

*Changes to legislation:* There are outstanding changes not yet made by the legislation.gov.uk editorial team to Safeguarding Vulnerable Groups Act 2006. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

## SCHEDULES

### [<sup>F1</sup>SCHEDULE 1

Section 1

#### [<sup>F2</sup>INDEPENDENT SAFEGUARDING AUTHORITY]

##### Annotations:

##### Amendments (Textual)

- F1** Sch. 1 ceases to have effect (1.12.2012) by virtue of [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **112** (with Pt. 4)
- F2** Words in Sch. 1 heading substituted (12.11.2009) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 81(2)(3)(m)(ii), 116(5)(a)

#### *Membership*

- 1 (1) [<sup>F3</sup>ISA] shall consist of—
- (a) a chairman;
  - (b) such number of other members as the Secretary of State decides.
- (2) The chairman and other members—
- (a) are to be appointed by the Secretary of State;
  - (b) must appear to the Secretary of State to have knowledge or experience of any aspect of child protection or the protection of vulnerable adults.

##### Annotations:

##### Amendments (Textual)

- F3** Words in Sch. 1 para. 1 substituted (12.11.2009) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 81(2)(3)(m)(ii), 116(5)(a)

##### Commencement Information

- I1** Sch. 1 para. 1 in force at 2.1.2008 for E.W. by [S.I. 2007/3545](#), art. 3
- I2** Sch. 1 para. 1 in force at 31.3.2008 for N.I. by [S.I. 2008/930](#), art. 2(a)

#### *Tenure of office*

- 2 (1) The chairman and members hold and must vacate office as such in accordance with the terms of their respective appointments.
- (2) The appointment of a person to hold office is for a term not exceeding five years.
- (3) A person holding office may at any time resign that office by giving notice in writing to the Secretary of State.

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- (4) The Secretary of State may by notice in writing remove a person from office if satisfied that any of the following applies to him—
- (a) he has, without reasonable excuse, failed, for a continuous period of three months, to carry out his functions;
  - (b) he has been convicted (whether before or after his appointment) of a criminal offence;
  - (c) he is an undischarged bankrupt or his estate has been sequestrated and he has not been discharged;
  - [<sup>F4</sup>(ca) a moratorium period under a debt relief order applies in relation to him (under Part 7A of the Insolvency Act 1986);]
  - (d) he is the subject of a bankruptcy restrictions order or an interim order under Schedule 4A to the Insolvency Act 1986 (c. 45) or an order to the like effect made under any corresponding enactment in force in Scotland or Northern Ireland;
  - [<sup>F5</sup>(da) he is the subject of a debt relief restrictions order or an interim debt relief restrictions order under Schedule 4ZB to the Insolvency Act (c45);]
  - (e) he has made a composition or arrangement with, or granted a trust deed for, his creditors;
  - (f) he has failed to comply with the terms of his appointment;
  - (g) he is otherwise unable or unfit to carry out his functions as chairman or member.
- (5) A person who ceases to be chairman or a member is eligible for re-appointment, except where he is removed from office under sub-paragraph (4).

#### Annotations:

##### Amendments (Textual)

- F4** Sch. 1 para. 2(4)(ca) inserted (1.10.2012) by [The Tribunals, Courts and Enforcement Act 2007 \(Consequential Amendments\) Order 2012 \(S.I. 2012/2404\)](#), art. 1, **Sch. 2 para. 58(2)** (with art. 5)
- F5** Sch. 1 para. 2(4)(da) inserted (1.10.2012) by [The Tribunals, Courts and Enforcement Act 2007 \(Consequential Amendments\) Order 2012 \(S.I. 2012/2404\)](#), art. 1, **Sch. 2 para. 58(3)** (with arts. 5, 6)

##### Commencement Information

- I3** Sch. 1 para. 2 in force at 2.1.2008 for E.W. by [S.I. 2007/3545](#), **art. 3**
- I4** Sch. 1 para. 2 in force at 31.3.2008 for N.I. by [S.I. 2008/930](#), **art. 2(a)**

