



Safeguarding Vulnerable Groups Act 2006

2006 CHAPTER 47

Notices and information

30 Provision of vetting information

- (1) The Secretary of State must provide a person (A) with the information mentioned in subsection (4) in relation to another (B) if—
 - (a) A makes an application for the information,
 - (b) the application contains the appropriate declaration, and
 - (c) the Secretary of State has no reason to believe that the declaration is false.
- (2) The appropriate declaration is a declaration by A—
 - (a) that he falls within column 1 of a specified entry, and
 - (b) that B has consented to the provision of the information to A.
- (3) In this section references to a specified entry are to an entry in the table in Schedule 7 specified by A in his declaration.
- (4) The information is—
 - (a) if column 2 of the specified entry refers to children, relevant information relating to children, and
 - (b) if column 2 of the specified entry refers to vulnerable adults, relevant information relating to vulnerable adults.
- (5) Paragraph (b) of subsection (2) does not apply if the specified entry is 17.
- (6) If B consents to the provision of information to A in relation to an application under this section, the consent also has effect in relation to any subsequent such application by A.
- (7) The Secretary of State may prescribe the form, manner and contents of an application for the purposes of this section (including the form and manner of a declaration contained in such an application).
- (8) The Secretary of State may by regulations make provision requiring a local authority which makes or proposes to make payments to or on behalf of a person in accordance

with regulations under section 17A of the Children Act 1989 (c. 41) or section 57 of the Health and Social Care Act 2001 (c. 15) to inform the person of his right to obtain relevant information under this section.

31 Meaning of relevant information in section 30

- (1) This section has effect for the purposes of section 30.
- (2) Relevant information relating to children is—
 - (a) whether B is subject to monitoring in relation to regulated activity relating to children, and
 - (b) if so, whether he is undergoing assessment.
- (3) Relevant information relating to vulnerable adults is—
 - (a) whether B is subject to monitoring in relation to regulated activity relating to vulnerable adults, and
 - (b) if so, whether he is undergoing assessment.
- (4) B is undergoing assessment if—
 - (a) the Secretary of State is required to notify B as mentioned in section 24(4) in connection with B's monitoring application but has not yet done so;
 - (b) B has made a simultaneous application under section 113B of the Police Act 1997 but the Secretary of State has not yet issued an enhanced criminal record certificate under that section;
 - (c) in relation to subsection (2)(b), IBB is considering whether to include B in the children's barred list in pursuance of paragraph 3 or 5 of Schedule 3;
 - (d) in relation to subsection (3)(b), IBB is considering whether to include B in the adults' barred list in pursuance of paragraph 9 or 11 of that Schedule.
- (5) In subsection (4)(b) "simultaneous application" means an application made simultaneously with B's monitoring application under section 24.
- (6) The Secretary of State may by order amend the preceding provisions of this section for the purpose of altering the meaning of relevant information relating to children or vulnerable adults (as the case may be).

32 Notification of cessation of monitoring

- (1) The Secretary of State must establish and maintain a register for the purposes of this section.
- (2) The Secretary of State must register a person (A) in relation to another (B) if—
 - (a) A makes an application to be registered in relation to B,
 - (b) the application contains the appropriate declaration,
 - (c) the Secretary of State has no reason to believe that the declaration is false, and
 - (d) B is subject to monitoring in relation to the regulated activity to which the application relates.
- (3) The appropriate declaration is a declaration by A—
 - (a) that he falls within column 1 of a specified entry, and
 - (b) that B has consented to the application.

- (4) In this section references to a specified entry are to an entry in the table in Schedule 7 specified by A in his declaration.
- (5) A's application and registration relate—
 - (a) if column 2 of the specified entry refers to children, to regulated activity relating to children;
 - (b) if column 2 of the specified entry refers to vulnerable adults, to regulated activity relating to vulnerable adults.
- (6) The Secretary of State must notify A if B ceases to be subject to monitoring in relation to the regulated activity to which A's registration relates.
- (7) The requirement under subsection (6) is satisfied if notification is sent to any address recorded against A's name in the register.
- (8) Paragraph (b) of subsection (3) does not apply if the specified entry is 17.
- (9) If B consents to the provision of information to A under section 30 the consent also has effect as consent to any application by A to be registered in relation to B under this section.
- (10) The Secretary of State may prescribe the form, manner and contents of an application for the purposes of this section (including the form and manner of a declaration contained in such an application).

33 Cessation of registration

- (1) In this section references to registration are to registration in the register maintained for the purposes of section 32.
- (2) Once a person is notified as mentioned in subsection (6) of that section, his registration ceases.
- (3) The Secretary of State may cancel a person's registration in such circumstances as are prescribed.
- (4) The Secretary of State must cancel a person's registration—
 - (a) if the person applies for it to be cancelled;
 - (b) in prescribed circumstances, if the person in relation to whom he is registered applies for it to be cancelled.
- (5) When a person's registration is cancelled under subsection (3) or (4)(b), the Secretary of State must notify him of that fact.
- (6) The requirement under subsection (5) is satisfied if notification is sent to any address recorded against A's name in the register.

34 Declarations under sections 30 and 32

- (1) An individual commits an offence if, in an application made for the purposes of section 30 or 32—
 - (a) he makes a false declaration, and
 - (b) he either knows that it is false or is reckless as to whether it is false.

