STATUTORY RULES OF NORTHERN IRELAND

2009 No. 40

SAFEGUARDING VULNERABLE GROUPS

The Safeguarding Vulnerable Groups (Prescribed Information) Regulations (Northern Ireland) 2009

Made - - - -	*6th February 2009*
To be laid before Parliament	
Coming into operation	*13th March 2009*

The Secretary of State makes the following Regulations in exercise of the powers conferred by Articles 37(1)(a) and (b), 38(1), (2) and (3), 39(2), 41(1) and (5), 42(2), 43(1) and (5), 44(2), 47(1) and (5), 48(1) and (2) and 61(1) of, and paragraphs 19(1)(b) and 21 of Schedule 1 to, the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007(**1**).

Citation and commencement

1.—(1) These Regulations may be cited as the Safeguarding Vulnerable Groups (Prescribed Information) Regulations (Northern Ireland) 2009 and, subject to paragraph (2), come into operation on the 13th March 2009.

(2) Regulations 3, 4, 6, 8, 10 and 13 and the Schedule in so far as it relates to those regulations, come into operation on 12th October 2009.

Interpretation

2.—(1) In these Regulations—

"the Order" means the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007;

"employment" includes any arrangement (contractual or otherwise) under or by virtue of which a person (P) engages in regulated or controlled activity;

"P" means any person in relation to whom a person has a duty or power to provide information prescribed in regulations 3 to 11 to IBB for the purposes of Articles 37, 38, 39, 41, 42, 43, 44, 47 and 48 of the Order;

(2) In these Regulations, a reference to P's conduct includes a reference to any offence which P has committed or is alleged to have committed, any incident involving P or any behaviour or other act or omission of P's that—

(**1**) S.I. 2007/1351 (N.I.11).See Article 2(1) for definition of "prescribed".

(a) gave rise to the provision of information to IBB under Article 37, 38, 41, 43 or 47 of the Order; or

(b) in relation to which IBB is considering whether P should be included in or removed from a barred list.

Regulated activity providers and responsible persons: duty to refer

3. The information specified in the Schedule is prescribed for the purposes of Article 37(1)(a) and (b) of the Order.

Personnel suppliers: duty to refer

4.—(1) The following information is prescribed for the purposes of Article 38(1) and (2) of the Order—

(a) the information specified in the Schedule; and

(b) where the personnel supplier is an employment business or employment agency(**2**), any other information held by a personnel supplier under Schedule 4 to the Conduct of Employment Agencies and Employment Business Regulations (Northern Ireland) 2005(**3**) (particulars relating to work-seekers) except the information specified in paragraph 10 of that Schedule.

(2) The following information is prescribed for the purposes of Article 38(3) of the Order—

(a) the information specified in paragraphs 1 to 3, 5, 6, 9 and 10 of the Schedule;

(b) details of the course that P is following at the educational institution including the name and duration of the course and the qualification or other accreditation to which the course leads;

(c) a copy of P's application for a place on the course;

(d) the date on which P began the course;

(e) details of any regulated activity or controlled activity in which P has engaged as a result of P having been supplied to another person by the educational institution for the purposes of engaging in such activity including—

(i) the date on which any placement began and the duration of the placement;

(ii) the name and address of the person to whom P was supplied;

(iii) the setting and location of the placement;

(iv) whether the activity was one relating to children or to vulnerable adults;

(v) a description of the position held and the duties undertaken by P;

(f) the date on which and the reasons why the educational institution determined—

(i) to cease to supply P to another person for P to engage in regulated or controlled activity;

(ii) that P should cease to follow a course at the institution;

(g) where an educational institution does not make a determination as mentioned in sub-paragraph (f) but would or might have done so if P had not otherwise ceased to engage in the activity or ceased to follow the course, the reasons why the institution would or might have made any such determination;

(**2**) Pursuant to Article 2(2) of the Order, employment agency and employment business is to be construed in accordance with Part II of the Employment (Miscellaneous Provisions) (Northern Ireland) Order 1981 (N.I 20).

(**3**) S.R. 2005 No. 395

(h) details of any comments or reports made by persons to whom P was supplied for the purposes of engaging in the regulated or controlled activity;

(i) an assessment of P's progress on the course (including P's placements with persons for the purposes of engaging in regulated or controlled activity).

