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(Education Services)

New Vetting and
Barring Arrangements

The Bichard Report - Recommendation 19

'New arrangements should be introduced requiring those who wish to work with children, or vulnerable adults, to be registered. The register would confirm that there is no known reason why an individual should not work with these client groups.'

Safeguarding Vulnerable Groups Act 2006

- The Safeguarding Vulnerable Groups Act provides the legal framework for the new scheme.
- The Scheme will reform current vetting and barring practices.
- Employers retain their responsibilities for ensuring safe recruitment and employment practices

Legal Framework: Regulated Activity:

- Any activity which involves contact with children or vulnerable adults and is of a specified nature (e.g. 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 (e.g. schools, care homes, etc.,) ... frequently or intensively.
- Fostering and childcare
- Certain defined positions of responsibility (e.g. school governor, director of social services, trustees of certain charities).

Legal Framework

Duties and responsibilities under regulated activity:

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

Legal Framework

Controlled activity:

- It will be *mandatory to check* individuals in controlled activity.
- A barred person *can be employed* in controlled activity, providing *safeguards* have been put in place
- Ancillary support work in *general health, NHS, adult social care and 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 vulnerable adults.

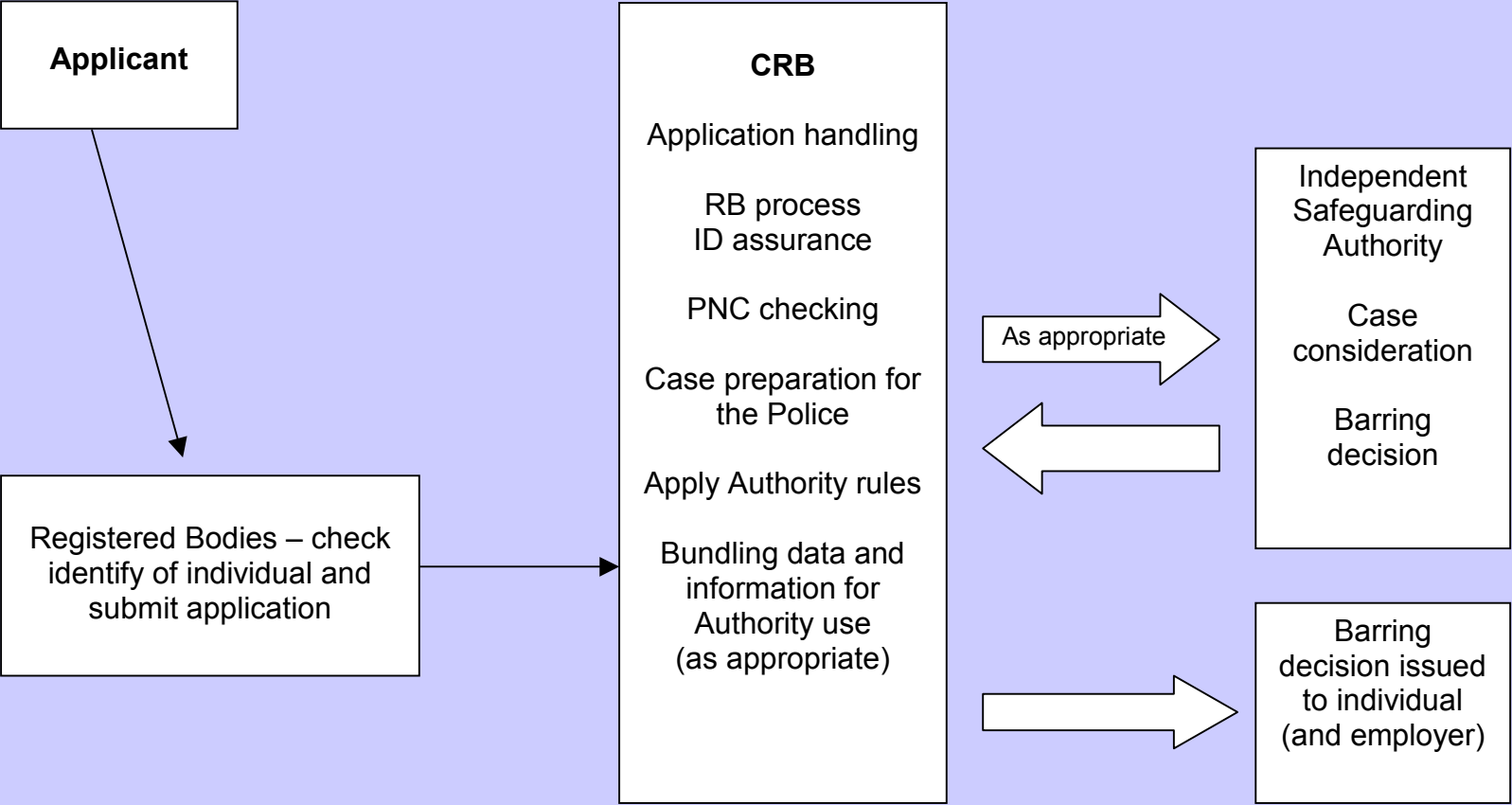
Employer duties - Referrals

