

Protection of Freedoms Act 2012

Factsheet from NAVCA
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About this factsheet

This factsheet is provided on behalf of the Department for Education's overarching strategic partnership for voluntary, community and social enterprise sector organisations that serve children, young people and families. Led by Children England, and working with Community Matters, NAVCA, NCVYS, the Race Equality Foundation and Social Enterprise UK, the programme will include information, learning resources and opportunities, and peer support networks. Find out more about the [Department for Education's overarching strategic partnership](#).

This factsheet has been produced by [NAVCA](#), the national organisation for local support and development organisations. It provides a brief overview of the Protection of Freedoms Act and the potential implications for organisations, particularly those that work with children and young people. For more information contact Peter Horner, Policy Officer at NAVCA, peter.horner@navca.org.uk.

What does the Act cover?

The Act has seven parts:

1. Regulation of biometric data (including: destruction, retention and use of fingerprint data; use of biometric information of children in schools)
2. Regulation of surveillance (including CCTV)
3. Protection of property from disproportionate enforcement action (including powers of entry and clamping)
4. Counter-terrorism powers (including stop and search powers and pre-charge detention)
5. Safeguarding vulnerable groups, criminal records etc. (including changes to regulated activity, changes to CRB checks including update service)
6. Freedom of information and data protection (including a right to data and widening the organisations covered by the Freedom of Information Act to include, for example UCAS)
7. Miscellaneous and general (including measures relating to stalking and protection from exploitation)

What does the Act mean for my organisation?

- **Changes to rights**

The Act introduces several significant changes to people's rights. These changes will be of interest to any organisation that supports children and young people to use or defend their rights. Relevant changes include:

- The abolition of section 44 powers (powers to search in an area and for a timescale designated by the Home Secretary, without the need for the police to have a suspicion that an offence had been committed)
- The reduction of the maximum period of pre-charge detention for terrorist suspects to 14 days
- Deleting DNA samples and fingerprints of innocent people from police databases
- An end to the fingerprinting of children in schools without parental consent

- **Changes to CRB and barring arrangements**

The Act makes significant changes to CRB checks and checking against barred lists. These will be relevant to any organisation involved in work with children and young people. The changes include:

- Merging the Criminal Records Bureau and the Independent Safeguarding Authority, to form the new Disclosure and Barring Service
- Changes to the definition of regulated activity
- Sending a single certificate to the individual (No longer sending copies to organisations)
- Introducing an Update Service, designed to enable a form of portability of checks

- **Access to information**

- The widening of the scope of organisations regarded as public bodies under the Freedom of Information Act to include, for example, UCAS, could enable organisations to access information useful to their work.
- The presumption that Government data is made open should mean that information is increasingly made available to organisations. This could, for example, help organisations ensure their services are targeted at areas of most need.

Further information

- Home Office News: www.homeoffice.gov.uk/media-centre/news/protection-of-freedoms
- Text of the Act www.legislation.gov.uk/ukpga/2012/9/contents/enacted

Although the Act has been passed, it has not yet come into force. It is expected that this will occur in phases, starting from July 2012. Further information will be made available on Government websites and partner websites as it becomes available. For further information on Changes to CRB checks and barred list checks, see the Overarching Partnership's interim briefing on [changes to CRB checks and barred list checks](#).