

**CARE TRIBUNAL
APPEAL APPLICATION UNDER THE SAFEGUARDING VULNERABLE GROUPS
(NORTHERN IRELAND) ORDER 2007**

- Tick the appropriate boxes and provide the relevant information in relation to your appeal.
- Use black ink as the form will be photocopied.
- Use capital letters.

COMPLETE THIS FORM IF YOU WANT TO SEEK LEAVE TO APPEAL TO THE CARE TRIBUNAL IN RELATION TO:

➤ **Service (DBS) Childrens' Barred List** **The Disclosure and Barring**

Tick here:

What is the date of the letter giving you the decision against which you are appealing? Enclose a copy of this letter

Day: _____ Month: _____ Year: _____

➤ **The DBS Adult's Barred List**

Tick here:

What is the date of the letter giving you the decision against which you are appealing? Enclose a copy of this letter

Day: _____ Month: _____ Year: _____

Now complete Section 1–Personal details

SECTION 1 – PERSONAL DETAILS

Please provide the following details about yourself:

Title: <input type="checkbox"/> Mr. <input type="checkbox"/> Mrs. <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> other (please specify)

Surname: _____
First Name(s): _____
Date of Birth: Date _____ Month _____ Year _____
Address: _____

Post Code: _____
Daytime Tel No: _____
Email address (if any): _____

If the address above is outside the UK please give an address in the UK where we can write to you and send you documents about your application:

Now complete Section 2- Representation

SECTION 2 – REPRESENTATION

If you have a representative to whom you would like us to send papers concerning your appeal **instead of to you**, please provide the details below

Name: _____
Address: _____ _____
Post Code: _____
Profession: _____
Day time Tel No: _____
Email address (if any): _____

- If you are applying for leave to appeal in relation to the children's barred list only - complete section 3.
- If you are applying for leave to appeal in relation to the adult's barred list only - complete section 4.
- If you are applying for leave to appeal in relation to both the children's barred list and the adult's barred list - complete sections 3, 4 and 5.

SECTION 3 - THE CHILDREN'S BARRED LIST

Complete this section in relation to inclusion of your name on the children's barred list. Tick the appropriate box or boxes and answer Y/N as applicable.

I wish to:

- 1) Seek leave to appeal against a decision by the DBS to include my name on the children's barred list (see Article 6(1)(a) of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007) under paragraph 2, 3, or 5 of Schedule 1 to the 2007 Order

Tick here:

OR

- 2) Seek leave to appeal against a decision by the DBS not to remove my name from the children's barred list (see Article 6(1)(a) of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007) under paragraph 17, 18 or 18A of Schedule 1 to the 2007 Order

Tick here:

Now answer the following questions:

- 3)
 - (a) Have there been any criminal or civil proceedings about the alleged misconduct? **Y/N**
If yes, give details over the page- 'Reasons for request for leave to appeal'
 - (b) Have proceedings finished? **Y/N**
Please give date when proceedings finished
Day: Month: Year:

- 4) Have you applied to the Tribunal to have your name removed from the list before?

Y/N

- (a) If yes give the dates of earlier applications

Date(s).....

I am seeking leave to appeal against a decision of the DBS to include me on the children's barred list under:

(a) Paragraph 2 of Schedule 1 to the 2007 Order (inclusion in children's barred list subject to consideration of representations);

Tick here:

(b) Paragraph 3 of Schedule 1 to the 2007 Order (behaviour); or

Tick here:

(c) Paragraph 5 of Schedule 1 to the 2007 Order (risk of harm).

Tick here:

I am seeking leave to appeal against a decision of the DBS not to remove me from the children's barred lists under:

(a) Paragraph 17 of Schedule 1 to the 2007 Order (person included in a barred list before his or her whereabouts were ascertained);

Tick here:

(b) Paragraph 18 of Schedule 1 to the 2007 Order (application for review of inclusion in barred list); or

Tick here:

(c) Paragraph 18A of Schedule 1 to the 2007 Order (review of inclusion in barred list of a person not subject to paragraph 18 of Schedule 1 to the 2007 Order.

Tick here:

Reasons for request for leave to appeal:

- Please state why you think you should be given leave to appeal.
- Please give the reasons why you consider you should not be included on the children's barred list or why your name should be removed from the list. **Give your reasons in full - you will only be able to amend your reasons at a later date with permission from the Tribunal.**
- If applying for leave to appeal and you have applied to the Tribunal before, give details of any new evidence or change of circumstance since your last application for leave to appeal.

Continue on a separate sheet if necessary.

Further Details:

- If you want to apply for leave to appeal in relation to inclusion of your name on the adult's barred list as well as the children's barred list you must also complete sections 4 and 5.

