

why?

Fact sheet 4

Why the Vetting and Barring Scheme?

What is vetting and barring?

The Vetting and Barring Scheme aims to stop unsuitable people from working as either paid employees, or volunteers with children and vulnerable adults (C/VA). It will do this by screening, or vetting, all potential and existing employees or volunteers wishing to work with vulnerable groups, and barring those who pose a risk of harm to those groups from doing so. The details of barred individuals will be held on 'barred lists'. Under the Vetting and Barring Scheme the Independent Safeguarding Authority (ISA) is responsible for deciding who should be placed on barred lists and keeping a record of those individuals. **No distinction is made between paid and unpaid work and all rules will apply to both volunteers and employees.** Trustees of children's charities must also be part of the vetting and barring scheme.

What's happened so far?

The Vetting and Barring Scheme is being put in place in phases to give everyone plenty of time to understand the new arrangements. The first phase came into effect on the 19th October 2009 and focused on increasing safeguards. From this date:

- it is a criminal offence for individuals barred by the ISA to work or apply to work with children or vulnerable adults in a wide range of roles. Employers now also face criminal sanctions for knowingly employing a barred individual across a wider range of work;
- the previous lists of people barred from working with children and vulnerable adults have been brought together and replaced by two new lists: the ISA Children's Barred List and the ISA Adult's barred lists; and,
- there is a legal obligation for organisations to supply to the ISA any relevant information about individuals working with children or vulnerable adults if they are considered to have caused harm or pose a risk of harm. This is called the 'duty to refer'.

What is the process?

From July 2010 all new workers or those moving into new positions working with children and/or vulnerable adults will be able to make an application to the scheme (to become 'ISA-registered'). From November 2010 it will be a requirement for these workers to be registered. Individuals already working with vulnerable groups will be phased into the scheme from 2011.

Individual employees or volunteers will apply directly to the ISA for their registration. The ISA will then make a decision on whether the individual is suitable to work with children/ vulnerable adults using the new Barred Lists and information gathered by the Criminal Records Bureau (CRB). This information will include relevant criminal convictions, cautions, police intelligence and other appropriate sources.

If there is no relevant information to suggest an individual poses a risk of harm they will be issued with a unique ISA registration number and informed that they are 'subject to monitoring'. This means that they are registered to work with children and/or vulnerable adults but that the ISA will review its decision if new relevant information becomes available (the ISA will be automatically notified if new information is referred to the CRB).

If there is relevant information to suggest an individual poses a risk of harm the ISA may take the decision to bar the individual. 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.

How much will it cost?

Application to the scheme will cost £64, this will also include the cost of obtaining an Enhanced CRB Disclosure. Fees will be waived for volunteers. It is the applicant's responsibility to pay the fee, although individual organisations may decide to cover this cost.

(please turn over)

Why the 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. Regulated activities include:

- any activity that involves contact with CVA 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 CVA 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 have specific duties and responsibilities under regulated activity:

- *It is now a criminal offence to fail to refer to the ISA information which led you to remove someone from regulated activity, or if they left while under investigation for allegedly causing, or posing a risk of causing harm;*
- 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 CVA; and
- support work in adult social care settings (e.g. day centre cleaners, those with access to social care records).

A review is due to take place in 2010 into whether controlled activity should remain part of the Vetting and Barring Scheme, interim guidance on controlled activity will be published by Government in April 2010.

* *'Intensive'* means that the activity takes place on four days or more in a single month.
'Frequent' means that the activity takes place once a week or more.

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 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/vulnerable adults.

Children England in partnership with NSPCC have established Safe Network to support voluntary and community sector organisations in their work to keep children safe. Information, advice and support is available from www.safenetwork.org.uk.

Particular details of the scheme are subject to change, please occasionally check the ISA website to keep up-to-date with your organisation's responsibilities. For further information, go to www.isa-gov.org.uk