EXPLANATORY MEMORANDUM TO

THE SAFEGUARDING VULNERABLE GROUPS ACT 2006 (PRESCRIBED PURPOSES) REGULATIONS 2025

2025 No. 1239

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Home Office and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Jess Phillips, Minister for Safeguarding and Violence against Women and Girls at the Home Office confirms that this Explanatory Memorandum meets the required standard.

2.2 Shehla Husain, Deputy Director for the Public Protection Unit at the Home Office confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Alison Ryan at the Home Office can be contacted by email at the following address with any queries regarding the instrument:

svpu-dbs&siacorrespondence@homeoffice.gov.uk.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 Section 50A of the Safeguarding Vulnerable Groups Act 2006 ("SVGA") gives the Disclosure and Barring Service (DBS) the power to provide its barred list information to a chief officer of police for specified purposes. This instrument will prescribe a new purpose which enables the ACRO Criminal Records Office (ACRO) and the National Crime Agency (NCA) to disclose an individual's status with regard to the children's barred list on the International Child Protection Certificate (ICPC), where the employment decision is made outside the UK. This is intended to reduce the risk of an overseas employer unknowingly hiring a person to work with children, when that person has been barred by DBS from working in regulated activity with children due to the risk they pose.

Where does the legislation extend to, and apply?

4.2 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales.

4.3 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England and Wales.

5. Policy Context

What is being done and why?

5.1 DBS produces and maintains a children's barred list, for individuals barred from working in regulated activity with children. Individuals are considered by DBS for

barring if they have committed serious offences linked to safeguarding, or if there is police information or a referral that indicates that they have harmed or pose a risk of harm to a child. As of June 2025, there were 92,188 individuals on this list. Enhanced criminal record checks used for sensitive roles working with children include information whether the individual is barred. However, DBS checks are currently only available for employment decisions made in England and Wales.

5.2 Section 50A of the Safeguarding Vulnerable Groups Act 2006 (SVGA) gives the DBS the power to provide information on the barred list status of individuals to a chief officer of police for specified purposes of (i) crime prevention, detection and investigation, (ii) apprehending and prosecuting offenders, (iii) appointing individuals under the police officer's authority and (iv) any prescribed purpose.

5.3 This instrument prescribes a new purpose under Section 50A(1)(d), so that DBS can share information on the barred list status of an individual for the purpose of it being disclosed on UK criminal record checks issued by police, to inform the recruitment decisions made by overseas employers. This provides DBS with the power to share its children's barred list data with ACRO and NCA for the purpose of ACRO disclosing it on the ICPC for roles working with children, where the employment decision is made outside the UK.

5.4 ACRO supports UK and international law enforcement by securely processing criminal records for the purpose of public protection and safeguarding. The ICPC is intended for UK nationals or individuals who have previously lived in the UK, Channel Islands or the Isle of Man, and who are seeking to work with children abroad. It provides a certificate that can be shown to overseas employers as part of the recruitment process, should that employer require it, with the certificate showing criminal conviction, caution, and police information.

5.5 This change reduces the risk that employers and organisations overseas unknowingly employ someone who is barred by DBS from working in regulated activity with children. Prior to this change, that risk was mitigated by the fact that most of those on the DBS children's barred list are there because they have a conviction for a serious sexual or violence offence held on the Police National Computer (PNC) or because police information on the Police National Database (PND) indicates that they pose a high safeguarding risk – information which ACRO and NCA already have access to, and which would already be included on ICPCs. However, the fact of someone being barred from working in regulated activity with children may be important information in its own right, particularly in the limited circumstances where DBS' barred list information will be the only information about that individual held on police systems and thus may now be disclosed on the ICPC, which indicates that this person is not suitable to work closely with children.

5.6 This change implements a recommendation from the Independent Inquiry into Child Sexual Abuse (IICSA) which advised that overseas employers recruiting for roles working with children should be informed if an individual is barred by the DBS.[1]

What was the previous policy, how is this different?

