

# The Vetting and Barring Scheme



This booklet will help individuals, groups and organisations in the voluntary and community sector to understand the new Vetting and Barring Scheme.

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# Introduction

This booklet aims to provide information and clarification about the new Vetting and Barring scheme. The scheme began in October 2009 and will affect individuals, groups and organisations working with children and vulnerable adults. This is the most important piece of legislation regarding children and vulnerable adults to become law in recent years.

For the purposes of the Vetting and Barring Scheme the definition of a child is:

*'A young person under 18 except in employment settings where the age limit is 16'*



# Background

The Vetting and Barring Scheme is the result of the Bichard Enquiry after the murders of Holly Wells and Jessica Chapman. The Bichard Report recommended that anyone working with children or vulnerable adults should be checked and registered.

The Bichard Report – Recommendation 19:

*“.. New arrangements should be introduced requiring those who wish to work with children and vulnerable adults to be registered..”*

Also in response to the Bichard Report, The Safeguarding Vulnerable Groups Act 2006 was created. The Act sets out the scope of the Vetting and Barring Scheme and the legislative framework. The Act prevents unsuitable people from working or volunteering with children and vulnerable people.



# Scheme Development

The Vetting and Barring Scheme is designed to prevent anyone who presents a known risk from working with vulnerable groups.

The Vulnerable Groups Act 2006 and the Vetting and Barring Scheme have been created to protect and safeguard vulnerable groups and anyone working with them.

The scheme was established with a partnership between the Independent Safeguarding Authority and the Criminal Records Bureau.

The Independent Safeguarding Authority is responsible for the decision making and maintenance of two barred lists (for each of England and Wales and Northern Ireland) and the Criminal Records Bureau is responsible for the applications and monitoring.



The scheme will be delivered by a full range of partners including:

- Home Office (sponsoring body)
- Department of Health
- Department for Children, Schools and Families
- Independent Safeguarding Authority
- Criminal Records Bureau
- Police
- Regulators
- Umbrella Bodies
- Other Government Bodies
- Stakeholders in Education, Faith, Health/Social Care, Sport, Local Authorities
- Employers, Recruitment Agencies, Unions, Charities

## **The intended benefits of the scheme are:**

- Barred individuals will be prevented from working and volunteering with vulnerable groups
- Better information sharing between the Independent Safeguarding Authority and employers, statutory bodies, voluntary and public organisations
- Public reassurance, due to the fact that individuals will be able to check whether the people they employ are Independent Safeguarding Authority registered

# Registration

## What does Registration mean?

- Registration means that there is no information held that shows an individual poses a risk of harm to children and vulnerable adults
- A person's registration status is continuously monitored and if any new information comes to light e.g. a relevant caution or a conviction, the Independent Safeguarding Authority is informed

Registration does not mean a person is "safe" or has been "cleared to work". Registration means that the Independent Safeguarding Authority has scrutinised all the information that is held on that person.

The Independent Safeguarding Authority is an independent body and barring decisions will be taken by independent experts.



## How to Register

- An individual can contact the Criminal Records Bureau to advise them that they will be undertaking paid or unpaid work and what their role will be
- They will be asked pertinent questions and then a document is sent to them
- The document should be given to their employer or taken to an umbrella organisation who will act on their behalf
- An individual must have two pieces of identification – one main (e.g. passport or driving licence) and one secondary (e.g. a bank statement or utility bill with name and address)
- Once this has been checked and the remainder of the form completed, it is then sent to the Criminal Records Bureau

Under new legislation if an individual is working with a vulnerable group then it will be an enhanced check and then passed to the Independent Safeguarding Authority for registration with any relevant information that has been gathered.

It is the individual's responsibility to be checked. The cost of an enhanced check and Independent Safeguarding Authority registration is a combined payment of £64.00. Some employers pay, others split the cost with the employee. Volunteers do not pay the fee. Students undertaking vocational courses (medicine, nursing, teaching etc.) will have to pay the fee.



- A person could be registered with the Independent Safeguarding Authority but still have a criminal record. Criminal Records Bureau checks will continue to offer employers the option of criminal record checks to enable them to make accurate risk-assessments of candidates.

