



Senior President of Tribunals

Practice Direction of the Administrative Appeals Chamber of the Upper Tribunal

For proceedings relating to applications and appeals under section 4 of
the Safeguarding Vulnerable Groups Act 2006

1. Interpretation

In this Practice Direction:

“section 4” means section 4 of the Safeguarding Vulnerable Groups Act 2006;

“anonymity order” means an order by the Upper Tribunal prohibiting the disclosure or publication of—

- (a) the name of an individual relating to the proceedings; or
- (b) any matter likely to lead members of the public to identify that individual;

“applicant” means the person making the application under section 4 for permission to appeal to the Upper Tribunal against a decision made by the DBS;

“application” means an application under section 4 for permission to appeal to the Upper Tribunal against a decision made by the DBS;

“the DBS” means the Disclosure and Barring Service;

“proceedings” means proceedings relating to an application for permission to appeal, or relating to an appeal, under section 4;

“redactions order” means an order by the Upper Tribunal upholding redactions contained in documents supplied to that tribunal by a party to the proceedings.

2. Documents

2.1 Within 1 month of the date on which notification of an application is sent by the Upper Tribunal to the DBS, the DBS must supply electronically to the Upper Tribunal copies of all documents the DBS has relating to the applicant, except—

- (a) any audio, visual, or audio-visual recording; and
- (b) any document that the DBS is prohibited from supplying;

even if the documents were not before the DBS's decision maker.

2.2 Documents supplied to the Upper Tribunal under paragraph 2.1 must also be supplied by the DBS to the applicant at the same time. The documents must be supplied electronically if the applicant is content to receive them that way, or otherwise by post.

2.3 A request by the DBS for an anonymity order or a redactions order does not affect the requirement in paragraph 2.2 above, save that where the DBS makes a request for a redactions order, any pages containing the redactions in question may be supplied by the DBS to the applicant with those redactions, pending the Upper Tribunal's decision as to the request.

2.4 In relation to a request for a redactions order—

- (a) the request must specify the nature of the information redacted and the aim of the redaction;
- (b) the redactions to which the request relates must be no more than are necessary to achieve the specified aim; and
- (c) the request must be accompanied by an unredacted version of the pages in question, if the party making the request has those pages in unredacted form. The unredacted version must be supplied to the Upper Tribunal separately from the redacted version.

2.5 When numbering the documents it supplies, the DBS must also number the DBS's cover letter, and the DBS's index, which accompany the documents the DBS supplies.

This Practice Direction is made by the Senior President of Tribunals with the agreement of the Lord Chancellor under section 23 of the Tribunals, Courts and Enforcement Act 2007.

Sir Keith Lindblom
Senior President of Tribunals
30 May 2023