
STATUTORY INSTRUMENTS

2003 No. 417

**The Protection of Children and Vulnerable
Adults (Northern Ireland) Order 2003**

PART II

PROTECTION OF CHILDREN

CHAPTER II

DISQUALIFICATION FROM WORKING WITH CHILDREN

Effect of disqualification from working with children

Meaning of “regulated position”

- 31.**—(1) The regulated positions for the purposes of this Chapter are—
- (a) a position whose normal duties include work in an establishment mentioned in paragraph (2),
 - (b) a position whose normal duties include work on day care premises,
 - (c) a position whose normal duties include caring for, training, advising, counselling, supervising or being in sole charge of children,
 - (d) a position whose normal duties involve unsupervised contact with children under arrangements made by a responsible person,
 - (e) a position whose normal duties include caring for children under the age of 16 in the course of the children’s employment,
 - (f) a position a substantial part of whose normal duties includes supervising or training children under the age of 16 in the course of the children’s employment,
 - (g) a position mentioned in paragraph (6),
 - (h) a position whose normal duties include supervising or managing an individual in his work in a regulated position.
- (2) The establishments referred to in paragraph (1)(a) are—
- (a) an institution which is exclusively or mainly for the detention of children by virtue of an order of a court or under any statutory provision,
 - (b) a hospital which is exclusively or mainly for the reception and treatment of children,
 - (c) a residential care home or nursing home which is exclusively or mainly for children,
 - (d) an educational institution,
 - (e) a children’s home.
- (3) For the purposes of this Article, work done on any premises is treated as not being done on day care premises to the extent that—

- (a) it is done in a part of the premises in which children are not looked after, or
 - (b) it is done at times when children are not looked after there.
- (4) The duties referred to in paragraph (1)(c) and (d) do not include (respectively)—
- (a) caring for, training, advising, counselling, supervising or being in sole charge of children in the course of the children’s employment, or
 - (b) duties involving contact with children in the course of the children’s employment.
- (5) The reference in paragraph (1)(d) to unsupervised contact is to contact in the absence of any responsible person or carer; and in this paragraph, “carer” means a person who holds a position such as is mentioned in paragraph (1)(c).
- (6) The positions mentioned in paragraph (1)(g) are—
- (a) member of a Health and Social Services Board or a Health and Social Services trust,
 - (b) director of social services,
 - (c) member, or chief education officer, of an education and library board established under Article 3 of the [Education and Libraries \(Northern Ireland\) Order 1986 \(NI 3\)](#).
 - (d) member of the governing body of an educational institution,
 - (e) trustee of a children’s charity,
 - (f) Commissioner for Children and Young People for Northern Ireland.
- (7) For the purposes of paragraph (1)(h), the holder of a position—
- (a) only supervises an individual if he supervises the day-to-day performance of the individual’s duties, and
 - (b) only manages an individual if the individual is directly responsible to him for the performance of his duties or he has authority to dismiss the individual.
- (8) For the purposes of this Article, a charity is a children’s charity if the individuals who are workers for the charity normally include individuals working in regulated positions.
- (9) For the purposes of this Article, an individual is a worker for a charity if he does work under arrangements made by the charity; but the arrangements referred to in this paragraph do not include any arrangements made for purposes which are merely incidental to the purposes for which the charity is established.
- (10) For the purposes of this Article, the following are responsible persons in relation to a child—
- (a) the child’s parent or guardian and any adult with whom the child lives,
 - (b) the person in charge of any establishment mentioned in paragraph (2) in which the child is accommodated, is a patient or receives education, and any person acting on behalf of such a person,
 - (c) a person registered under Part XI of the Children Order for providing day care on premises on which the child is cared for, and
 - (d) any person holding a position mentioned in paragraph (6).
- (11) For the purposes of this Article “employment” means paid employment, whether under a contract of service or apprenticeship or under a contract for services.
- (12) For the purpose of amending the definition of “regulated position”, the Department may by order make any amendment of this Article (apart from this paragraph) which it thinks appropriate.
- (13) No order shall be made under paragraph (12) unless a draft of the order has been laid before and approved by resolution of the Assembly.