



Safeguarding Vulnerable Groups Act 2006

2006 CHAPTER 47

Professional bodies and supervisory authorities

41 Registers: duty to refer

- (1) A keeper of a relevant register must provide IBB with any prescribed information he holds relating to a person if the first and second conditions are satisfied.
- (2) The first condition is that the keeper thinks—
 - (a) that paragraph 1, 2, 7 or 8 of Schedule 3 applies to the person,
 - (b) that the person has engaged in relevant conduct (within the meaning of paragraph 4 or 10 of Schedule 3) occurring after the commencement of this section, or
 - (c) that the harm test is satisfied.
- (3) The harm test is that the person 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.
- (4) The second condition is that the keeper thinks—
 - (a) that the person is engaged or may engage in regulated activity or controlled activity, and
 - (b) (except in a case where paragraph 1, 2, 7 or 8 of Schedule 3 applies) that IBB may consider it appropriate for the person to be included in a barred list.
- (5) A keeper of a relevant register may provide IBB with any prescribed information he holds relating to a person if—
 - (a) he thinks that the person has engaged in relevant conduct (within the meaning of paragraph 4 or 10 of Schedule 3) occurring before the commencement of this section, and
 - (b) the condition in subsection (4) is satisfied.

Status: This is the original version (as it was originally enacted).

- (6) For the purposes of subsection (2)(b) or (5)(a), conduct is inappropriate if it appears to the keeper 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) In this section—
- (a) a relevant register is a register appearing in column 1 of the following table, and
 - (b) in relation to a relevant register, the keeper of the register is the corresponding person appearing in column 2 of the table.

<i>Relevant register</i>	<i>Keeper of the register</i>
1. The register of teachers maintained under section 3 of the Teaching and Higher Education Act 1998 (c. 30)	The General Teaching Council for England or the General Teaching Council for Wales, as the case may be
2. The register of pharmaceutical chemists maintained under section 2 of the Pharmacy Act 1954 (c. 61)	The registrar appointed under section 1 of that Act
3. Either of the lists of medical practitioners kept under section 2 of the Medical Act 1983 (c. 54)	The registrar of the General Medical Council
4. The dentists register kept under section 14 of the Dentists Act 1984 (c. 24) or the dental care professionals register kept under section 36B of that Act	The registrar appointed under section 14 of that Act
5. The register of optometrists or the register of dispensing opticians maintained under section 7 of the Opticians Act 1989 (c. 44), or the register of persons undertaking training as optometrists or the register of persons undertaking training as dispensing opticians maintained under section 8A of that Act	The registrar of the General Optical Council
6. The register of osteopaths maintained under section 2 of the Osteopaths Act 1993 (c. 21)	The Registrar of Osteopaths
7. The register of chiropractors maintained under section 2 of the Chiropractors Act 1994 (c. 17)	The Registrar of Chiropractors
8. The register of social workers and social care workers maintained under section 56 of the Care Standards Act 2000 (c. 14)	The General Social Care Council or the Care Council for Wales, as the case may be
9. The register of qualified nurses and midwives maintained under Article 5 of	The registrar appointed under Article 4 of that Order

<i>Relevant register</i>	<i>Keeper of the register</i>
the Nursing and Midwifery Order 2001 (S.I. 2002/253)	
10. The register of members of relevant professions maintained under Article 5 of the Health Professions Order 2001 (S.I. 2002/254)	The registrar appointed under Article 4 of that Order

- (8) The Secretary of State may by order amend the table in subsection (7) by inserting an entry or amending or omitting an entry for the time being contained in the table.

42 Registers: duty to provide information on request

- (1) This section applies if IBB is considering—
- (a) whether to include in a barred list a person who appears on a relevant register;
 - (b) whether to remove such a person from a barred list.
- (2) IBB may require the keeper of the register to provide it with any prescribed information he holds relating to the person.
- (3) The keeper of the register must comply with a requirement under subsection (2).
- (4) References to a relevant register and the keeper of a relevant register must be construed in accordance with section 41(7).