Regulated activity providers, responsible persons and personnel suppliers: duty to provide information on request

5.—(1) The information specified in the Schedule is prescribed for the purposes of Article 39(2) of the Order.

(2) The information specified in regulation 4(1) is prescribed for the purposes of Article 39(2)(c) of the Order.

(3) The information specified in regulation 4(2) is prescribed for the purposes of Article 39(2)(d) of the Order.

Education and Library Boards and HSS Bodies: referral of information to the IBB

6.—(1) The following information is prescribed for the purposes of Article 41(1) and (5) of the Order—

(a) the information specified in paragraphs 1 to 3, 5, 6, 9 and 10 of the Schedule;

(b) any information other than that relating to P's conduct which is likely to, or may, be relevant in considering whether P should be included in a barred list including information contained in reports of and minutes of meetings arising from investigations relating to the protection of children or vulnerable adults.

(2) Where an education and library board—

(a) has already passed information in relation to P's conduct to a HSS body; and

(b) has ascertained that the HSS body has not provided the information to IBB,

the education and library board must refer such information to IBB .

Education and Library Boards and HSS Bodies: duty to provide information on request

7. The following information is prescribed for the purposes of Article 42(2) of the Order—

(a) the information specified in paragraphs 1 to 3, 5, 6, 9 and 10 of the Schedule;

(b) any information other than that relating to P's conduct which is likely to, or may, be relevant in considering whether P should be included in or removed from a barred list including information contained in reports of and minutes of meetings arising from investigations relating to the protection of children or vulnerable adults.

Keepers of relevant registers: duty to refer

8. The following information is prescribed for the purposes of Article 43(1) and (5) of the Order—

(a) the information specified in paragraphs 1 to 3, 5, 6, 9 and 10 of the Schedule;

(b) any information other than that relating to P's conduct which is likely to, or may, be relevant in considering whether P should be included in a barred list including information relating to any decisions made, actions taken or complaints received by the keeper in relation to P.

Keepers of relevant registers: duty to provide information on request

9. The following information is prescribed for the purposes of Article 44(2) of the Order—

(a) the information specified in paragraphs 1 to 3, 5, 6, 9 and 10 of the Schedule;

(b) any information other than that relating to P's conduct which is likely to, or may, be relevant in considering whether P should be included in or removed from a barred list including information relating to any decisions made, actions taken or complaints received by the keeper in relation to P.

Supervisory authorities: referral of information

10. The following is prescribed information for the purposes of Article 47(1) and (5) of the Order—

(a) the information specified in paragraphs 1 to 3, 5, 6, 9 and 10 of the Schedule;

(b) any information other than that relating to P's conduct which is likely to, or may, be relevant in considering whether P should be included in a barred list including information relating to any decisions made, actions taken, complaints received or inspections undertaken by the authority in relation to P.

Supervisory authorities: duty to provide information on request

11. The following is prescribed information for the purposes of Article 48(1) and (2) of the Order—

(a) the information specified in paragraphs 1 to 3, 5, 6, 9 and 10 of the Schedule;

(b) any information other than that relating to P's conduct which is likely to, or may, be relevant in considering whether P should be included in or removed from a barred list including information relating to any decisions made, actions taken, complaints received or inspections undertaken by the authority in relation to P.

Prescribed details of convictions and cautions

12.—(1) The following details of relevant matter(**4**) relating to a person (P) to whom paragraphs 1 to 5 or 7 to 11 of Schedule 1 to the Order apply are prescribed for the purposes of paragraph 19(1)(b) of Schedule 1 to the Order.

(2) A description of the offence committed by that person and the date on which the offence was committed and—

(a) where P has been convicted of that offence, the date on which and the court at which P was convicted of that offence and the sentence imposed;

(b) where P has been cautioned in relation to that offence, the date on which and place at which the caution was administered.

Duty on the IBB to provide information to the Secretary of State

13.—(1) The following information relating to a person is prescribed for the purposes of paragraph 21 of Schedule 1 to the Order.

(2) For the purposes of sub-paragraph (a) of paragraph 21—

(a) the information specified in paragraph 1 of the Schedule;

(**4**) 'Relevant matter' is defined in paragraph 19(1)(b) of Schedule 1 to the Order by reference to section 113A of the Police Act 1997 (c.50).