- Now go to Section 6 - Other information and signature

SECTION 4 – THE ADULTS’ BARRED LIST

Complete this section in relation to inclusion of your name on the adults’ barred list. Tick the appropriate box or boxes and answer Y/N as applicable.

I wish to:

- 1) Seek leave to appeal against a decision by the DBS to include my name on the adults’ barred list (see Article 8(1) of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007) under paragraph 8, 9 or 11 of Schedule 1 to the 2007 Order

Tick here:

OR

- 2) Seek leave to appeal against a decision by the DBS not to remove my name from the adults’ barred list (see Article 8(1) of the 2007 Order) under paragraph 17, 18 or 18A of Schedule 1 to the 2007 Order

Tick here:

Now answer the following questions:

3)

- (a) Have there been any criminal or civil proceedings about the alleged misconduct? **Y/N**

If yes, give details over the page- 'Reasons for request for leave to appeal'

- (b) Have proceedings finished? **Y/N**

Please give date when proceedings finished _____

- 4) Have you applied to the Tribunal to have your name removed from the list before?

Y/N

- 5a) If yes, give the dates of earlier applications

Date(s).....

I am seeking leave to appeal against a decision of the DBS to include me on the adult's barred list under:

- (a) Paragraph 8 of Schedule 1 to the 2007 Order (inclusion in adult's barred list subject to consideration of representations);

Tick here:

- (b) Paragraph 9 of Schedule 1 to the 2007 Order (behavior); or

Tick here:

- (c) Paragraph 11 of Schedule 1 to the 2007 Order (risk of harm).

Tick here:

I am seeking leave to appeal against a decision of the DBS not to remove me from the adult's barred lists under:

- (d) Paragraph 17 of Schedule 1 to the 2007 Order (person included in a barred list before his or her whereabouts were ascertained);

Tick here:

- (e) Paragraph 18 of Schedule 1 to the 2007 Order (application for review of inclusion in barred list); or

Tick here:

- (f) Paragraph 18A of Schedule 1 to the 2007 Order (review of inclusion in barred list of a person not subject to paragraph 18 of Schedule 1 to the 2007 Order.

Tick here:

Reasons for request for leave to appeal:

- Please state why you think you should be given leave to appeal.
- Please give the reasons why you consider you should not be included on the adults' barred list or why your name should be removed from the list. **Give your reasons in full - you will only be able to amend your reasons at a later date with permission from the Tribunal.**
- If applying for leave to appeal and you have applied to the Tribunal before give details of any new evidence or change of circumstance since your last appeal or application for leave to appeal.

Continue on a separate sheet if necessary.

Further Details:

- If you want to apply for leave to appeal in relation to inclusion of your name on the children's barred list as well as the adult's barred list you must also complete sections 3 and 5.

- Now go to Section 6 - Other information and Signature

SECTION 5: APPEALS AGAINST INCLUSION ON BOTH BARRED LISTS

If you are appealing in respect of your inclusion on both lists your appeals will usually be heard together but you can ask for the appeals to be heard separately.

- 1) Do you want your appeals to be heard separately? Y/N

- 2) If yes, please give your reasons for this request below.

Reasons:

The Chairperson of the Tribunal will consider your request. We will let you know his or her decision on this matter as soon as possible.

SECTION 6 – OTHER INFORMATION AND SIGNATURE

1) You can ask for consideration of your appeal on the written evidence alone. However, the Chairperson of the Tribunal has the power to direct an oral hearing where he or she thinks it appropriate.

i) Do you want to apply to have your appeal considered on the written evidence alone?

Y/N

OR

ii) Will you attend the hearing to give evidence in person?

Y/N

NOTE: If you do not attend the other party may attend the hearing anyway.

2) If you are able at this stage, please give:

i) a provisional estimate of how long you think it will take to present your case: _____

ii) the earliest date when you think your case will be ready for the hearing:

Date: _____ Month: _____ Year: _____

If you have completed all the sections relevant to your appeal you should now sign and date this form and return it immediately to the Care Tribunal Secretary at the address given at the bottom of the next page.

➤ **Time limit for appeal**

Please note: you must complete and return this application within 3 months of the date of the letter telling you of the DBS's decision. Failure to meet this time limit could result in your application for appeal being struck out without a hearing.

Your signature:

(You must sign this form- your representative's signature is not acceptable)

Day: _____ Month: _____ Year: _____

➤ **Return this form to:**

Secretary to the Care Tribunal

Tribunals Hearing Centre, 4th Floor, 92 Ann Street, Belfast BT1 3HH

Telephone: 028 9032 7703

email: CareTribunal@courtsni.gov.uk

- Further information about the appeals process can be found on our website:
www.justice-ni.gov.uk/courts-and-tribunals