43 Registers: notice of barring and cessation of monitoring

- (1) Subsection (2) applies if the Secretary of State knows or thinks that a person (A) appears on a relevant register and either—
- (a) A is newly included in a barred list or the Secretary of State becomes aware that A is subject to a relevant disqualification, or
 - (b) having been subject to monitoring, A ceases to be so subject by virtue of section 26.
- (2) The Secretary of State must—
- (a) notify the keeper of the register of the circumstances mentioned in paragraph (a) or (b) (as the case may be) of subsection (1), and
 - (b) in a case where A is newly included in a barred list, require IBB to provide the keeper with all the information on which IBB relied in deciding to include A in the list.
- (3) If IBB—
- (a) knows or thinks that a person appears on a relevant register, and
 - (b) becomes aware of relevant information relating to that person,
- it must provide the keeper of the register with that information.
- (4) In subsection (3), relevant information is information which—
- (a) relates to the protection of children or vulnerable adults in general, or of any child or vulnerable adult in particular, and
 - (b) is relevant to the exercise of any function of the keeper of the register.
- (5) But, in that subsection, relevant information does not include—

- (a) information that any of the events mentioned in subsection (1)(a) and (b) has occurred in relation to the person;
 - (b) the information mentioned in subsection (2)(b);
 - (c) information falling within paragraph 19(5) of Schedule 3.
- (6) In this section—
- (a) a relevant register is a register appearing in column 1 of entry 1 or 8 of the table in section 41(7), and
 - (b) in relation to a relevant register, the keeper of the register is the corresponding person appearing in column 2 of the table.
- (7) A person is subject to a relevant disqualification if he is included in a list maintained under the law of Scotland or Northern Ireland which the Secretary of State specifies by order as corresponding to a barred list.

44 Registers: power to apply for vetting information

- (1) If the keeper of a relevant register applies to the Secretary of State for information within subsection (2) in relation to a person (B), the Secretary of State must provide the keeper of the register with that information.
- (2) The information within this subsection is—
- (a) whether B is barred from regulated activity relating to children or vulnerable adults,
 - (b) whether IBB is considering whether to include B in a barred list in pursuance of paragraph 3 or 5 or 9 or 11 of Schedule 3,
 - (c) whether B is subject to monitoring in relation to regulated activity relating to children or vulnerable adults,
 - (d) if B is subject to such monitoring and the Secretary of State is required to notify B as mentioned in section 24(4), whether the Secretary of State has yet done so, and
 - (e) if B is subject to such monitoring and has made a simultaneous application under section 113B of the Police Act 1997, whether the Secretary of State has yet issued an enhanced criminal record certificate under that section.
- (3) The keeper of a relevant register may apply for information under this section in relation to a person only if—
- (a) the person appears in the register, or
 - (b) the person is being considered for inclusion in the register.
- (4) In this section—
- (a) a relevant register is a register appearing in column 1 of entry 1 or 8 of the table in section 41(7), and
 - (b) in relation to a relevant register, the keeper of the register is the corresponding person appearing in column 2 of the table.
- (5) In subsection (2)(e) “simultaneous application” means an application made simultaneously with B’s monitoring application under section 24.
- (6) The Secretary of State may by order amend this section for the purpose of altering the information within subsection (2).

- (7) The Secretary of State may prescribe the form, manner and contents of an application for the purposes of this section.

