

2010 No. 1291(W. 110)

EDUCATION, WALES

**The Safeguarding Vulnerable
Groups Act 2006 (Prescribed Period
and Appropriate Officer) (Wales)
Regulations 2010**

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Safeguarding Vulnerable Groups Act 2006 (“the 2006 Act”) provides the legislative framework for a new vetting and barring scheme for people who work with children and vulnerable adults. Section 13 of the 2006 Act requires that a check be made in relation to any person appointed to the governing body of an educational establishment. It is an offence to fail to carry out a check. These Regulations prescribe, for the purposes of section 13, the period within which that check must be carried out and the appropriate officer responsible for carrying it out.

Accordingly, the prescribed period is within four months of the date on which a person appointed to the governing body of an educational establishment consented to the appropriate officer making a check and provided any information required to make that check to the appropriate officer. The appropriate officer for an independent school is the proprietor and, for a further education institution, is the principal. In respect of all other educational establishments the appropriate officer is the chief education officer of the local authority.

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Made 19 April 2010

Laid before the National Assembly for Wales

20 April 2010

Coming into force

26 July 2010

The Welsh Ministers, in exercise of the powers conferred on them by sections 13, 56(1), 60 and 61(5) of the Safeguarding Vulnerable Groups Act 2006⁽¹⁾ make the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the Safeguarding Vulnerable Groups Act 2006 (Prescribed Period and Appropriate Officer) (Wales) Regulations 2010 and they come into force on 26 July 2010.

(2) These Regulations apply in relation to Wales.

Interpretation

2.—(1) In these Regulations—

“the 2006 Act” (“*Deddf 2006*”) means the Safeguarding Vulnerable Groups Act 2006;

“chief education officer” (“*prif swyddog addysg*”) means the person appointed in accordance with section 532 of the Education Act 1996⁽²⁾;

“further education institution” (“*sefydliad addysg bellach*”) means an institution in the further education sector within the meaning of section 91

(1) 2006 c.47.

(2) 1996 c.56.

of the Further and Higher Education Act 1992⁽¹⁾ and is otherwise an educational establishment within the meaning of section 8(5) of the 2006 Act;

“independent school” (“*ysgol annibynnol*”) means a school that is not maintained by the local authority and is otherwise an educational establishment within the meaning of section 8(5) of the 2006 Act;

“principal” (“*penadur*”) means the person appointed as principal of a further education institution;

“proprietor” (“*perchennog*”) has the meaning given to it by section 579 of the Education Act 1996⁽²⁾;

“responsible individual” (“*unigolyn cyfrifol*”) means—

- (i) the individual with overall control of the day to day management of the school; or
- (ii) where that control is shared between two or more individuals, the one of them nominated by the proprietor to be the responsible individual; and

“school” (“*ysgol*”) has the meaning given to by section 4 of the Education Act 1996⁽³⁾.

Prescribed Period

3. For the purposes of section 13(1) of the 2006 Act the prescribed period is within four months from the date on which a person appointed to the governing body of an educational establishment—

- (a) consented to the appropriate officer making a check in accordance with section 15(2)(a) of the 2006 Act; and
- (b) provided any information required to make that check to the appropriate officer.

(1) 1992 c.13.

(2) Amended by paragraph 183(a)(iii) of Schedule 30 to the School Standards and Framework Act 1998 (c.31) and by S.I. 2005/2913 (W.210).

(3) Sub-section (1) was substituted by section 51 of the Education Act 1997 (c.44). Sub-section (1) was amended by section 95(1) and (2) of the Childcare Act 2006 (c.21) and by Part 3 of Schedule 22 to the Education Act 2002 (c.32). Sub-section (1A) was inserted by section 95(1) and (3) of the Childcare Act 2006. Sub-section (2) was amended by paragraph 10(a) and (b) of Schedule 7 and Schedule 8 to the Education Act 1997.

Appropriate Officer

4.—(1) For the purposes of section 13(5) of the 2006 Act, the appropriate officer—

- (a) in relation to an independent school is its responsible individual;
- (b) in relation to a further education institution is its principal; and
- (c) in relation to any other educational establishments is the chief education officer for the local authority in which the educational establishment is located.

Leighton Andrews

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

19 April 2010