

Explanatory Memorandum to the Safeguarding Vulnerable Groups Act 2006 (Prescribed Period and Appropriate Officer) (Wales) (Revocation) Regulations 2010

This Explanatory Memorandum has been prepared by the Department for Children, Education, Lifelong Learning and Skills and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 24.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Safeguarding Vulnerable Groups Act 2006 (Prescribed Period and Appropriate Officer) (Wales) (Revocation) Regulations 2010.

I am satisfied that the benefits outweigh any costs.

Leighton Andrews

Minister for Children, Education and Lifelong Learning, one of the Welsh Ministers

30 June 2010

1. Description

The Safeguarding Vulnerable Groups Act 2006 (Prescribed Period and Appropriate Officer) (Wales) (Revocation) Regulations 2010 revoke the Safeguarding Vulnerable Groups Act 2006 (Prescribed Period and Appropriate Officer) (Wales) Regulations 2010.

2. Matters of special interest to the Constitutional Affairs Committee

None.

3. Legislative background

The Safeguarding Vulnerable Groups Act 2006 (Prescribed Period and Appropriate Officer) (Wales) Regulations 2010 (“the regulations”) were made under section 13 of the Safeguarding Vulnerable Groups Act 2006 (“the SVG”). The regulations are due come into force on 26 July 2010 to coincide with the go live date of the Vetting and Barring Scheme. The regulations define the ‘appropriate officer’ (AO) to make a check against a member of a maintained or independent school or further education institution (FEI) governing body. They also prescribe the ‘prescribed period’ within which the AO must carry out that check.

The Westminster Government has postponed implementation of the next stages of the Vetting and Barring Scheme pending the outcome of a review. We do not know the outcome of the review nor do we know when that review will be finalised. This means that the regulations, which are due to come into force on 26 July 2010, should be repealed.

Given that we do not know when the results of the review will become known, or indeed what the results of that review will be it is considered to be bad practice to allow the regulations to come into force on 26 July 2010 and to remain on the statute book in the meantime. If the regulations were allowed to come into force and to remain on the statute they cause some confusion, and lead to some people to mistakenly believe the vetting and barring regime introduced by the SVG Act had come into force.. If that were the case there may be some criticism of the Welsh Assembly Government for allowing the regulations to remain on the statute book pending the review.

Information about the Independent Safeguarding Authority and the Vetting and Barring Scheme is available at:

<http://www.isa-gov.org.uk>

The Safeguarding Vulnerable Groups Act 2006 (Prescribed Period and Appropriate Officer) (Wales) (Revocation) Regulations 2010 have been made under Sections 13, 56(1), 60 and 61(5) of the Safeguarding Vulnerable Groups Act 2006. Under Section 13 the Welsh Ministers may prescribe an AO and a prescribed period within which the AO must discharge their duty.

The powers in the Act were conferred directly on the Welsh Ministers.

The Regulations are made by the Negative Resolution procedure.

4. Purpose & Intended Effect of the Legislation

The Safeguarding Vulnerable Groups Act 2006 (Prescribed Period and Appropriate Officer) (Wales) (Revocation) Regulations 2010 revoke the Safeguarding Vulnerable Groups Act 2006 (Prescribed Period and Appropriate Officer) (Wales) Regulations 2010.

5. Consultation

No consultation has been undertaken because this statutory instrument makes a change which is driven by a Westminster policy decision over which the Assembly Government does not have control.

6. Regulatory Impact Assessment

A Regulatory Impact Assessment has not been prepared for this instrument because it revokes another instrument which has not come into force yet.

Revocation of the Safeguarding Vulnerable Groups Act 2006 (Prescribed Period and Appropriate Officer) (Wales) Regulations 2010 will not create a cost or burden for any person in Wales.