

## SCHEDULES

### 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);”.

##### *Teaching and Higher Education Act 1998 (c. 30)*

- 2 The Teaching and Higher Education Act 1998 is amended as follows.
- 3 Section 2(4) (advisory functions of General Teaching Council) is omitted.
- 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);”.
- 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.”

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*Status: This is the original version (as it was originally enacted).*

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- (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;
      - (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;”.
- 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”.
- 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”.

*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).

*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.

*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);”.

## 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—

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“(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),”.

#### *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—

“(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.”

#### *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)”.

#### *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—
  - (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;

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- (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.”
- (5) In section 114 (criminal record certificates: Crown employment), in subsection (3), for “Sections 113A(3) to (6) and 113C to 113F” substitute “Section 113A(3) to (6)”.
- (6) In section 116 (enhanced criminal record certificates: judicial appointments and Crown employment), in subsection (3), for “113C to 113F” substitute “113BA to 113BC”.
- (7) In section 119 (sources of information)—
  - (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.”;
  - (c) in subsection (2) after “or 116” insert “or for the purposes of section 24 of the Safeguarding Vulnerable Groups Act 2006”;
  - (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).”

#### *Data Protection Act 1998 (c. 29)*

- 15 (1) The Data Protection Act 1998 is amended as follows.
- (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—
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- “(g) His functions under the  
Safeguarding Vulnerable Groups Act  
2006.”
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- (b) after the entry relating to the Department of Health and Social Services in Northern Ireland insert—

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

*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).”