#### *Remuneration, pension etc. of members*

- 3 (1) [<sup>F2</sup>ISA] must pay to the chairman and each of the other members such remuneration and allowances as may be determined by the Secretary of State.
- (2) [<sup>F2</sup>ISA] must, if required to do so by the Secretary of State—
- (a) pay such pension, allowances or gratuities as may be determined by the Secretary of State to or in respect of a person who is or has been the chairman or a member, or
  - (b) make such payments as may be so determined towards provision for the payment of a pension, allowances or gratuities to or in respect of such a person.

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- (3) If the Secretary of State thinks that there are special circumstances which make it right for a person ceasing to hold office as chairman or a member to receive compensation, [F2ISA] must pay to him a sum by way of compensation of such amount as may be determined by the Secretary of State.
- (4) Service as chairman or other member of [F2ISA] is included among the kinds of service to which a scheme under section 1 of the Superannuation Act 1972 (c. 11) can apply, and accordingly in Schedule 1 to that Act (in which those kinds of service are listed) insert at the appropriate place— “ The [F2Independent Safeguarding Authority]. ”
- (5) [F2ISA] must pay to the Minister for the Civil Service, at such times as he may direct, such sums as he may determine in respect of any increase attributable to subparagraph (4) in the sums payable out of money provided by Parliament under that Act.

**Annotations:**

**Commencement Information**

- I5** Sch. 1 para. 3 in force at 2.1.2008 for E.W. by [S.I. 2007/3545](#), [art. 3](#)  
**I6** Sch. 1 para. 3 in force at 31.3.2008 for N.I. by [S.I. 2008/930](#), [art. 2\(a\)](#)

*Staff*

- 4 (1) [F2ISA] shall have—
  - (a) a chief executive;
  - (b) such other employees as it may appoint.
- (2) The chairman may be appointed as chief executive.
- (3) [F2ISA] may make arrangements for persons to be seconded to [F2ISA] to serve as members of its staff.
- (4) A member of a police force on temporary service with [F2ISA] shall be under the direction and control of [F2ISA].

**Annotations:**

**Commencement Information**

- I7** Sch. 1 para. 4 in force at 2.1.2008 for E.W. by [S.I. 2007/3545](#), [art. 3](#)  
**I8** Sch. 1 para. 4 in force at 31.3.2008 for N.I. by [S.I. 2008/930](#), [art. 2\(a\)](#)

*Remuneration, pensions etc. of staff*

- 5 (1) [F2ISA] must pay to its employees such remuneration and allowances as it may determine.
- (2) [F2ISA] may pay, or make payments in respect of, such pensions, allowances or gratuities to or in respect of its employees or former employees as it may determine.

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- (3) Employment with [F<sup>2</sup>ISA] is included among the kinds of employment to which a scheme under section 1 of the Superannuation Act 1972 (c. 11) can apply, and accordingly in Schedule 1 to that Act (in which those kinds of employment are listed) insert at the appropriate place— “ Employment by the [F<sup>2</sup>Independent Safeguarding Authority]. ”
- (4) If any person—
- (a) on ceasing to be employed by [F<sup>2</sup>ISA] becomes or continues to be one of its members, and
  - (b) was, by reference to his employment, a participant in a scheme under section 1 of that Act,
- the Minister for the Civil Service may determine that his service as a member of [F<sup>2</sup>ISA] is to be treated for the purposes of the scheme as if his service as a member were service as an employee of [F<sup>2</sup>ISA] (whether or not any benefits are payable to or in respect of him by virtue of paragraph 3).
- (5) [F<sup>2</sup>ISA] must pay to the Minister for the Civil Service, at such times as he may direct, such sums as he may determine in respect of any increase attributable to this paragraph in the sums payable out of money provided by Parliament under that Act.

