

PROTECTION OF FREEDOMS ACT 2012

EXPLANATORY NOTES

THE ACT

Commentary on Sections

Part 5: Safeguarding vulnerable groups, criminal records etc.

Chapter 1: Safeguarding of vulnerable groups

Section 69: Abolition of monitoring

291. This section repeals sections 24 to 27 of the SVGA which, had they been brought into force, would have made provision for the monitoring by the Secretary of State of persons engaged in regulated activity, broadly those individuals who are working closely with, or applying to work closely with, children or vulnerable adults or whose work otherwise falls within the current definition of ‘regulated activity’. The monitoring system would have required the majority of individuals engaged in or seeking to engage in regulated activity to make an application to the Secretary of State to be monitored. Applications to the Secretary of State which revealed any criminality information would have been referred to the ISA for consideration for barring and any person barred could not become or remain “subject to monitoring”. Monitoring of applicants would have involved the collation of any updated material (such as new convictions or cautions) in relation to people registered with the Secretary of State for the purpose of being monitored, and referral of any new information to the ISA so that it could consider whether that person should be included on either or both of the barred lists. This section abolishes those requirements and any other requirements relating to the proposed monitoring scheme.