

Safeguard Vulnerable Groups Bill

The New Vetting and Barring Scheme

The Safeguarding Vulnerable Groups Bill received Royal Assent on 8th November 2006. The overriding aim of the new scheme will be to help avoid harm, or risk of harm, to children and vulnerable adults. It aims to do this by preventing those who are deemed unsuitable to work with children and vulnerable adults from gaining access to them through their work.

The Safeguarding Vulnerable Groups Act does not make a distinction between paid and unpaid work, but it makes a distinction between regulated and controlled activity.

The new Vetting and Barring Scheme is due to be introduced in a phased roll-out from **autumn 2008**. In the meantime, the DfES, DH and Home Office will consult widely to help inform the Regulations and to prepare the launch of the new Scheme and the Independent Barring Board.

Further information about the scheme, including a "Vetting and Barring Scheme Overview" and a sign-up for updates, is available online at: <http://www.everychildmatters.gov.uk/socialcare/safeguarding/vettingandbarring/>

What is a regulated activity?

- Any activity which involves contact with children or vulnerable adults and is of a specified nature (eg teaching, training, care, supervision, advice, treatment or transport), frequently*, intensively* and/or overnight.
- Any activity allowing contact with children or vulnerable adults and is in a specified place (eg schools, care homes, etc), frequently* or intensively*.
- Fostering and childcare.
- Certain defined positions of responsibility (eg school governor, director of social services, trustees of certain charities).

**Regulated activity applies where the activity is frequent, or satisfies a period condition of taking place on three or more days in a 30 day period (referred to above as "intensively").*

Employers taking on an individual in a regulated activity will commit a criminal offence if they fail to check the status of an applicant, employee, or volunteer. It will also be an offence for employers/providers to permit a barred individual to work for any length of time (no matter how infrequent) in regulated activity.

Controlled activity includes;

- Support work in general health, NHS, FE settings (e.g. cleaner, caretaker, shop worker, catering staff, car park attendant, receptionist);
- Those working for specified organisations (e.g. a Local Authority) with frequent access to sensitive records about children; and
- Support work in adult social care settings (e.g. day centre cleaners, those with access to health records).

Regulations will make it mandatory to check the status of individuals in controlled activity. But, providing sufficient safeguards are put in place, the provider can permit a barred person to work in controlled activity.

Duties and responsibilities under regulated activity:

- A barred individual must not undertake regulated activity.
- To undertake regulated activity the individual must be a member of the Vetting and Barring Scheme.
- An employer must not engage in regulated activity a barred person or a person who is not a member of the Scheme.
- An **employer** must check that an employee in regulated activity is a member of the Scheme.
- No distinction is made between paid and voluntary work.
- Personal and family relationships are not covered.

Self-employed

Self-employed people working in regulated or controlled activities will be able to apply to become members of the Scheme.

The Safeguarding Vulnerable Groups Act entitles those employing people to work with children or vulnerable adults in domestic arrangements (eg nannies and care workers) to check the applicant's status in the Vetting and Barring Scheme. *[It is likely that a similar arrangement will apply to clients of self-employed health practitioners, as teaching, training, care, supervision, advice and treatment are regulated activities].* The individual must have previously applied to be vetted by the Scheme and consent to the check.

How it will work

The Independent Barring Board (IBB) will be established to work closely with the Criminal Records Bureau (CRB) to deliver the new service. The CRB will provide the administrative arm to the IBB, by developing and delivering the end-to-end administration and application processes which will support the IBB's primary function of making vetting and barring decisions.

The **Independent Barring Board** will:

- Maintain the barred lists and decide to include individuals on the barred lists.
- Consider representations.
- Comprise a balance of different expertise.

The **Criminal Records Bureau** will:

- Receive applications to the scheme.
- Gather and monitor information for the IBB.
- Administer automatic inclusions on the list and cases where there is no information.
- Provide the facility for online checks and continuous updates.

Time Table for implementation

Royal Assent of the Safeguarding Vulnerable Groups Act - November 2006

Home Office implementation - from January 2007

Open information sessions in various cities - from February 2007

Consultation on secondary legislation - to start Spring 2007

Independent Barring Board Chair in post - Spring 2007

Independent Barring Board infrastructure - procured Autumn 2007

Vetting and barring systems ready for testing - Spring 2008

Vetting and barring systems readiness review - Summer 2008

Independent Barring Board services phased roll-out - starts Autumn 2008.