45 Supervisory authorities: duty to refer

- (1) A supervisory authority must provide IBB with any prescribed information it holds relating to a person if the first and second conditions are satisfied.
- (2) The first condition is that the supervisory authority thinks, on the basis of relevant evidence—
- (a) that paragraph 1, 2, 7 or 8 of Schedule 3 applies to the person,
 - (b) that the person has engaged in relevant conduct (within the meaning of paragraph 4 or 10 of Schedule 3) occurring after the commencement of this section, or
 - (c) that the harm test is satisfied.
- (3) The harm test is that the person 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.
- (4) The second condition is that the supervisory authority thinks—
- (a) that the person is engaged or may engage in regulated activity or controlled activity, and
 - (b) (except in a case where paragraph 1, 2, 7 or 8 of Schedule 3 applies) that IBB may consider it appropriate for the person to be included in a barred list.
- (5) The supervisory authority may provide IBB with any prescribed information it holds relating to a person if—
- (a) it thinks, on the basis of relevant evidence, that the person has engaged in relevant conduct (within the meaning of paragraph 4 or 10 of Schedule 3) occurring before the commencement of this section, and
 - (b) the condition in subsection (4) is satisfied.
- (6) Subsection (1) does not apply if the supervisory authority is satisfied that IBB already has the information.
- (7) A supervisory authority is—
- (a) a registration authority within the meaning of section 5 of the Care Standards Act 2000 (c. 14) in respect of its functions under Part 2 of that Act;
 - (b) the National Assembly for Wales in respect of its functions under Chapter 1 of Part 10 of the Education Act 2002 (c. 32);
 - (c) the Commission for Healthcare Audit and Inspection in respect of its functions under Chapter 3 of Part 2 of the Health and Social Care (Community Health and Standards) Act 2003 (c. 43);
 - (d) the Commission for Social Care Inspection in respect of its functions under Chapter 5 of Part 2 of that Act;
 - (e) the National Assembly for Wales in respect of its functions under Chapters 4 and 6 of Part 2 of that Act;

- (f) the Public Guardian in the exercise of his functions;
 - (g) Her Majesty's Chief Inspector of Schools in England in the exercise of his functions;
 - (h) Her Majesty's Chief Inspector of Education and Training in Wales in the exercise of his functions;
 - (i) the Charity Commissioners for England and Wales in the exercise of their functions.
- (8) Relevant evidence is evidence obtained by the supervisory authority in the exercise of the functions mentioned in subsection (7).
- (9) The Secretary of State may by order amend subsection (7) by inserting a paragraph or amending or omitting a paragraph for the time being contained in the subsection.
- (10) For the purposes of subsection (2)(b) or (5)(a), conduct is inappropriate if it appears to the supervisory authority to be inappropriate having regard to the guidance issued by the Secretary of State under paragraph 4(6) or 10(6) of Schedule 3.

46 Supervisory authorities: duty to provide information on request

- (1) This section applies if IBB is considering—
- (a) whether to include in a barred list a person in relation to whom IBB thinks that a supervisory authority may have prescribed information;
 - (b) whether to remove such a person from a barred list.
- (2) IBB may require the supervisory authority to provide it with any prescribed information it holds relating to the person.
- (3) The supervisory authority must comply with a requirement under subsection (2).

47 Supervisory authorities: power to apply for vetting information

- (1) If a supervisory authority applies to the Secretary of State for information within subsection (2) or (3) relating to a person (B), the Secretary of State must provide the supervisory authority with that information.
- (2) The information within this subsection is—
- (a) whether B is barred from regulated activity relating to children,
 - (b) whether IBB is considering whether to include B in the children's barred list in pursuance of paragraph 3 or 5 of Schedule 3,
 - (c) whether B is subject to monitoring in relation to regulated activity relating to children,
 - (d) if B is subject to such monitoring and the Secretary of State is required to notify B as mentioned in section 24(4) in connection with his monitoring application, whether the Secretary of State has yet done so, and
 - (e) if B is subject to such monitoring and has made a simultaneous application under section 113B of the Police Act 1997, whether the Secretary of State has yet issued an enhanced criminal record certificate under that section.
- (3) The information within this subsection is—
- (a) whether B is barred from regulated activity relating to vulnerable adults,
 - (b) whether IBB is considering whether to include B in the adults' barred list in pursuance of paragraph 9 or 11 of Schedule 3,

- (c) whether B is subject to monitoring in relation to regulated activity relating to vulnerable adults,
 - (d) if B is subject to such monitoring and the Secretary of State is required to notify B as mentioned in section 24(4) in connection with his monitoring application, whether the Secretary of State has yet done so, and
 - (e) if B is subject to such monitoring and has made a simultaneous application under section 113B of the Police Act 1997, whether the Secretary of State has yet issued an enhanced criminal record certificate under that section.
- (4) A supervisory authority may apply for information under this section only if the information is required in connection with the exercise of a function of the supervisory authority mentioned in section 45(7).
- (5) In subsections (2)(e) and (3)(e), “simultaneous application” means an application made simultaneously with B’s monitoring application under section 24.
- (6) The Secretary of State may by order amend this section for the purpose of altering the information within subsection (2) or (3).
- (7) The Secretary of State may prescribe the form, manner and contents of an application for the purposes of this section.

