
EXPLANATORY NOTE

(This note is not part of the Order)

Articles 3 and 4 of this Order specify that the lists maintained under section 1 of the Protection of Vulnerable Groups (Scotland) Act 2007 (“the Scottish barred lists”) and section 2 of the Safeguarding Vulnerable Groups Act 2006 (“the England and Wales barred lists”) are lists corresponding to the children’s and adults’ barred lists for the purposes of Articles 45, 50 and 51 of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (“the 2007 Order”). This means that the Independent Safeguarding Authority (“ISA”), when responding to a request for information by, or proactively notifying, a keeper of a relevant register (for example the Northern Ireland Social Care Council) under Article 45 of the 2007 Order, will include information as to whether the particular person is on the barred list(s), and the Scottish barred list(s) and the England and Wales barred list(s) (as the case may be). This also means that when the ISA proactively notifies supervisory authorities (for example the Regulation and Quality Improvement Authority) under Article 50 of the 2007 Order as to whether a particular person is on the children’s barred list, this will include information as to whether the particular person is also on the Scottish children’s barred list and the England and Wales children’s barred list (as the case may be). When the ISA proactively notifies supervisory authorities under Article 51 of the 2007 Order as to whether a person is on the adults’ barred list, this will include information as to whether the particular person is also on the Scottish adults’ barred list and the England and Wales adults’ barred list (as the case may be).

Article 5 of this Order provides that the provision of ophthalmic health care by someone who is not a health care professional, but is providing the health care under the direction or supervision of a health care professional, will not (by way of exception to paragraph 7(1)(a) and (2) of Schedule 2 to the 2007 Order), be engaging in regulated activity relating to vulnerable adults when that health care is being provided in opticians’ practice premises or where such health care is provided as mobile services. This captures, for example, those people administering eye tests to adults in a residential centre or in the adult’s home.

Article 5 of this Order also provides that the provision of health care by someone who is not a health care professional, but is providing the health care under the direction or supervision of a health care professional, will not (by way of exception to paragraph 7(1)(a) and (2) of Schedule 2 to the 2007 Order), be engaging in regulated activity relating to vulnerable adults when that health care is being provided in a registered pharmacy which captures, for example, retail staff in pharmacies.

Article 7 of this Order provides that hairdressers, who fall within the definition of persons providing relevant personal care, are not to be treated as engaging in a regulated activity even if they do cut adults’ hair in e.g. hospitals or care homes.

An impact assessment has not been produced for this rule as no impact on the private, voluntary or public sector is foreseen.