### **When does the Vetting and Barring Scheme not apply?**

There has been a lot of media attention and reaction to the new scheme and some misinterpretation of the guidelines. This includes concerns about the implications for parents who might look after other parents' children regularly or overnight, share lifts to school or take each other's children to the park or for parents taking their children to school events such as concerts or plays etc. The scheme does not apply to any of these.

Below are other examples of where the Vetting and Barring Scheme does not apply:

- There is a private family arrangement
- An arrangement is made between friends and is not on a commercial basis
- A teenager from a local school is keeping an elderly person company for a couple of hours a week
- A parent supervising their own child at a parent and toddler group where there may be several other parents and children

- A parent visiting the school to discuss their child's progress e.g. parents' evening
- An individual babysitting where the parent is a friend or relative
- An individual who is helping to run a stall at an annual fete, where some of the customers may be unaccompanied children
- An employee providing first aid as an ancillary part of their job
- A volunteer who make sets and sews costumes for youth theatre
- A musician in a band that plays at evening events at a school, organised by the Parent Teacher Association
- Due to recent recommendations the minimum age of registration has been changed so that it does not include young people aged 16, 17 and 18 years old in education who help out with school activities
- Any parents who host children on exchange visits of less than 28 days
- It will not apply to authors who visit different schools unless their contact with children is frequent

These are just some examples where the Vetting and Barring Scheme does not apply. For more information go to [www.dcsf.gov.uk](http://www.dcsf.gov.uk)

# Timetable for Implementation

The Vetting and Barring Scheme will change current vetting and barring practices and is the largest of its kind in the world. Full implementation will take at least five years to complete.

## **The scheme began in October 2009; the list below outlines some of the first developments:**

- The existing barring lists (Protection of Children Act and Protection of Vulnerable Adults and List 99) have been replaced by two new lists – one for children and one for adults
- The lists are administered by the Independent Safeguarding Authority
- Checks of these lists will be part of an Enhanced Criminal Records Bureau check
- Enhanced CRB checks will be extended to include anyone working in a regulated position

- There will be criminal penalties for barred individuals who try for work or undertake work with vulnerable groups and the employers who knowingly take them on
- Employers, social services and professional regulators have a duty to refer any information about individuals who may pose a risk to others to the Independent Safeguarding Authority

## **In July 2010 further implementation will begin:**

- Individuals will be able to apply for Independent Safeguarding Authority registration and a Criminal Records Bureau check in one new application
- All new entrants who will be regularly working with vulnerable groups (in England, Wales and Northern Ireland) will be able to register with the Independent Safeguarding Authority and be checked
- Once an individual becomes registered they will be continuously monitored and their status will be re-assessed if any new information comes to light
- Employers can subscribe to or register an interest with the scheme



## In November 2010 there will be further developments:

- Independent Safeguarding Authority registration will be mandatory for new entrants to the workforce and those moving jobs in regulated activity
- It will be a legal requirement for employers to check and confirm that new staff and those moving jobs who are in regulated activity are registered
- It will be a criminal offence for an employer to allow a barred person or a person not (yet) registered with the Independent Safeguarding Authority to work in any regulated activity. This can carry a fine of up to £5,000 or a prison sentence

Further developments will take place from 2011 when all existing workers must start to become registered.



# Clarification of Terms

Two types of 'activity' have been identified in the Act, these are Regulated Activity and Controlled Activity.

To undertake regulated activity a person **must be** Independent Safeguarding Authority registered.

## 'Regulated Activity' is defined as:

- Activity involving contact with children or vulnerable adults and is of a specified nature
- Activity that provides advice, guidance or assistance to children or vulnerable adults, including teaching, care, medical treatment and in certain circumstances transport
- Activity that is carried out frequently, or intensively and/or overnight
- The Act uses terms such as '**frequently**' and '**intensively**'. Frequently is defined as once a month or more. Intensively is defined as where an activity takes place 3 or more days in any 30 day period or overnight (between 2:00am and 6:00am). Due to recent changes announced by Government, the term frequently will refer to those who work with the same children once a week not once a month for example.

