
EXPLANATORY NOTE

(This note is not part of the Order)

This Order sets out a number of provisions made under the Safeguarding Vulnerable Groups Act 2006 (“the Act”). Article 2 provides that a person who has one or more of the learning difficulties specified in paragraph (2), and who has no other form of disability, who receives a service or participates in an activity that is provided specifically for adults with the specified learning difficulties, will not be treated as a vulnerable adult for the purposes of section 59(1)(h) of the Act.

Article 3 sets out two sets of circumstances in which an activity that is a regulated activity relating to children is not to be treated as a regulated activity. The first exception relates to treatment given to a child by a person where the provision of that treatment is not one of the main purposes of the work or other activity in which that person is engaged. An example of such treatment might be an assistant in a shop, who is also the shop’s health and safety representative, giving first aid to a child who is taken ill or injured while in the shop.

The second exception relates to circumstances where a person fosters a child. The aim of this exception is to ensure that where a child’s welfare requires it, a child who is being looked after by a local authority can be placed with a local authority foster parent even if that person is included in the children’s barred list. The circumstances are where F was fostering the child immediately before F was included in the children’s barred list or where F (or any member of F’s household) is a relative of the child. Article 4 sets out an exception to regulated activity relating to vulnerable adults which mirrors the exception in article 3 relating to treatment provided to children.

Article 5 specifies the barred lists in Northern Ireland that correspond with the barred lists under the Act. The purpose of this is to bar persons from engaging in regulated activity in England and Wales where they are also barred from such activity in Northern Ireland because they are on one of the corresponding Northern Ireland lists.

Article 6 adds the Welsh Ministers (in relation to the exercise of some of their functions under the Children Act 1989) to the list of supervisory authorities under section 45(7) of the Act.