of State —
 - (a) under this Part in relation to any application for a certificate or for registration;
 - (b) under this Part in relation to the determination of whether a person should continue to be a registered person;
 - (c) under section 24 of the Safeguarding Vulnerable Groups Act 2006 in relation to monitoring a person in relation to a regulated activity (within the meaning of that Act);
 - (d) under paragraph 1, 2, 7 or 8 of Schedule 3 to that Act (considering whether criteria prescribed for the purpose of that paragraph apply to an individual).”

Textual Amendments

F165 Sch. 9 para. 14(5)(6) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, [Sch. 10 Pt. 6](#) (with s. 97); S.I. 2012/2234, art. 2(cc)

F166 Sch. 9 para. 14(7)(c) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, [Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(bb)

Modifications etc. (not altering text)

C9 Sch. 9 para. 14 extended (Guernsey) (with modifications) (10.12.2009) by [Police Act 1997 \(Criminal Records\) \(Guernsey\) Order 2009 \(S.I. 2009/3215\)](#), art. 4, [Sch. 2](#), [Sch. 3](#) (with arts. 1(5), 6-8)

C10 Sch. 9 para. 14 extended (Isle of Man) (with modifications) (18.3.2010) by [The Police Act 1997 \(Criminal Records\) \(Isle of Man\) Order 2010 \(S.I. 2010/764\)](#), arts. 1(2), 4, [Sch. 2](#), [Sch. 3](#) (with arts. 1(5), 6-8)

C11 Sch. 9 para. 14 extended (Jersey) (with modifications) (18.3.2010) by [The Police Act 1997 \(Criminal Records\) \(Jersey\) Order 2010 \(S.I. 2010/765\)](#), arts. 1(2), 4, [Sch. 2](#), [Sch. 3](#) (with arts. 1(5), 6-8)

Commencement Information

I164 Sch. 9 para. 14 in force at 12.10.2009 for N.I. by S.I. 2009/2611, art. 2, [Sch.](#)

I165 Sch. 9 para. 14(1)(4) in force at 22.6.2009 for specified purposes by S.I. 2009/1503, [art. 2\(a\)](#)

I166 Sch. 9 para. 14(1)(4) in force at 12.10.2009 for E.W. in so far as not already in force by S.I. 2009/2610, [art. 2\(a\)](#) (with arts. 4-23)

I167 Sch. 9 para. 14(2)(3)(5)-(7) in force at 12.10.2009 for E.W. by S.I. 2009/2610, [art. 2\(a\)](#) (with arts. 4-23)

Data Protection Act 1998 (c. 29)

- 15 (1) The Data Protection Act 1998 is amended as follows.

Status: Point in time view as at 02/04/2018.

Changes to legislation: Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 10 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(2) In section 56 (prohibition of requirement as to production of certain records) in the table in subsection (6)—

(a) in the second column of the entry relating to the Secretary of State, after paragraph (f) insert—

“ (g) His functions under the Safeguarding Vulnerable Groups Act 2006.”

(b) after the entry relating to the Department of Health and Social Services in Northern Ireland insert—

“4. The Independent Barring Board Its functions under the Safeguarding Vulnerable Groups Act 2006.”

(3) In section 75 (commencement etc.), after subsection (4) insert—

“(4A) Subsection (4) does not apply to section 56 so far as that section relates to a record containing information relating to—

- (a) the Secretary of State's functions under the Safeguarding Vulnerable Groups Act 2006, or
- (b) the Independent Barring Board's functions under that Act.”

Commencement Information

I168 Sch. 9 para. 15 in force at 19.5.2008 by [S.I. 2008/1320](#), [art. 3](#)

Care Standards Act 2000 (c. 14)

16 In section 58 of the Care Standards Act 2000, after subsection (3) insert—

“(4) For the purposes of subsection (1)(a), in considering whether a person is of good character, the Council may have regard to whether he is included in a barred list (within the meaning of the Safeguarding Vulnerable Groups Act 2006).”