- Employers, professional and regulatory bodies, and child / adult protection teams in Local Authorities will be under a duty to refer relevant information
- All other employers of those working with children and / or vulnerable adults may refer
- Parents / private employers should go to a statutory agency who can investigate and refer if appropriate (e.g. social services or the police).
- The Independent Safeguarding Authority will inform professional and regulatory bodies when it bars someone, so that their professional registration can also be reviewed.

Improvements under the new Scheme

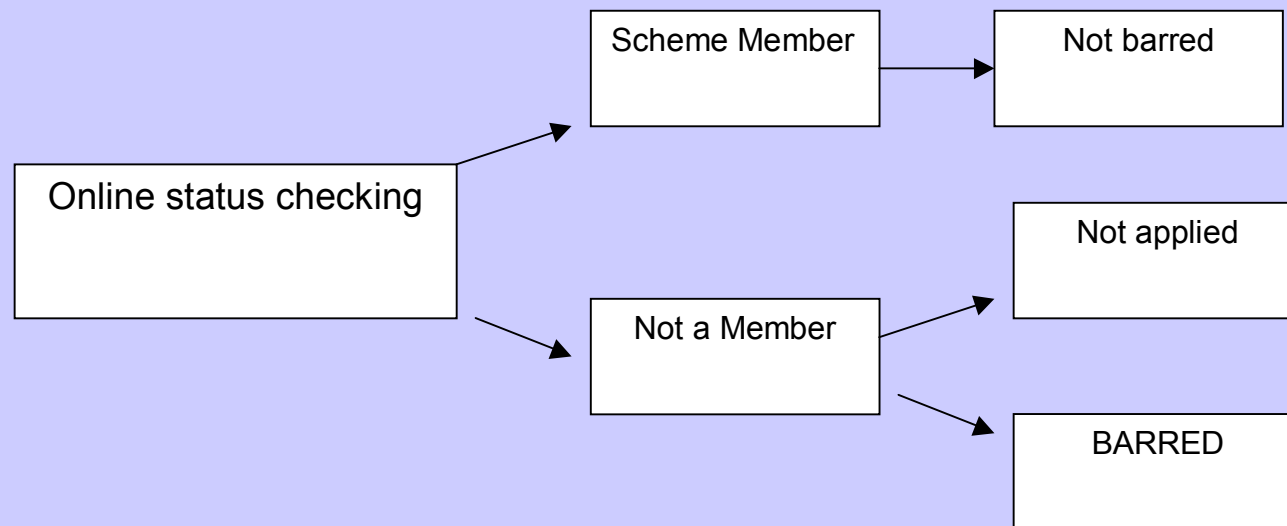
- Integration of lists - POCA, POVA, List 99 and Disqualification Orders (Transition arrangements)
- Pre-employment vetting - Barring decisions made prior to employment
- Consistent decisions by experts - The Independent Safeguarding Authority
- Continuous updating - Notification if a person's status in the Scheme changes

Scheme Operation – Application Overview



Scheme Operation – Online status

- The status of individuals will be continuously updated on receipt of new information, such as new convictions or referrals from employers.
- Employers will be notified where they have registered an interest, if the status of their employee changes.
- Scheme membership is fully portable.



Time Table

- Royal Assent Safeguarding Vulnerable Groups Act November 2006
- Home Office implementation from January 2007
- Consultation on secondary legislation starting Summer 2007
- Independent Safeguarding Authority Chair, Sir Roger Singleton, appointed April 2007
- Systems ready for testing Spring 2008
- Systems readiness review Summer 2008
- Children's workforce 11 million people
- Regulations/fee setting pending
- Phased scheme roll-out starts Autumn 2008?