

These notes refer to the Safeguarding Vulnerable Groups Act 2006 (c.47) which received Royal Assent on 8 November 2006

SAFEGUARDING VULNERABLE GROUPS ACT 2006

EXPLANATORY NOTES

NOTICES AND INFORMATION

Section 30: Provision of vetting information

117. This section provides for applications to be made to the Secretary of State for relevant information in relation to an individual by applicants who fall within the table in Schedule 7.
118. An application for relevant information is to be made in the prescribed form and must include an appropriate declaration. This declaration must state that the applicant falls within column 1 of the table in Schedule 7, and so has a right to the information, and that the individual has consented to the check. The consent provision will help to protect the information held by the scheme. Consent is not needed when an application is made by an appropriate officer within the meaning of section 13 who is making a check on a member of a governing body of a school or other educational establishment.

Schedule 7 – Vetting information

119. This Schedule contains a list of those who are eligible to make checks under section 30. Entry 19 of the table allows regulations to add to the categories of person who are eligible to make checks, and paragraph 2 allows the other entries to be amended by order.
120. Sub-paragraph (1) of paragraph 3 changes the definition of regulated activity, for the purposes of this Schedule, so that checks can be made when the activity relates to children under the age of 16 who are in employment or is carried on for the armed forces. Sub-paragraphs (2) and (3) change the definition of regulated and controlled activity, for the purposes of this Schedule, so that checks can be made even where the activity is not frequent. These sub-paragraphs enable those not under any obligation to check an individual to make a check voluntarily of their status. Provision made by this Schedule means that a parent who is considering engaging a babysitter can check the babysitter's status.

Section 31: Meaning of relevant information in section 30

121. This section provides for the information which will be released by the Secretary of State under section 30. The “relevant information” will indicate the individual's status in the scheme to the applicant by showing whether the individual is subject to monitoring (under section 24) and, if so, whether the individual is undergoing assessment. In general terms, an individual is undergoing assessment if the Secretary of State has not yet completed checks and gathering of information carried out on receipt of an application to be subject to monitoring, or if the individual is being considered for barring by the IBB.

Section 32: Notification of cessation of monitoring

122. This section provides for a system for a person to register an interest to be notified if an individual ceases to be subject to monitoring. All those eligible to make checks will be able to register to be notified if the individual ceases to be subject to monitoring (in relation to regulated activity relating to children, vulnerable adults or both) by making an application in the prescribed form which includes an appropriate declaration. This declaration will be similar to the declaration in section 30 and will also state that the applicant has the individual's consent. If the individual has given consent to a section 30 check, then that consent is valid for the purposes of this section.
123. The Secretary of State will be under a duty to notify all those with a registered interest in an individual when that individual ceases to be subject to monitoring in relation to the regulated activity in respect of which the interest was registered. The person who registered the interest will then be able to take action to find out why the individual is no longer monitored and to prevent them engaging in regulated or controlled activity, if that is appropriate.

Section 33: Cessation of registration

124. This section provides that registration must cease once the Secretary of State has notified the person that the individual is no longer monitored or when the person who registered their interest requests that it ceases. The individual may also request that registration cease in prescribed circumstances.

Section 34: Declarations under 30 and 32

125. This section makes it an offence to make a false declaration under sections 30 and 32. This offence is intended to deter people from trying to access private information about an individual when they are not entitled to that information under the Vetting and Barring Scheme.

Section 35: Regulated activity providers: duty to refer

126. This section relates to referrals of information from employers to the IBB. It sets out the circumstances in which a regulated activity provider and a responsible person (within the meaning of section 23) must provide the IBB with prescribed information about an individual. These are that:
- a. the provider or other person withdraws permission for the individual to engage in a regulated or controlled activity (for example an employer dismisses an employee); and
 - b. the permission is withdrawn for one of the specified reasons e.g. that the provider or other person thinks that any of the criteria specified in Schedule 3 for inclusion in a barred list applies.
127. The duty also applies if the provider or other person would or might have withdrawn permission if the individual had not otherwise stopped being engaged in the regulated activity (for example because the employee resigned before he could be dismissed). The duty does not apply to a person who is permitting an individual to engage in activity mentioned in section 16 that is regulated activity relating to vulnerable adults.

Section 36: Personnel suppliers: duty to refer

128. This section sets out the circumstances in which a personnel supplier must provide the IBB with prescribed information about an individual. The first of these circumstances is where the personnel supplier knows that the individual has ceased to be engaged in regulated or controlled activity in the circumstances set out in section 35. The second set of circumstances is that:

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- a. the personnel supplier decides to stop supplying the individual for regulated or controlled activity or, in the case of an educational institution, decides that the individual should cease to follow a course at the institution; and
 - b. it does this for one of the specified reason e.g. the reason for the decision is that the personnel supplier thinks that the individual satisfies any of the criteria specified in Schedule 3 for inclusion in a barred list.
129. Personnel suppliers are employment agencies and businesses, and educational institutions that supply individuals for regulated or controlled activity, such as teacher training colleges.

Section 38: Duty to provide information offences

130. This section makes it an offence not to comply with the duties in section 35, 36 or 37.