

Status: Point in time view as at 11/02/2008.

Changes to legislation: Safeguarding Vulnerable Groups Act 2006, Cross Heading: Positions is up to date with all changes known to be in force on or before 26 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 4

REGULATED ACTIVITY

PART 1

REGULATED ACTIVITY RELATING TO CHILDREN

Positions

- 4 (1) The persons referred to in paragraph 1(9) are—
- (a) member of the governing body of an educational establishment mentioned in section 8(5);
 - (b) member of a relevant local government body;
 - (c) director of children's services of a local authority in England;
 - (d) director of adult social services of a local authority in England;
 - (e) director of social services of a local authority in Wales;
 - (f) chief education officer of a local authority in Wales;
 - (g) charity trustee of a children's charity;
 - (h) member of the Youth Justice Board for England and Wales;
 - (i) Children's Commissioner or deputy Children's Commissioner appointed under Part 1 of the Children Act 2004 (c. 31);
 - (j) Children's Commissioner for Wales or deputy Children's Commissioner for Wales;
 - (k) operator of a database established in pursuance of section 12(1)(a) or (b) or 29(1)(a) or (b) of the Children Act 2004;
 - (l) member of a Local Safeguarding Children Board established under section 13 or 31 of that Act;
 - (m) member or chief executive of the Children and Family Court Advisory and Support Service;
 - (n) a deputy appointed in respect of a child under section 16(2)(b) of the Mental Capacity Act 2005 (c. 9);
 - (o) member, chief executive or member of staff of IBB.
- (2) For the purposes of sub-paragraph (1)(b), a person is a member of a relevant local government body if—
- (a) he is a member of a local authority and discharges any education functions, or social services functions, of a local authority;
 - (b) he is a member of an executive of a local authority which discharges any such functions;
 - (c) he is a member of a committee of an executive of a local authority which discharges any such functions;

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- (d) he is a member of an area committee, or any other committee, of a local authority which discharges any such functions.
- (3) Any reference in sub-paragraph (2) to a committee includes a reference to any sub-committee which discharges any functions of that committee.
- (4) A charity is a children's charity if the individuals who are workers for the charity normally include individuals engaging in regulated activity relating to children.
- (5) An individual is a worker for a charity if he does work under arrangements made by the charity; but the arrangements referred to in this sub-paragraph do not include any arrangements made for purposes which are merely incidental to the purposes for which the charity is established.
- (6) For the purposes of sub-paragraph (1)(k), a person is the operator of a database if he—
- (a) establishes or maintains the database, or
 - (b) otherwise, exercises any function in relation to the management or control of the database.
- (7) In this paragraph—
- “area committee” has the same meaning as in section 18 of the Local Government Act 2000 (c. 22);
- “charity” and “charity trustee” have the same meanings as in the Charities Act 1993 (c. 10);
- “education functions”, in relation to a local authority, means any functions with respect to education which are conferred on the authority in its capacity as a local education authority;
- “executive”, in relation to a local authority, has the same meaning as in Part 2 of the Local Government Act 2000;
- “local authority” has the same meaning as in the Education Act 1996 (c. 56);
- “social services functions”, in relation to a local authority, has the same meaning as in the Local Authority Social Services Act 1970 (c. 42).

Commencement Information

II Sch. 4 para. 4 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545](#), [art. 4\(b\)](#)

- 5 A person who is part of a group in relation to which another (P) engages in regulated activity relating to children does not engage in regulated activity only because he assists P or does anything on behalf of or under the direction of P which, but for this paragraph, would amount to engaging in regulated activity relating to children.

Commencement Information

I2 Sch. 4 para. 5 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545](#), [art. 4\(b\)](#)

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