- (2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

35 Regulated activity providers: duty to refer

- (1) Subsection (2) applies to—
- (a) a regulated activity provider who holds any prescribed information in relation to a person (P) engaged in regulated activity provided by him;
 - (b) a responsible person (within the meaning of section 23) who holds any prescribed information in relation to a person (P) whom he permits to engage in controlled activity.
- (2) A person to whom this subsection applies must provide IBB with the information if—
- (a) he withdraws permission for P to engage in the activity for a reason mentioned in subsection (3), or
 - (b) he does not withdraw permission for such a reason but would or might have done so if P had not otherwise ceased to engage in the activity.
- (3) The reasons are that the person to whom subsection (2) applies thinks—
- (a) that paragraph 1, 2, 7 or 8 of Schedule 3 applies to P,
 - (b) that P has engaged in relevant conduct (within the meaning of paragraph 4 or 10 of Schedule 3), or
 - (c) that the harm test is satisfied.
- (4) The harm test is that P may—
- (a) harm a child or vulnerable adult,
 - (b) cause a child or vulnerable adult to be harmed,
 - (c) put a child or vulnerable adult at risk of harm,
 - (d) attempt to harm a child or vulnerable adult, or
 - (e) incite another to harm a child or vulnerable adult.
- (5) For the purposes of subsection (3)(b), conduct is inappropriate if it appears to the person to whom subsection (2) applies to be inappropriate having regard to the guidance issued by the Secretary of State under paragraph 4(6) or 10(6) of Schedule 3.
- (6) If regulated activity engaged in by P—
- (a) is regulated activity relating to vulnerable adults, and
 - (b) falls within section 16,
- subsection (2) must be read as if for “must” there were substituted “may”.
- (7) This section does not apply if the conditions specified in subsection (2) are fulfilled before the section is commenced.

36 Personnel suppliers: duty to refer

- (1) A personnel supplier must provide IBB with any prescribed information it holds in relation to a person (P) who has been supplied by it to another person if the supplier knows that P has ceased to be engaged in regulated activity or controlled activity in the circumstances mentioned in subsection (2)(a) or (b) of section 35.

- (2) A personnel supplier which is an employment agency or employment business must provide IBB with any prescribed information it holds in relation to a person (P) for whom it acts if—
 - (a) the agency or business determines to cease to act for P for a reason mentioned in subsection (4), or
 - (b) it does not determine to cease to act for P for such a reason but would or might have done so if its arrangement with, or employment of, him had not otherwise come to an end.
- (3) A personnel supplier which is an educational institution must provide IBB with any prescribed information it holds in relation to a student (P) following a course at the institution if—
 - (a) the institution determines to cease to supply P to another person for him to engage in regulated or controlled activity for a reason mentioned in subsection (4),
 - (b) the institution determines that P should cease to follow a course at the institution for a reason mentioned in subsection (4), or
 - (c) it does not determine as mentioned in paragraph (a) or (b) for such a reason but would or might have done so if P had not otherwise ceased to engage in the activity or ceased to follow the course.
- (4) The reasons are that the personnel supplier thinks—
 - (a) that paragraph 1, 2, 7 or 8 of Schedule 3 applies to P,
 - (b) that P has engaged in relevant conduct (within the meaning of paragraph 4 or 10 of Schedule 3), or
 - (c) that the harm test is satisfied.
- (5) The harm test is that P may—
 - (a) harm a child or vulnerable adult,
 - (b) cause a child or vulnerable adult to be harmed,
 - (c) put a child or vulnerable adult at risk of harm,
 - (d) attempt to harm a child or vulnerable adult, or
 - (e) incite another to harm a child or vulnerable adult.
- (6) For the purposes of subsection (4)(b), conduct is inappropriate if it appears to the personnel supplier to be inappropriate having regard to the guidance issued by the Secretary of State under paragraph 4(6) or 10(6) of Schedule 3.
- (7) An employment agency acts for a person if it makes arrangements with him with a view to—
 - (a) finding him employment with an employer, or
 - (b) supplying him to employers for employment by them.
- (8) An employment business acts for a person if it employs him to act for and under the control of other persons in any capacity.
- (9) In this section “employment” has the same meaning as in the Employment Agencies Act 1973 (c. 35).
- (10) This section does not apply if the conditions specified in subsection (1), (2) or (3) are fulfilled before the section is commenced.

37 Regulated activity providers: duty to provide information on request &c.

- (1) This section applies if IBB is considering—
 - (a) whether to include any person in a barred list;
 - (b) whether to remove any person from a barred list.
- (2) IBB may require—
 - (a) any regulated activity provider who has made arrangements for that person to engage in regulated activity (whether or not the arrangements are still in place),
 - (b) any responsible person (within the meaning of section 23) who permits or has permitted that person to engage in controlled activity,
 - (c) any personnel supplier which is an employment agency or employment business and which acts for or has acted for that person, or
 - (d) any personnel supplier which is an educational institution and which has supplied that person to another person for him to engage in regulated or controlled activity,to provide IBB with any prescribed information he or it holds relating to the person.
- (3) An employment agency acts for a person if it makes arrangements with him with a view to—
 - (a) finding him relevant employment with an employer, or
 - (b) supplying him to employers for relevant employment by them.
- (4) Relevant employment is employment which consists in or involves engaging in regulated or controlled activity.
- (5) An employment business acts for a person if it employs him to engage in regulated or controlled activity for and under the control of other persons.
- (6) In this section “employment” has the same meaning as in the Employment Agencies Act 1973 (c. 35).

38 Duty to provide information: offences

- (1) A person commits an offence if—
 - (a) he is required under section 35 or 36 or in pursuance of section 37 to provide information to IBB, and
 - (b) he fails, without reasonable excuse, to provide the information.
- (2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.