



# Safeguarding Vulnerable Groups Act 2006

## CHAPTER 47

### SAFEGUARDING VULNERABLE GROUPS ACT 2006

#### *Barring*

- 1 Independent Barring Board
- 2 Barred lists
- 3 Barred persons
- 4 Appeals

#### *Regulated activity*

- 5 Regulated activity

#### *Regulated activity providers*

- 6 Regulated activity providers

#### *Restrictions on participating in regulated activity*

- 7 Barred person not to engage in regulated activity
- 8 Person not to engage in regulated activity unless subject to monitoring
- 9 Use of barred person for regulated activity
- 10 Use of person not subject to monitoring for regulated activity
- 11 Regulated activity provider: failure to check
- 12 Personnel suppliers: failure to check
- 13 Educational establishments: check on members of governing body
- 14 Office holders: offences
- 15 Sections 13 and 14: checks

#### *Exceptions*

- 16 Exception to requirement to make monitoring check

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17 NHS employment

*Offences: supplementary*

- 18 Offences: companies &c.
- 19 Offences: other persons
- 20 Section 19: exclusions and defences

*Controlled activity*

- 21 Controlled activity relating to children
- 22 Controlled activity relating to vulnerable adults
- 23 Controlled activity: regulations

*Monitoring*

- 24 Monitoring
- 25 Monitoring: fees
- 26 Ceasing monitoring
- 27 Prohibition of requirement to produce certain records
- 28 Independent monitor
- 29 Part 5 of the Police Act 1997: code of practice

*Notices and information*

- 30 Provision of vetting information
- 31 Meaning of relevant information in section 30
- 32 Notification of cessation of monitoring
- 33 Cessation of registration
- 34 Declarations under sections 30 and 32
- 35 Regulated activity providers: duty to refer
- 36 Personnel suppliers: duty to refer
- 37 Regulated activity providers: duty to provide information on request &c.
- 38 Duty to provide information: offences

*Local authority information and referrals*

- 39 Local authorities: duty to refer
- 40 Local authorities: duty to provide information on request

*Professional bodies and supervisory authorities*

- 41 Registers: duty to refer
- 42 Registers: duty to provide information on request
- 43 Registers: notice of barring and cessation of monitoring
- 44 Registers: power to apply for vetting information
- 45 Supervisory authorities: duty to refer
- 46 Supervisory authorities: duty to provide information on request
- 47 Supervisory authorities: power to apply for vetting information
- 48 Supervisory authorities: notification of barring &c. in respect of children
- 49 Supervisory authorities: notification of barring &c. in respect of vulnerable adults
- 50 Provision of information to supervisory authorities

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*Crown*

51 Crown application

*Miscellaneous*

52 Referrals: findings of fact immaterial  
53 Fostering  
54 Devolution: alignment  
55 Northern Ireland  
56 Devolution: Wales

*General*

57 Damages  
58 Family and personal relationships  
59 Vulnerable adults  
60 Interpretation  
61 Orders and regulations  
62 Transitional provision  
63 Amendments and repeals  
64 Supplementary, incidental, consequential &c. provision  
65 Commencement  
66 Extent  
67 Short title

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SCHEDULES

SCHEDULE 1 — Independent Safeguarding Authority

*Membership*

1 (1) ISA shall consist of— (a) a chairman;

*Tenure of office*

2 (1) The chairman and members hold and must vacate office...

*Remuneration, pension etc. of members*

3 (1) ISA must pay to the chairman and each of...

*Staff*

4 (1) ISA shall have— (a) a chief executive;

*Remuneration, pensions etc. of staff*

5 (1) ISA must pay to its employees such remuneration and...

*Delegation of functions*

6 (1) ISA may to such extent as it may determine...  
7 ISA may to such extent as it may determine delegate...  
8 A core function is— (a) determining whether it is appropriate...

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### *Reports*

- 9 (1) As soon as possible after the end of each...  
10 The Secretary of State may direct ISA to submit a...

### *Funding*

- 11 The Secretary of State may make payments to ISA of...

### *Accounts*

- 12 (1) ISA must keep its accounts in such form as...

