

POLICING AND CRIME ACT 2009

EXPLANATORY NOTES

TERRITORIAL EXTENT AND APPLICATION

Part 8 – Miscellaneous

Chapter 1 – Safeguarding Vulnerable Groups and Criminal Records

Safeguarding vulnerable groups: England and Wales

Section 85 Vetting Information

521. This section amends section 30 of the 2006 Act.
522. The section changes the requirements arising from the declaration to be made by persons eligible to receive vetting information under section 30. Section 30 requires the Secretary of State to provide vetting information to certain categories of persons entitled to know the status of an individual under the Vetting and Barring Scheme established by the Act. This is information which indicates whether the individual is registered with the scheme (or “subject to monitoring” under section 24 of the Act). The persons entitled to see such information are employers, personnel suppliers, local authorities and certain other bodies set out in Schedule 7 to the 2006 Act.
523. Section 30(2) of the 2006 Act previously required a declaration to be made indicating within which of the “specified entries” in Schedule 7 of the Act the enquirer falls. The Government believes that this is no longer necessary. The amendment simplifies the declaration by removing the reference to a “specified entry” in Schedule 7, and substituting a requirement for the enquirer to indicate whether he is entitled to information relating to children, to vulnerable adults, or to both. The effect is to simplify the application procedure for those entitled to the information.
524. Subsection (6) of the section relates specifically to members of the governing body of an educational institution. Previously section 30(5) aimed to ensure that the appropriate officer could make an application under section 30 to receive vetting information in relation to any appointed governor without the need to obtain the consent of the governor. This provision is no longer effective as, under section 82, a governor must consent to a check being made under section 30 of the 2006 Act and must provide information enabling the appropriate officer to make such a check before the governor can legally act as a governor.
525. New section 24A (section 84) provides that persons who had been entitled to a free application because they were unpaid volunteers must pay a prescribed fee upon taking part in paid activities. This section amends the declaration by the person seeking the information under section 30 to require them to indicate whether the application relates to paid activities. This provision assists the enforcement of fees. The new requirement to indicate whether the application related to paid activities should flag up those individuals who are now seeking paid employment, having previously registered as a volunteer, and therefore alert the Secretary of State that a required fee is due. If this fee is not paid, the Secretary of State can refuse to provide the information required.

*These notes refer to the Policing and Crime Act 2009
(c.26) which received Royal Assent on 12 November 2009*

526. Subsection (6) provides that paid activity means an activity that is carried out for financial gain and that the Secretary of State can clarify areas of doubt as to when an activity must, or must not, be treated as paid.