
DRAFT STATUTORY INSTRUMENTS

2009 No.

The Safeguarding Vulnerable Groups Act 2006
(Regulated Activity, Miscellaneous and Transitional
Provisions and Commencement No. 5) Order 2009

PART 3

Provisions applying during the second transitional period

Transitional modifications applying during the second transitional period

10. Articles 11 and 12 apply during the second transitional period.

Modification to section 113BA of the Police Act 1997

11.—(1) Section 113BA of the Police Act 1997 has effect subject to the following modification.

(2) For subsection (2) substitute—

“(2) Suitability information relating to children is—

- (a) whether the applicant is included in the list kept under section 1 of the Protection of Children Act 1999;
- (b) whether the applicant is subject to a direction made under section 142 of the Education Act 2002;
- (c) whether the applicant is barred from regulated activity relating to children;
- (d) if the applicant is barred from such regulated activity, such details as are prescribed of the circumstances in which he became barred;
- (e) whether the applicant is subject to monitoring in relation to regulated activity relating to children;
- (f) 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.

(2A) If the applicant is included in the list kept under section 1 of the Protection of Children Act 1999, the suitability information includes whether the inclusion is provisional and—

- (a) if it is provisional, the fact that the applicant must not be employed or, as the case may be, must cease to be employed in a childcare position with a childcare organisation in accordance with section 7 of that Act;
- (b) if it is not provisional, the fact that the applicant is disqualified from working with children for the purposes of section 35 of the Criminal Justice and Court Services Act 2000.

(2B) If the applicant is subject to a direction made under section 142 of the Education Act 2002, the suitability information includes—

- (a) details of any prohibition or restriction on the applicant’s employment;
- (b) the grounds on which the direction was made, and, where the grounds are misconduct, details of the misconduct.

(2C) In subsection (2A), “childcare position” and “childcare organisation” have the same meanings as in section 12 of the Protection of Children Act 1999.”.

Modification to section 113BB of the Police Act 1997

12.—(1) Section 113BB of the Police Act 1997 has effect subject to the following modification.

(2) For subsection (2) substitute—

“(2) Suitability information relating to vulnerable adults is—

- (a) whether the applicant is included in the list kept under section 81 of the Care Standards Act 2000;
- (b) whether the applicant is barred from regulated activity relating to vulnerable adults;
- (c) if the applicant is barred from such regulated activity, such details as are prescribed of the circumstances in which he became barred;
- (d) whether the applicant is subject to monitoring in relation to regulated activity relating to vulnerable adults;
- (e) 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.

(2A) If the applicant is included in the list kept under section 81 of the Care Standards Act 2000, the suitability information includes whether the inclusion is provisional and—

- (a) if it is provisional, the fact that the applicant must not be employed or, as the case may be, must cease to be employed in a care position;
- (b) if it is not provisional, the fact that the applicant is prohibited from working in a care position.

(2B) In subsection (2A), “care position” has the same meaning as in Part 7 of the Care Standards Act 2000.”.