
DRAFT STATUTORY INSTRUMENTS

2010 No.

The Safeguarding Vulnerable Groups Act 2006 (Regulated Activity, Devolution and Miscellaneous Provisions) Order 2010

Regulated activity: children

5.—(1) Paragraph 4(1) (office holders etc) is amended as follows.

(2) In sub-paragraph (1)—

(a) after paragraph (aa)(2) insert—

“(aaa) member of or clerk to a committee (established in accordance with regulations made under paragraph 15 of Schedule 1 to the Education Act 1996(3)) which acts as the management committee of a school falling within section 19(2) or (2B) of that Act (pupil referral units etc) which does not fall within sub-paragraph (1)(a);

(aab) an individual who is the proprietor of an independent school;

(aac) an individual who takes part in the management of an independent school;”

(b) in paragraph (p)(4) omit “wholly or mainly”, and

(c) after paragraph (r) insert—

“(s) member of a fostering panel;

(t) member of an adoption panel.”

(3) After sub-paragraph (1A)(5) insert—

“(1AA) For the purposes of sub-paragraph (1)(aaa), a person is a clerk to a committee if that person falls within the definition of a clerk to the committee in the regulations made under paragraph 15 of Schedule 1 to the Education Act 1996.”

(4) After sub-paragraph (6) insert—

“(6A) For the purposes of sub-paragraph (1)(s), a fostering panel is a panel established in accordance with regulations made under section 22(2) of the Care Standards Act 2000 (regulation of establishment or agencies) or regulations made under Part 3(6) or section 59(7) of the Children Act 1989 (regulation of foster placements made by local authorities or independent fostering agencies) whose functions include making recommendations as to whether a person is suitable to foster a child.

(1) Paragraph 4 was amended by [S.I. 2009/2610](#).

(2) Paragraph (aa) was inserted by [S.I. 2009/2610](#).

(3) Paragraph 15 was inserted by the Education Act 1997 (c. 44), section 48 and amended by the School Standards and Framework Act 1998 (c. 31), Schedule 30, paragraph 184(c) and Schedule 31. Further amendments were made by [S.I. 2001/2237](#).

(4) Paragraph (p) was inserted by [S.I. 2009/2610](#).

(5) Sub-paragraph (1A) was inserted by [S.I. 2009/2610](#).

(6) Part 3 has been amended by the Children and Young Persons Act 2008 (c. 23), section 8(1) but these amendments are not yet in force.

(7) Section 59 has been amended by the Children and Young Persons 2008 (c. 41), sections 8(2), Schedule 1, paragraph 2(1), (4) to (6) and Schedule 4 but these amendments are not yet in force. Amendments were also made by Schedule 3, paragraphs 1, 23(1), (3) to (5) of that Act.

(6B) For the purposes of sub-paragraph (1)(t), an adoption panel is a panel established in accordance with regulations made under section 9 of the Adoption and Children Act 2002⁽⁸⁾ (power to regulate adoption etc agencies).”

(5) At the appropriate place in sub-paragraph (7) insert the following—

““independent school” has the same meaning as in section 463 of the Education Act 1996⁽⁹⁾;

““proprietor” has the same meaning as in section 579(1) of the Education Act 1996⁽¹⁰⁾”.

⁽⁸⁾ 2002 c. 38.

⁽⁹⁾ Section 463 was substituted by the Education Act 2002, section 172.

⁽¹⁰⁾ Section 579(1) was amended by S.I.s 2003/2045 and 2005/2913.