

*These notes refer to the Policing and Crime Act 2009
(c.26) which received Royal Assent on 12 November 2009*

POLICING AND CRIME ACT 2009

EXPLANATORY NOTES

TERRITORIAL EXTENT AND APPLICATION

Part 8 – Miscellaneous

Chapter 1 – Safeguarding Vulnerable Groups and Criminal Records

Safeguarding vulnerable groups: England and Wales

Section 87 Notification of proposal to include person in barred list

532. **Section 87** amends the 2006 Act by inserting an additional duty and conferring a further power on the ISA in circumstances where it proposes to bar an individual from working with children or vulnerable adults. In such circumstances, this section requires the ISA to notify any person who is registered under section 32 of the 2006 Act with respect to the individual concerned that the ISA is proposing to bar him or her and to provide reasons why. Section 87 also empowers the ISA to notify any other person who is permitting the individual to engage in regulated or controlled activity of the proposal to bar and the reasons why. A further notification must confirm whether the individual has been barred or not. Once the ISA has decided that it proposes to bar someone, it must give him or her eight weeks to make any representations before it can make its final barring decision. If the person is working with children or vulnerable adults during this time, notification under this section allows the employer to be aware of the potential risk so that it can consider whether it needs to take any action.