### *Status*

- 13 (1) ISA is not to be regarded—

### *Payments in connection with maladministration*

- 14 (1) If ISA thinks— (a) that action taken by or...

### *Incidental powers*

- 15 (1) In connection with the exercise of any of its...

### *Documents*

- 16 A document purporting to be signed on behalf of ISA...

## SCHEDULE 2 — Transfers to ISA

### *Staff transfer schemes*

- 1 (1) The Secretary of State may make a scheme (a...

### *Property transfer schemes*

- 2 (1) The Secretary of State may make a scheme (a...

### *Schemes: supplementary*

- 3 A staff transfer scheme, or property transfer scheme, may make...

## SCHEDULE 3 — Barred lists

### Part 1 — CHILDREN'S BARRED LIST

### *Automatic inclusion*

- 1 (1) This paragraph applies to a person if any of...

### *Inclusion subject to consideration of representations*

- 2 (1) This paragraph applies to a person if any of...

### *Behaviour*

- 3 (1) This paragraph applies to a person if—  
4 (1) For the purposes of paragraph 3 relevant conduct is—...

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*Risk of harm*

- 5 (1) This paragraph applies to a person if—

*Restriction on inclusion*

- 6 (1) IBB must not include a person in the children's...  
Part 2 — ADULTS' BARRED LIST

*Automatic inclusion*

- 7 (1) This paragraph applies to a person if any of...

*Inclusion subject to consideration of representations*

- 8 (1) This paragraph applies to a person if any of...

*Behaviour*

- 9 (1) This paragraph applies to a person if—  
10 (1) For the purposes of paragraph 9 relevant conduct is—...

*Risk of harm*

- 11 (1) This paragraph applies to a person if—

*Restriction on inclusion*

- 12 (1) IBB must not include a person in the adults'...  
Part 3 — SUPPLEMENTARY

*Procedure*

- 13 (1) IBB must ensure that in respect of any information...  
14 When an individual is included in a barred list IBB...  
15 (1) The Secretary of State may, by regulations, make provision...

*Representations*

- 16 (1) A person who is, by virtue of any provision...  
17 (1) This paragraph applies to a person who is included...

*Review*

- 18 (1) A person who is included in a barred list...

*Information*

- 19 (1) ISA may require— (a) any person who holds records...  
20 (1) The Secretary of State may provide to IBB any...  
21 IBB must provide the Secretary of State with the prescribed...  
22 The Secretary of State must inform the Scottish Ministers if...  
23 IBB may, at the request of the Welsh Ministers, provide...

*Prescribed criteria*

- 24 (1) The criteria which may be prescribed for the purposes...  
25 A court by or before which a person is convicted...

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## SCHEDULE 4 — Regulated Activity

### Part 1 — REGULATED ACTIVITY RELATING TO CHILDREN

#### *Regulated activity: general*

1 (1) An activity is a regulated activity relating to children...

#### *Activities*

2 (1) The activities referred to in paragraph 1(1) are—

#### *Establishments*

3 (1) The establishments referred to in paragraph 1(2) and (9C)...

#### *Positions*

4 (1) The persons referred to in paragraph 1(9) are—

5 A person who is part of a group in relation...

#### *Exceptions*

6 The Secretary of State may, by order, provide that in...

### Part 2 — REGULATED ACTIVITY RELATING TO VULNERABLE ADULTS

7 (1) Each of the following is a regulated activity relating...

8 (1) The persons referred to in paragraph 7(9) are—

9 The Secretary of State may, by order, provide that in...

### Part 3 — THE PERIOD CONDITION

10 (1) The period condition is satisfied if the person carrying...

## SCHEDULE 5 — Appropriate verification

### Part 1 — DEFAULT POSITION

1 (1) A regulated activity provider obtains an appropriate verification in...

2 (1) A regulated activity provider obtains an appropriate verification in...

3 (1) This paragraph applies if— (a) a regulated activity provider...

4 (1) This paragraph applies if— (a) a regulated activity provider...

### Part 2 — PRESCRIBED VERIFICATION

5 A regulated activity provider obtains an appropriate verification in accordance...

6 (1) This paragraph applies if— (a) a regulated activity provider...