**Annotations:**

**Commencement Information**

- I9** Sch. 1 para. 5 in force at 2.1.2008 for E.W. by [S.I. 2007/3545](#), [art. 3](#)  
**I10** Sch. 1 para. 5 in force at 31.3.2008 for N.I. by [S.I. 2008/930](#), [art. 2\(a\)](#)

*Delegation of functions*

- 6 (1) [F<sup>2</sup>ISA] may to such extent as it may determine delegate any of its functions to—
- (a) one of its members;
  - (b) a member of its staff;
  - (c) a committee consisting of some of its members, members of its staff or both members and members of staff.
- (2) A committee mentioned in sub-paragraph (1)(c) which consists of both members and members of staff must be chaired by a member.

**Annotations:**

**Commencement Information**

- I11** Sch. 1 para. 6 in force at 2.1.2008 for E.W. by [S.I. 2007/3545](#), [art. 3](#)  
**I12** Sch. 1 para. 6 in force at 31.3.2008 for N.I. by [S.I. 2008/930](#), [art. 2\(a\)](#)

- 7 [F<sup>2</sup>ISA] may to such extent as it may determine delegate any of its functions, other than a core function, to—
- (a) a person who is neither a member nor a member of staff;
  - (b) a committee (including a committee which comprises or includes persons who are neither members nor members of staff).

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**Annotations:**

**Commencement Information**

- I13** Sch. 1 para. 7 in force at 2.1.2008 for E.W. by [S.I. 2007/3545](#), [art. 3](#)  
**I14** Sch. 1 para. 7 in force at 31.3.2008 for N.I. by [S.I. 2008/930](#), [art. 2\(a\)](#)

- 8 A core function is—
- (a) determining whether it is appropriate for a person to be included in a barred list;
  - (b) determining whether to remove a person from a barred list;
  - (c) considering representations made for the purposes of Schedule 3.

**Annotations:**

**Commencement Information**

- I15** Sch. 1 para. 8 in force at 2.1.2008 for E.W. by [S.I. 2007/3545](#), [art. 3](#)  
**I16** Sch. 1 para. 8 in force at 31.3.2008 for N.I. by [S.I. 2008/930](#), [art. 2\(a\)](#)

*Reports*

- 9 (1) As soon as possible after the end of each financial year [F6ISA] must issue a report on the exercise of its functions during that year.
- (2) [F6ISA] must arrange for the report to be published in such manner as it considers appropriate.

**Annotations:**

**Amendments (Textual)**

- F6** Words in Sch. 1 paras. 9-16 substituted (12.11.2009) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 81(2)(3)(m)(ii), 116(5)(a)

**Commencement Information**

- I17** Sch. 1 para. 9 in force at 2.1.2008 for E.W. by [S.I. 2007/3545](#), [art. 3](#)  
**I18** Sch. 1 para. 9 in force at 31.3.2008 for N.I. by [S.I. 2008/930](#), [art. 2\(a\)](#)

- 10 The Secretary of State may direct [F6ISA] to submit a report to him on any matter regarding the exercise of [F6ISA's] functions as may be specified in the direction.

**Annotations:**

**Commencement Information**

- I19** Sch. 1 para. 10 in force at 2.1.2008 for E.W. by [S.I. 2007/3545](#), [art. 3](#)  
**I20** Sch. 1 para. 10 in force at 31.3.2008 for N.I. by [S.I. 2008/930](#), [art. 2\(a\)](#)

*Funding*

- 11 The Secretary of State may make payments to [F6ISA] of such amounts, at such times and on such conditions (if any) as he thinks appropriate.

