

why?

Fact sheet 4

Why the new vetting and barring scheme?

What is vetting and barring?

The Safeguarding Vulnerable Groups Act 2006 laid the foundation for a new vetting and barring scheme, which will be phased in from **12 October 2009**. It aims to stop unsuitable people from working with children and/or vulnerable adults (C/VA) by improving screening procedures for potential employees or volunteers, i.e. vetting, and building a register of everyone, whether paid or unpaid, who is allowed to or is barred from working with C/VA.

What are barred lists?

There will be a single list of those barred from working with children and a separate, but aligned, list of those barred from working with vulnerable adults. These will integrate and replace all other current lists of barred individuals (the POCA & POVA lists, List 99 and The Disqualification Order Regime). The Independent Safeguarding Authority (ISA) will be responsible for deciding who should be placed on barred lists, i.e. who will not be permitted to work with children and/or vulnerable adults, and for keeping a record of those individuals. The Criminal Records Bureau (CRB) will run the application process. **No distinction is made between paid and unpaid work**, and all rules will apply to both volunteers and employees.

What is the process?

Those who are working, or applying to work, closely with children and/or vulnerable adults (C/VA) will be required to make an application to the scheme. The CRB will then search for any cautions or convictions and make enquiries of local police forces to obtain other relevant information.

If there is no relevant information, the CRB will inform applicants that they have become 'subject to monitoring,' which means they are not on a barred list, although the Independent Safeguarding Authority (ISA) will review its barring decision if new, relevant information becomes available. An organisation with a genuine interest in an individual may register to be notified if that individual's status changes.

If there is relevant information, the CRB will pass it to the ISA for a barring decision. In most cases - except those involving the most serious offences - barred individuals will be able to make representations about why they should not be barred and will have a right of appeal to the Care Standards Tribunal.

If the organisation has also requested an Enhanced Disclosure, the CRB will confirm on the certificate any relevant details relating to the applicant.

The CRB will repeat the searches and enquiries at intervals still to be determined.

Once individuals are registered with the scheme, organisations and employers, including parents and carers, will be able to do online checks into the status of potential employees and volunteers.

What will be different?

Many more organisations will be under a legal obligation to carry out checks on employees and volunteers. Organisations will also have a legal obligation to provide any relevant information discovered about a current or past employee or volunteer, and offences will be punishable by a fine. Additionally, **trustees of children's charities must be part of the vetting and barring scheme**, i.e. be subject to monitoring.

How much will it cost?

Application fees for individuals to be part of the scheme will be £64. It will only need to be paid once by the employee and individuals will not need to apply again if they change jobs. Fees will be waived for volunteers.

(please turn over)

Why the new vetting and barring scheme?

Organisations will have different duties and responsibilities depending on whether its workers or volunteers are engaging in 'regulated activity' or 'controlled activity'.

What are regulated activities?

Regulated activity is work that barred individuals cannot do as it involves close contact with children and/or vulnerable adults (C/VA). Regulated activities include:

- ♦ any activity that involves contact with C/VA and is of a *specified nature* (e.g. teaching, care, supervision, treatment or transport) and occurs frequently*, intensively* and/or overnight;
- ♦ any activity allowing contact with C/VA and is in *specified places* (e.g. schools, care homes) and occurs frequently* or intensively*;
- ♦ fostering and childcare; and
- ♦ certain defined positions of responsibility (e.g. school governor, trustees of certain charities).

Organisations will have specific duties and responsibilities under regulated activity.

- ♦ It will be a criminal offence for a barred person to undertake regulated activity for any length of time.
- ♦ It will be a criminal offence for an employer to not check the status of an applicant, employee or volunteer.
- ♦ It will be a criminal offence to permit a barred person, or a person who is not subject to monitoring, to work for any length of time, no matter how infrequently, in regulated activity.

What are controlled activities?

Controlled activity is work that barred individuals can engage in if there are appropriate safeguards in place; organisations must still check whether the individual is subject to monitoring. Controlled activities include:

- ♦ frequent* or intensive* support work in general health, NHS, FE settings (e.g. cleaner, shop worker, catering staff, receptionist);
- ♦ work for specified organisations (e.g. local authority) with frequent* access to sensitive records about C/VA; and
- ♦ support work in adult social care settings (e.g. day centre cleaners, those with access to social care records).

Organisations will have specific duties and responsibilities under controlled activity.

- ♦ It will be a criminal offence to not check the status of an applicant, employee or volunteer.
- ♦ Sufficient safeguards must be in place for the provider to permit a barred person to work.

* These words will have specific legal definitions, which are still to be confirmed. Generally, 'Intensive' means that the activity takes place on three or more occasions in a 30-day period or overnight. 'Frequent' means that the activity takes place on one or more occasions in a month on an on-going basis.

Will organisations need to make changes?

Organisations may need to update their safeguarding policies. They may also want to think about who in the organisation will be responsible for ensuring that they comply with the new scheme, particularly considering that organisations engaging in regulated or controlled activities are under legal obligations and could face criminal charges if these are breached. Organisations should continue to have risk assessments and other safety checks in place, such as obtaining references, as well as looking at ways that risk can be reduced, such as ensuring that workers are not alone with children and/or vulnerable adults.

The scheme will start on 12 October 2009 and will be phased in. Please look out for details about the timescale of how the scheme will be phased in.

For further information, go to <http://www.isa.gov.org.uk>



helping charities help children

National Council of Voluntary Child Care Organisations (NCVCCO)
Unit 25, Angel Gate, City Road, London EC1V 2PT
Telephone: 0207 833 3319 Fax: 0207833 8637
Email: office@ncvcco.org Web: www.ncvcco.org
Registered Charity no. 1044239