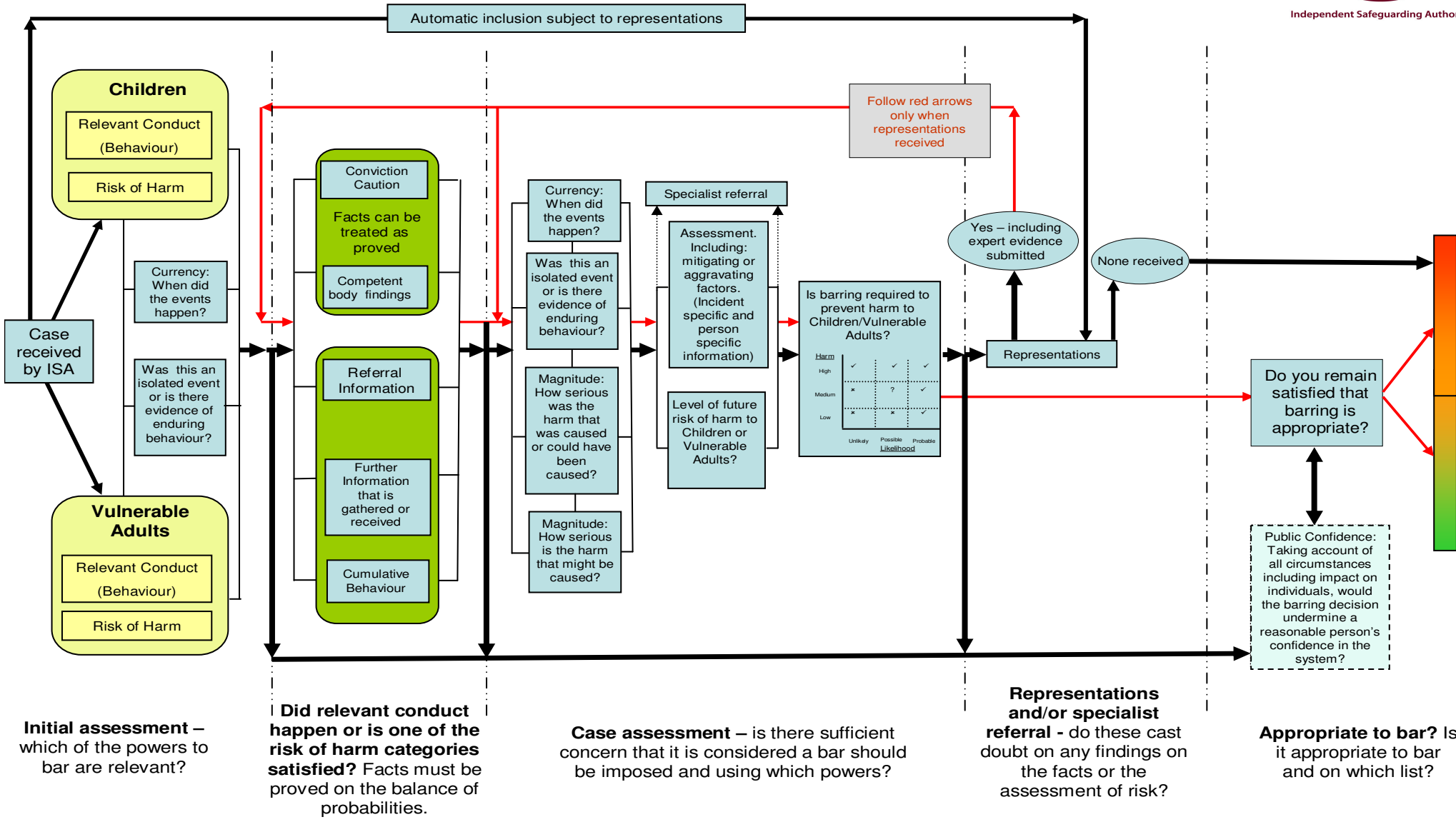


APPENDICES



Barring Decision Process



**Safeguarding Vulnerable Groups Act 2006, Schedule 3 and
Safeguarding Vulnerable Groups (Northern Ireland) Order 2007,
Schedule 1**

Part 1

Behaviour

3 (1) This paragraph applies to a person if—

- (a) it appears to IBB that the person has (at any time) engaged in relevant conduct, and
- (b) IBB proposes to include him in the children's barred list.

(2) IBB must give the person the opportunity to make representations as to why he should not be included in the children's barred list.

(3) IBB must include the person in the children's barred list if—

- (a) it is satisfied that the person has engaged in relevant conduct, and
- (b) it appears to IBB that it is appropriate to include the person in the list.

(4) This paragraph does not apply to a person if the relevant conduct consists only of an offence committed against a child before the commencement of section 2 and the court, having considered whether to make a disqualification order, decided not to.

(5) In sub-paragraph (4)—

- (a) the reference to an offence committed against a child must be construed in accordance with Part 2 of the Criminal Justice and Court Services Act 2000 (c. 43);
- (b) a disqualification order is an order under section 28, 29 or 29A of that Act.

4 (1) For the purposes of paragraph 3 relevant conduct is—

- (a) conduct which endangers a child or is likely to endanger a child;
- (b) conduct which, if repeated against or in relation to a child, would endanger that child or would be likely to endanger him;
- (c) conduct involving sexual material relating to children (including possession of such material);
- (d) conduct involving sexually explicit images depicting violence against human beings (including possession of such images), if it appears to IBB that the conduct is inappropriate;
- (e) conduct of a sexual nature involving a child, if it appears to IBB that the conduct is inappropriate.