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**Annotations:****Commencement Information**

- I21** Sch. 1 para. 11 in force at 2.1.2008 for E.W. by [S.I. 2007/3545, art. 3](#)  
**I22** Sch. 1 para. 11 in force at 31.3.2008 for N.I. by [S.I. 2008/930, art. 2\(a\)](#)

*Accounts*

- 12 (1) [F<sup>6</sup>ISA] must keep its accounts in such form as the Secretary of State determines.
- (2) [F<sup>6</sup>ISA] must prepare annual accounts in respect of each financial year in such form as the Secretary of State decides.
- (3) Before the end of the specified period following the end of each financial year to which the annual accounts relate [F<sup>6</sup>ISA] must send a copy of the accounts to the Secretary of State and the Comptroller and Auditor General.
- (4) The Comptroller and Auditor General must—
- (a) examine, certify and report on the annual accounts;
  - (b) send a copy of the accounts and of his report to the Secretary of State, who must lay them before each House of Parliament.
- (5) The financial year is—
- (a) the period starting on the day [F<sup>6</sup>ISA] is established and ending on the next 31st March;
  - (b) each succeeding period of 12 months.
- (6) The specified period is such period as the Secretary of State directs.

**Annotations:****Commencement Information**

- I23** Sch. 1 para. 12 in force at 2.1.2008 for E.W. by [S.I. 2007/3545, art. 3](#)  
**I24** Sch. 1 para. 12 in force at 31.3.2008 for N.I. by [S.I. 2008/930, art. 2\(a\)](#)

*Status*

- 13 (1) [F<sup>6</sup>ISA] is not to be regarded—
- (a) as the servant or agent of the Crown, or
  - (b) as enjoying any status, immunity or privilege of the Crown.
- (2) [F<sup>6</sup>ISA's] property is not to be regarded as property of, or property held on behalf of, the Crown.

**Annotations:****Commencement Information**

- I25** Sch. 1 para. 13 in force at 2.1.2008 for E.W. by [S.I. 2007/3545, art. 3](#)  
**I26** Sch. 1 para. 13 in force at 31.3.2008 for N.I. by [S.I. 2008/930, art. 2\(a\)](#)

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### *Payments in connection with maladministration*

- 14 (1) If [F<sup>6</sup>ISA] thinks—
- (a) that action taken by or on behalf of [F<sup>6</sup>ISA] amounts to maladministration, and
  - (b) that a person has been adversely affected by the action,
- [F<sup>6</sup>ISA] may make such payment (if any) to the person as it thinks appropriate.
- (2) “Action” includes failure to act.

#### **Annotations:**

#### **Commencement Information**

**I27** Sch. 1 para. 14 in force at 2.1.2008 for E.W. by [S.I. 2007/3545, art. 3](#)

**I28** Sch. 1 para. 14 in force at 31.3.2008 for N.I. by [S.I. 2008/930, art. 2\(a\)](#)

### *Incidental powers*

- 15 (1) In connection with the exercise of any of its functions [F<sup>6</sup>ISA] may—
- (a) enter into contracts and other agreements (whether legally binding or not);
  - (b) acquire and dispose of property (including land);
  - (c) borrow money;
  - (d) do such other things as [F<sup>6</sup>ISA] thinks necessary or expedient.
- (2) The power conferred by sub-paragraph (1)(b) includes accepting—
- (a) gifts of money, and
  - (b) gifts or loans of other property,
- on such terms as [F<sup>6</sup>ISA] thinks appropriate.
- (3) But [F<sup>6</sup>ISA] may exercise the power conferred by sub-paragraph (1)(b) or (c) only with the consent of the Secretary of State.
- (4) Such consent may be given—
- (a) with respect to a particular case or with respect to a class of cases;
  - (b) subject to such conditions as the Secretary of State thinks appropriate.

#### **Annotations:**

#### **Commencement Information**

**I29** Sch. 1 para. 15 in force at 2.1.2008 for E.W. by [S.I. 2007/3545, art. 3](#)

**I30** Sch. 1 para. 15 in force at 31.3.2008 for N.I. by [S.I. 2008/930, art. 2\(a\)](#)

### *Documents*

- 16 A document purporting to be signed on behalf of [F<sup>6</sup>ISA] shall be received in evidence and, unless the contrary is proved, be taken to be so signed.]