5.7 Under section 50A of the Safeguarding Vulnerable Groups Act 2006, chief officers, including ACRO and NCA, could already obtain information from DBS regarding an individual being listed on DBS's children's barred list. This access was permitted for the purposes of the prevention and detection of crime; the apprehension and

[1] https://www.iicsa.org.uk/recommendations

prosecution of offenders, police vetting, and any prescribed purpose. While ACRO and NCA could disclose criminal convictions or relevant police intelligence on the ICPC, the legislation previously did not authorise the inclusion of an individual's DBS barred list status within the ICPC itself.

5.8 This instrument enables ACRO and the NCA to include the children's barred list information in the ICPC, allowing overseas employers to be informed if an applicant is deemed to pose a risk to children and has therefore been placed on the children's barred list by DBS.

6. Legislative and Legal Context

How has the law changed?

6.1 This instrument prescribes a new purpose under section 50A(1)(d) of the Safeguarding Vulnerable Groups Act 2006 to enable DBS to share its children's barred list information with chief officers of police for the purpose of assisting a person or organisation outside the UK in assessing the suitability of an individual for a paid or voluntary role involving work with children overseas. This allows ACRO and the NCA to disclose the children's barred list status of an individual on an ICPC.

Why was this approach taken to change the law?

6.2 Section 50A of the SVGA provides DBS with a legal basis for sharing its barred list data with the police forces for the purposes listed in the legislation. This is the only possible approach to make the necessary changes. This amendment prescribes a new purpose for police forces to use DBS's information to assist prospective overseas employers to assess a person's suitability for roles involving work with children where the hiring decision is made overseas. This gives effect to one of the recommendations from the Independent Inquiry into Child Sexual Abuse Consultation.

7. Consultation

Summary of consultation outcome and methodology

7.1 The Home Office has consulted DBS, ACRO and NCA on these changes, who were all supportive of this change in legislation. The Home Office has also consulted the Department for Education, Department of Health and Social Care, the Foreign, Commonwealth and Development Office and officials in Wales, Northern Ireland and Scotland who were also supportive of the change and the increased safeguarding it provides. The consultation was largely carried out through meetings or written communications, explaining the measure and exploring implications. In adherence with the General Data Protection Regulation (GDPR), we have also consulted the Information Commissioner's Office (ICO) through submission of Article 36(4) providing an outline of the proposal in March 2025 and following discussion and questions, ICO indicated that they were happy to complete the consultation process in June.

8. Applicable Guidance

8.1 ACRO's website informs applicants that additional barred status information may be disclosed on an individual's ICPC alongside any criminal record or police information.[2]

[2] https://www.acro.police.uk/s/acro-services/icp-certificates

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because of the small scale of the impact of allowing the disclosure of one additional piece of data which DBS already share with ACRO and NCA, on its existing criminal record check for overseas employers, i.e. the ICPC. There is a negligible economic cost as a result, as ACRO and NCA familiarise themselves with the change and update the information they provide to users regarding the content of the ICPC. Any benefit would depend on how employers use the information given.

9.2 There is no, or no significant impact on business, charities or voluntary bodies because it merely provides additional information to overseas employers or bodies via an existing criminal record product for overseas employers recruiting UK nationals or those who have resided in the UK, Channel Islands and the Isle of Man.

9.3 The legislation does not impact small or micro businesses.

9.4 There is no, or no significant financial impact on the public sector because it does not impact on the cost of DBS checks. Further, as ACRO already accesses DBS's barred list data held on police systems, alongside other police information, the impact on their existing processes of barred list disclosure on the ICPC is not significant, notwithstanding the fact that ACRO estimates that the volume of increased disclosure on their product will be low. Therefore, they do not anticipate any significant increase to the fee for the ICPC on the basis of this change. It provides greater safeguarding for children overseas as employers there may now learn if an individual is barred via the ICPC, before they make a decision to recruit. This positively impacts overseas employers as they will receive additional information on the ICPC, to support more robust safeguarding decisions.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring this legislation is to use existing mechanisms of engagement with DBS, ACRO and NCA and with the National Police Chiefs' Council, regarding its implementation.

10.2 The instrument does not include a statutory review clause.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").