Roles that provide regulated activity would include teachers, childcare workers, probation officers, care workers, A & E nurses, doctors, contracted taxi drivers, driving instructors, sport coaches, private / home tutors, prison officers, Childline volunteers, youth workers, dentists, osteopaths, opticians, childminders, personal care assistants, and volunteers in any of these areas. **No distinction is made between paid and voluntary work.** Self employed people working in regulated activity e.g. sports coaches must also be registered.

The scheme also covers fostering and 'Defined Office Holders' e.g. Directors of Children's Services, Trustees of Children's Charities, School Governors.

Regulated activity needs to take place in a specified place such as schools, children's homes, hospitals, juvenile detention settings or adult care homes.

An employer must check that a prospective employee who is in regulated activity is registered. A barred person or any person who is not Independent Safeguarding Authority registered must not engage in regulated activity. Staff cannot refuse to be registered and still carry out regulated activity.



**'Controlled Activity'** comes into force at the end of the Vetting and Barring Scheme roll out in January 2014.

- Controlled Activity relates to frequent and intensive work in general health settings, NHS and further education settings. This includes workers such as cleaners, caretakers, shop workers and catering staff, who may come into contact with children and / or vulnerable adults and those who have access to sensitive records about children and vulnerable adults.
- Controlled Activity is when an activity is "frequent" – for example once a week since the recent changes
- A barred person may sometimes be employed in a "controlled activity" only if sufficient safeguards are put in place. It is mandatory to check a person's status before taking them on.



# Employers' Duties

**Under the Vetting and Barring Scheme there are responsibilities placed on an employer:**

- Employers, professionals, regulatory bodies and child / adult protection teams in local authorities **must** refer information to the Independent Safeguarding Authority in certain circumstances
- In other circumstances employers **may** refer information regarding an individual's conduct to the Independent Safeguarding Authority
- Anyone in paid employment, or a volunteer, who is dismissed or moved from regulated activity because of inappropriate behaviour **must** be reported to the Independent Safeguarding Authority
- If an employee is under investigation and resigns before a disciplinary investigation is complete this **must** be reported to the Independent Safeguarding Authority. ***This applies to all volunteers as well as paid staff.***

The Independent Safeguarding Authority will inform professional / regulatory bodies if it bars someone, so that their professional registration can also be reviewed.

# Contacts

## **Children England**

Unit 5, Angel Gate, City Road, London EC1V 2PT

Tel: 020 7333 3319      Web: [www.childrenengland.org.uk](http://www.childrenengland.org.uk)

Email: [office@childrenengland.org.uk](mailto:office@childrenengland.org.uk)

## **Criminal Records Bureau (CRB)**

CRB Registration Team, PO Box 110, Liverpool L69 3EF

Tel: 0870 90 90 811      Web: [www.crb.gov.uk](http://www.crb.gov.uk)

Email: [customerservices@crb.gsi.gov.uk](mailto:customerservices@crb.gsi.gov.uk)

## **Department for Children, Schools and Families**

Sanctuary Buildings, Great Smith Street, London SW1P 3BT

Tel: 0870 000 2288      Web: [www.dcsf.gov.uk](http://www.dcsf.gov.uk)

Email: [info@dcsf.gsi.gov.uk](mailto:info@dcsf.gsi.gov.uk)

## **Independent Safeguarding Authority (ISA)**

Tel: 0300 123 1111      Web: [www.isa-gov.org.uk](http://www.isa-gov.org.uk)

Email: [info@vbs-info.org.uk](mailto:info@vbs-info.org.uk)

## **NHS Employers**

2 Brewery Wharf, Kendell Street, Leeds LS10 1JR

Tel: 0113 306 3000      Web: [www.nhsemployers.org](http://www.nhsemployers.org)

Email: [enquiries@nhsemployers.org](mailto:enquiries@nhsemployers.org)

## **Voluntary Action Wakefield District (VAWD)**

11 Upper York Street, Wakefield, WF1 3LQ

Tel: 01924 367418      Web: [www.vawd.org.uk](http://www.vawd.org.uk)

Email: [ask@vawd.org.uk](mailto:ask@vawd.org.uk)



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