48 Supervisory authorities: notification of barring &c. in respect of children

- (1) This section applies if—
- (a) a person is newly included in the children’s barred list,
 - (b) the Secretary of State becomes aware that a person is subject to a relevant children’s disqualification, or
 - (c) having been subject to monitoring in relation to regulated activity relating to children, a person ceases to be so subject by virtue of section 26.
- (2) The Secretary of State must notify every interested supervisory authority of the circumstance mentioned in paragraph (a), (b) or (c) (as the case may be) of subsection (1).
- (3) A supervisory authority is an interested supervisory authority only if—
- (a) it has applied to the Secretary of State to be notified if any of the circumstances mentioned in subsection (1) occurs in relation to the person, and
 - (b) the application has not been withdrawn.
- (4) A supervisory authority may apply to the Secretary of State under subsection (3)(a) only if the notification is required in connection with the exercise of a function of the supervisory authority mentioned in section 45(7).
- (5) For the purposes of subsection (3)(b) an application is withdrawn if the supervisory authority notifies the Secretary of State that it no longer wishes to be notified if any of the circumstances mentioned in subsection (1) occurs in relation to the person.
- (6) A person is subject to a relevant children’s disqualification if he is included in a list maintained under the law of Scotland or Northern Ireland which the Secretary of State specifies by order as corresponding to the children’s barred list.
- (7) The Secretary of State may provide that in prescribed circumstances a supervisory authority is not an interested supervisory authority for the purposes of this section.

- (8) The Secretary of State may prescribe the form, manner and contents of an application for the purposes of this section.

49 Supervisory authorities: notification of barring &c. in respect of vulnerable adults

- (1) This section applies if—
- (a) a person is newly included in the adults' barred list,
 - (b) the Secretary of State becomes aware that a person is subject to a relevant adults' disqualification, or
 - (c) having been subject to monitoring in relation to regulated activity relating to vulnerable adults, a person ceases to be so subject by virtue of section 26.
- (2) The Secretary of State must notify every interested supervisory authority of the circumstance mentioned in paragraph (a), (b) or (c) (as the case may be) of subsection (1).
- (3) A supervisory authority is an interested supervisory authority only if—
- (a) it has applied to the Secretary of State to be notified if any of the circumstances mentioned in subsection (1) occurs in relation to the person, and
 - (b) the application has not been withdrawn.
- (4) A supervisory authority may apply to the Secretary of State under subsection (3)(a) only if the notification is required in connection with the exercise of a function of the supervisory authority mentioned in section 45(7).
- (5) For the purposes of subsection (3)(b) an application is withdrawn if the supervisory authority notifies the Secretary of State that it no longer wishes to be notified if any of the circumstances mentioned in subsection (1) occurs in relation to the person.
- (6) A person is subject to a relevant adults' disqualification if he is included in a list maintained under the law of Scotland or Northern Ireland which the Secretary of State specifies by order as corresponding to the adults' barred list.
- (7) The Secretary of State may provide that in prescribed circumstances a supervisory authority is not an interested supervisory authority for the purposes of this section.
- (8) The Secretary of State may prescribe the form, manner and contents of an application for the purposes of this section.

50 Provision of information to supervisory authorities

- (1) This section applies if IBB has information that it thinks is relevant to a supervisory authority.
- (2) IBB must provide the supervisory authority with the information.
- (3) Information is relevant to a supervisory authority if—
- (a) it relates to the protection of children or vulnerable adults in general, or of any child or vulnerable adult in particular, and
 - (b) is relevant to the exercise of any function of the authority,

but does not include information falling within paragraph 19(5) of Schedule 3 or information that any of the events mentioned in section 48(1)(a), (b) and (c) or 49(1)(a), (b) and (c) has occurred in relation to a person.