

PROTECTION OF FREEDOMS ACT 2012

EXPLANATORY NOTES

THE ACT

Commentary on Sections

Part 5: Safeguarding vulnerable groups, criminal records etc.

Chapter 1: Safeguarding of vulnerable groups

Section 65: Restriction of definition of vulnerable adults

277. Section 59(1) of the SVGA currently defines vulnerable adults by reference to certain settings or by receipt of certain services and certain specific status. Regulated activity relating to vulnerable adults is currently defined in section 59 of, and Parts 2 and 3 of Schedule 4 to, the SVGA. The definition is widely drafted to cover, for example, “any form of care for or supervision of vulnerable adults” (paragraph 7(1)(b) of Schedule 4) or “any form of assistance, advice or guidance...wholly or mainly for vulnerable adults” (paragraph 7(1)(c)). Regulated activity was also qualified by ‘a frequency condition’ (paragraph 7(1)).
278. *Subsection (1)* repeals section 59 of the SVGA and *subsection (2)* inserts a new definition into section 60(1) (interpretation) of the SVGA so that ‘vulnerable adult’ means any person aged 18 or over for whom an activity (that is, a ‘regulated activity’), as defined in paragraph 7(1) (read with paragraphs 7(2) to (3E)) of Schedule 4 to the SVGA, is provided. An adult is vulnerable at the time they are being provided an activity specified to be a regulated activity relating to adults. Section 66 (see paragraph 280 below) amend the definition of regulated activity relating to vulnerable adults.