Commencement Information

I169 Sch. 9 para. 16 in force at 12.10.2009 by [S.I. 2009/2611](#), [art. 2](#), [Sch.](#)

SCHEDULE 10

Section 63

REPEALS

Modifications etc. (not altering text)

C12 Sch. 10 extended in part (Guernsey) (with modifications) (10.12.2009) by [Police Act 1997 \(Criminal Records\) \(Guernsey\) Order 2009 \(S.I. 2009/3215\)](#), [art. 4](#), [Sch. 2](#), [Sch. 3](#) (with arts. 1(4), 6-8)

Status: Point in time view as at 02/04/2018.

Changes to legislation: Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 10 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- C13** Sch. 10 extended in part (Isle of Man) (with modifications) (18.3.2010) by [The Police Act 1997 \(Criminal Records\) \(Isle of Man\) Order 2010 \(S.I. 2010/764\)](#), art. 4reg. 1(2), Sch. 2, **Sch. 3** (with arts. 1(4), 6-8)
- C14** Sch. 10 extended in part (Jersey) (with modifications) (18.3.2010) by [The Police Act 1997 \(Criminal Records\) \(Jersey\) Order 2010 \(S.I. 2010/765\)](#), arts. 1(2), 4, Sch. 2, **Sch. 3** (with arts. 1(4), 6-8)

Commencement Information

- I170** Sch. 10 in force at 12.10.2009 for specified purposes by [S.I. 2009/2611](#), art. 2, **Sch.** (with arts. 3-7) (as amended (30.3.2010) by [S.I. 2010/1101](#), arts. 6-11)
- I171** Sch. 10 in force at 12.10.2009 for specified purposes by [S.I. 2009/2610](#), **art. 2(b)** (with arts. 4-23)
- I172** Sch. 10 in force at 30.3.2010 for specified purposes by [S.I. 2010/1101](#), **art. 5**
- I173** Sch. 10 in force at 17.6.2013 for specified purposes by [S.I. 2012/2231](#), **art. 4(b)** (with art. 5) (see [S.I. 2013/1180](#), art. 2(b))

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Children Act 1989 (c. 41)	In Schedule 9A, in paragraph 4(2), paragraphs (a) and (b)
Police Act 1997 (c. 50)	Sections 113C to 113F
Teaching and Higher Education Act 1998 (c. 30)	Section 2(4) In section 3(3), paragraph (a) Section 15(4)
Protection of Children Act 1999 (c. 14)	Sections 1 to 4C and 7 In section 9(1), the words from “which shall exercise” to the end In section 9(2), paragraphs (a), (b) and (e) Section 9(3A) In section 12, all the definitions in subsection (1) except the definition of “prescribed”, and subsections (2) to (3A) Section 13
Care Standards Act 2000 (c. 14)	Sections 80 to 89, 91 to 99 and 101 In Schedule 4, in paragraph 26, both of the sub-paragraphs numbered (2) and sub-paragraph (4)
Criminal Justice and Court Services Act 2000 (c. 43)	Sections 24 and 26 to 38 In section 42(1), the definition of “disqualification order” Schedule 4 In Schedule 7, paragraphs 155, 157 and 158
Education Act 2002 (c. 32)	Sections 142 to 144 In Schedule 21, paragraphs 75, 76(b), 86(2), 121, 122(a), 123 and 128
Adoption and Children Act 2002 (c. 38)	In Schedule 3, paragraph 94
Health and Social Care (Community Health and Standards) Act 2003 (c. 43)	Section 189(1) to (3) In Schedule 9, paragraph 14
Criminal Justice Act 2003 (c. 44)	Section 299 Schedule 30

Status: Point in time view as at 02/04/2018.

Changes to legislation: Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 10 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Children Act 2004 (c. 31)	Section 39 In Schedule 1, paragraph 11 In Schedule 2, paragraphs 6 and 7
Civil Partnership Act 2004 (c. 33)	In Schedule 21, paragraph 49A
Constitutional Reform Act 2005 (c. 4)	In Schedule 11, paragraph 35
Inquiries Act 2005 (c. 12)	In Schedule 2, paragraphs 18 and 19
Serious Organised Crime and Police Act 2005 (c. 15)	Schedule 14, paragraph 2
Childcare Act 2006 (c. 21)	In section 75(3), paragraphs (a) and (b)

Status:

Point in time view as at 02/04/2018.

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