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**Annotations:**

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**Commencement Information**

- I31** Sch. 1 para. 16 in force at 2.1.2008 for E.W. by [S.I. 2007/3545](#), **art. 3**  
**I32** Sch. 1 para. 16 in force at 31.3.2008 for N.I. by [S.I. 2008/930](#), **art. 2(a)**

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### Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 6(8A) (8B) inserted by [2008 c. 14 Sch. 14 para. 8](#)
- s. 6(8A) word omitted by [S.I. 2016/413 reg. 253\(a\)\(i\)](#) (This amendment comes into force on the day that the amendment to s. 6 of the Safeguarding Vulnerable Groups Act 2006 (c. 47) made by para. 8 of Sch. 14 to the Health and Social Care Act 2008 (c. 14) comes into force)
- s. 6(8A) words inserted by [S.I. 2016/413 reg. 253\(a\)\(ii\)](#) (This amendment comes into force on the day that the amendment to s. 6 of the Safeguarding Vulnerable Groups Act 2006 (c. 47) made by para. 8 of Sch. 14 to the Health and Social Care Act 2008 (c. 14) comes into force)
- s. 13(1A) inserted by [2009 c. 26 s. 82\(2\)](#) (This amendment not applied to legislation.gov.uk. Ss. 82-87 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
- s. 13(3A) inserted by [2009 c. 26 s. 82\(4\)](#) (This amendment not applied to legislation.gov.uk. Ss. 82-87 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
- s. 13(6) inserted by [2009 c. 26 s. 82\(6\)](#) (This amendment not applied to legislation.gov.uk. Ss. 82-87 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
- s. 13(11) substituted by [2009 c. 26 s. 82\(7\)](#) (This amendment not applied to legislation.gov.uk. Ss. 82-87 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
- s. 30(2)(aa) (ab) inserted by [2009 c. 26 s. 85\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Ss. 82-87 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
- s. 30(6A) (6B) inserted by [2009 c. 26 s. 85\(6\)](#) (This amendment not applied to legislation.gov.uk. Ss. 82-87 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
- s. 30A 30B substituted for s. 30-32 by [2012 c. 9 s. 72\(1\)](#)
- s. 32(3)(aa) inserted by [2009 c. 26 s. 86\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Ss. 82-87 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
- s. 33(3A)-(3D) inserted by [2012 c. 9 s. 72\(2\)\(c\)](#)
- s. 34A-34C inserted by [2009 c. 26 s. 87\(2\)](#) (This amendment not applied to legislation.gov.uk. Ss. 82-87 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
- s. 34ZA inserted by [2012 c. 9 s. 73](#)
- s. 41(4A)-(4C) inserted by [S.I. 2009/1182 Sch. 5 para. 9\(2\)\(a\)](#) (This amendment not applied to legislation.gov.uk. It comes into force on the coming into force of s. 44(1) of the Safeguarding Vulnerable Groups Act 2006 (c. 47). S. 44(1) was repealed without ever being in force on 10.9.2012 by 2012 c. 9, s. 75(6), Sch. 10 Pt. 5; S.I. 2012/2234, art. 2)
- s. 48(2A) inserted by [2012 c. 9 s. 76\(3\)\(c\)](#)
- s. 49(2A) inserted by [2012 c. 9 s. 76\(4\)\(c\)](#)
- s. 56(3)(fa) inserted by [2012 c. 9 Sch. 9 para. 68\(4\)\(b\)](#)
- s. 113A(2)(b) modified by [S.I. 2017/1264 Sch. 1 para. 2](#)
- Sch. 3 para. 5A inserted by [2012 c. 9 s. 74\(1\)](#)
- Sch. 3 para. 11A inserted by [2012 c. 9 s. 74\(3\)](#)
- Sch. 3 para. 16(4)(m) inserted by [2017 c. 16 Sch. 5 para. 35](#)

– Sch. 5 para. 12(a)(b) substituted by [S.I. 2009/203 art. 14\(3\)](#)