(2) A person's conduct endangers a child if he—

- (a) harms a child,
- (b) causes a child to be harmed,
- (c) puts a child at risk of harm,
- (d) attempts to harm a child, or
- (e) incites another to harm a child.

(3) “Sexual material relating to children” means—

- (a) indecent images of children, or
- (b) material (in whatever form) which portrays children involved in sexual activity and which is produced for the purposes of giving sexual gratification.

(4) “Image” means an image produced by any means, whether of a real or imaginary subject.

(5) A person does not engage in relevant conduct merely by committing an offence prescribed for the purposes of this sub-paragraph.

(6) For the purposes of sub-paragraph (1)(d) and (e), IBB must have regard to guidance issued by the Secretary of State as to conduct which is inappropriate.

Risk of harm

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

- (a) it appears to IBB that the person falls within sub-paragraph (4), and
- (b) IBB proposes to include him in the children’s barred list.

(2) IBB must give the person the opportunity to make representations as to why he should not be included in the children’s barred list.

(3) IBB must include the person in the children’s barred list if—

- (a) it is satisfied that the person falls within sub-paragraph (4), and
- (b) it appears to IBB that it is appropriate to include the person in the list.

(4) A person falls within this sub-paragraph if he may—

- (a) harm a child,
- (b) cause a child to be harmed,
- (c) put a child at risk of harm,
- (d) attempt to harm a child, or
- (e) incite another to harm a child.

Part 2

Behaviour

9 (1) This paragraph applies to a person if—

- (a) it appears to IBB that the person has (at any time) engaged in relevant conduct, and
- (b) IBB proposes to include him in the adults' barred list.

(2) IBB must give the person the opportunity to make representations as to why he should not be included in the adults' barred list.

(3) IBB must include the person in the adults' barred list if—

- (a) it is satisfied that the person has engaged in relevant conduct, and
- (b) it appears to IBB that it is appropriate to include the person in the list.

10 (1) For the purposes of paragraph 9 relevant conduct is—

- (a) conduct which endangers a vulnerable adult or is likely to endanger a vulnerable adult;
- (b) conduct which, if repeated against or in relation to a vulnerable adult, would endanger that adult or would be likely to endanger him;
- (c) conduct involving sexual material relating to children (including possession of such material);
- (d) conduct involving sexually explicit images depicting violence against human beings (including possession of such images), if it appears to IBB that the conduct is inappropriate;
- (e) conduct of a sexual nature involving a vulnerable adult, if it appears to IBB that the conduct is inappropriate.

(2) A person's conduct endangers a vulnerable adult if he—

- (a) harms a vulnerable adult,
- (b) causes a vulnerable adult to be harmed,
- (c) puts a vulnerable adult at risk of harm,
- (d) attempts to harm a vulnerable adult, or
- (e) incites another to harm a vulnerable adult.

(3) "Sexual material relating to children" means—

- (a) indecent images of children, or
- (b) material (in whatever form) which portrays children involved in sexual activity and which is produced for the purposes of giving sexual gratification.

(4) "Image" means an image produced by any means, whether of a real or imaginary subject.

(5) A person does not engage in relevant conduct merely by committing an offence prescribed for the purposes of this sub-paragraph.

(6) For the purposes of sub-paragraph (1)(d) and (e), IBB must have regard to guidance issued by the Secretary of State as to conduct which is

inappropriate.

Risk of harm

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

- (a) it appears to IBB that the person falls within sub-paragraph (4), and
- (b) IBB proposes to include him in the adults' barred list.

(2) IBB must give the person the opportunity to make representations as to why he should not be included in the adults' barred list.

(3) IBB must include the person in the adults' barred list if—

- (a) it is satisfied that the person falls within sub-paragraph (4), and
- (b) it appears to IBB that it is appropriate to include the person in the list.

(4) A person falls within this sub-paragraph if he may—

- (a) harm a vulnerable adult,
- (b) cause a vulnerable adult to be harmed,
- (c) put a vulnerable adult at risk of harm,
- (d) attempt to harm a vulnerable adult, or
- (e) incite another to harm a vulnerable adult.

Competent Bodies

Findings of fact made by a competent body¹ are finding of fact made in proceedings before one of the following bodies or any of its committees –

- (a) the General Teaching Council for England;
- (b) the General teaching Council for Wales;
- (c) the Council of Pharmaceutical Society of Great Britain;
- (d) the General Medical Council;
- (e) the General Dental Council;
- (f) the General Optical Council;
- (g) the General Osteopathic Council;
- (h) the General Chiropractic Council;
- (i) the Nursing and Midwifery Council;
- (j) the Health Professionals Council;
- (k) the General Social Care Council;
- (l) the Care Council for Wales.

And

- (a) the General Teaching Council for Northern Ireland;
- (b) the Council of the Pharmaceutical Society of Northern Ireland;
- (c) the General Medical Council;
- (d) the General Dental Council;
- (e) the General Optical Council;
- (f) the General Osteopathic Council;
- (g) the General Chiropractic Council;
- (h) the Nursing and Midwifery Council;
- (i) the Health Professions Council; and
- (j) the Northern Ireland Social Care Council.²

¹ Para 16, Part 3, Safeguarding Vulnerable Groups Act 2006

² Paragraph 16(4), Schedule 1, Part III, Safeguarding Vulnerable Groups (Northern Ireland) Order 2007