7 (1) This paragraph applies if— (a) a regulated activity provider...

### Part 3 — PRESCRIBED VERIFICATION

8 A regulated activity provider obtains an appropriate verification in accordance...

9 (1) This paragraph applies if— (a) a regulated activity provider...

10 (1) This paragraph applies if— (a) a regulated activity provider...

### Part 4 — DEFINITIONS AND POWER TO AMEND

11 In this Schedule “enhanced criminal record certificate” means—

12 For the purposes of this Schedule an enhanced criminal record...

13 For the purposes of this Schedule a regulated activity provider,...

14 The Secretary of State may by order amend the preceding...

## SCHEDULE 6 — Employment businesses: failure to check

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### *Offences*

- 1 (1) A person (P) who carries on an employment business...
- 2 (1) In such circumstances as are prescribed, a person (P)...

### *Defences*

- 3 (1) P does not commit an offence under paragraph 1...

### *Modified meaning of regulated activity*

- 4 For the purposes of this Schedule, Schedule 4 is modified...

### *Power to amend paragraph 2(1)(c)*

- 5 The Secretary of State may by order amend paragraph 2(1)(c)...

### *Offence: acting for P etc*

- 6 If the commission of an offence under paragraph 1 or...

## SCHEDULE 7 — Vetting Information

- 1 This is the table referred to in sections 30 and...
- 2 The Secretary of State may by order amend any of...
- 3 (1) In entries 1 and 5 in the table the...
- 4 Parental responsibility has the same meaning as in the Children...
- 5 A regulated activity provider is an independent regulated activity provider...
- 6 An adult placement scheme is a scheme—

## SCHEDULE 8 — Transitional provisions

### *Advice by IBB*

- 1 IBB must provide the Secretary of State with such advice...

### *Existing restrictions relating to children*

- 2 (1) This paragraph applies to a person who is—

### *Existing restrictions relating to vulnerable adults*

- 3 (1) This paragraph applies to a person who is included...

### *Existing restrictions: supplementary*

- 4 An order under paragraph 2 or 3 may—

### *Modifications relating to monitoring*

- 5 (1) The Secretary of State may by order provide that...

## SCHEDULE 9 — Amendments

### Part 1 — EXISTING LISTS

### *Children Act 1989 (c. 41)*

- 1 In Schedule 9A to the Children Act 1989 (child minding...

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*Teaching and Higher Education Act 1998 (c. 30)*

- 2 The Teaching and Higher Education Act 1998 is amended as...  
 3 Section 2(4) (advisory functions of General Teaching Council) is  
 omitted....  
 4 In section 3(3) (eligibility for registration), after paragraph (a) insert—...  
 5 (1) Section 15 (supply of information following dismissal etc) is...  
 6 (1) Section 15A (supply of information by contractor, agency, etc)...  
 7 In paragraph 1(4) of Schedule 2 (disciplinary powers of Council),...

*Protection of Children Act 1999 (c. 14)*

- 8 (1) The Protection of Children Act 1999 is amended as...

*Care Standards Act 2000 (c. 14)*

- 9 Sections 80 to 89 and 91 to 93 of the...

*Childcare Act 2006*

- 10 (1) In section 75(3) of the Childcare Act 2006 (disqualification...  
 Part 2 — OTHER AMENDMENTS

*Police Pensions Act 1976 (c. 35)*

- 11 (1) The Police Pensions Act 1976 is amended as follows....

*Children Act 1989 (c. 41)*

- 12 In section 68 of the Children Act 1989 (persons disqualified...)

*Police Act 1996 (c. 16)*

- 13 (1) Section 97 of the Police Act 1996 (police officers...)

*Police Act 1997 (c. 50)*

- 14 (1) The Police Act 1997 is amended as follows.

*Data Protection Act 1998 (c. 29)*

- 15 (1) The Data Protection Act 1998 is amended as follows....

*Care Standards Act 2000 (c. 14)*

- 16 In section 58 of the Care Standards Act 2000, after...

SCHEDULE 10 — Repeals



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