

**This presentation is about the intended introduction of the new vetting and barring scheme under the Safeguarding Vulnerable Groups Act and the creation of the Independent Safeguarding Authority.**

**There are plans to introduce the new scheme from Autumn 2008.**

**We will keep you up to date with changes and developments as it affects your arrangements for CRB Disclosures**






# Independent Safeguarding Authority (ISA)



**Independent Safeguarding Authority**



# Independent Safeguarding Authority

-  The overall aim of the Independent Safeguarding Authority is 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 from working or volunteering with children and vulnerable people.
-  This will be achieved by providing employers and volunteer managers with a more effective and streamlined vetting service for potential employees, and by barring unsuitable individuals from working, or seeking to work, with children and vulnerable adults at the earliest opportunity.



# 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

- 🐎 The Safeguarding Vulnerable Groups Act provides the legal framework for the new scheme.
- 🐎 Please visit [www.opsi.gov.uk](http://www.opsi.gov.uk) for a full copy of the Act and its Explanatory Notes.
- 🐎 The scheme will reform current vetting and barring practices.
- 🐎 Employers retain their responsibilities for ensuring safe recruitment & employment practices.



# Legal & policy framework (A)

The Safeguarding Vulnerable Groups Act 2006 defines the scope of the scheme.

It provides that certain activities in relation to vulnerable groups are regulated.

This is regulated activity.



# Legal & policy framework (B)

## What is 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 & policy framework (C)

## 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 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 a prospective employee who is 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.



# Legal & policy framework (D)

## Domestic employment circumstances:

- 🐎 Those employed (e.g. nannies and care workers) by **domestic employers** (e.g. parents and carers).
- 🐎 The **self-employed** (e.g. music teachers).

**It will not be mandatory for employers in domestic circumstances to check their employees, but they can.**

**A barred person must not engage in this employment.**



# Legal & policy framework (E)

## 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.



# Overview of rights and responsibilities

	Duty on individual Bar applies:	Duty on employers Individual must be checked:	Duty on employers Engagement of barred person:
<b>Regulated Activities</b> - Employment and volunteer settings	✓	✓	✗
<b>Regulated Activities</b> - Domestic employment settings	✓	✗	✗
<b>Controlled Activities</b> - Employers	✗	✓	✓



# 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

The Safeguarding Vulnerable Groups Act provides for the following improvements:

 **Integration of lists** - POCA, POVA, List 99 and Disqualification Orders

 **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



# Improvements under the new scheme (continued)



**Wider workforce coverage** – POVA applies to regulated social care settings only



**Reduction in cost and delay of repeat checks** – Online checks



**Wide range of sources** - To include referrals from employers, inspectorates and professional regulators



**Empowering parents, carers and individuals** – Giving them the ability to check status



# How it will work – Barring decisions

The **Independent Safeguarding Authority** will:



Maintain **the barred lists** and **decide** to include individuals on the barred lists



Consider **representations**



Comprise a **balance of different expertise**



# How it will work – *continued*

Barring Routes:

 **Auto Bar – without representation**





 **Auto Bar – with representation**

 **Discretionary Bar**



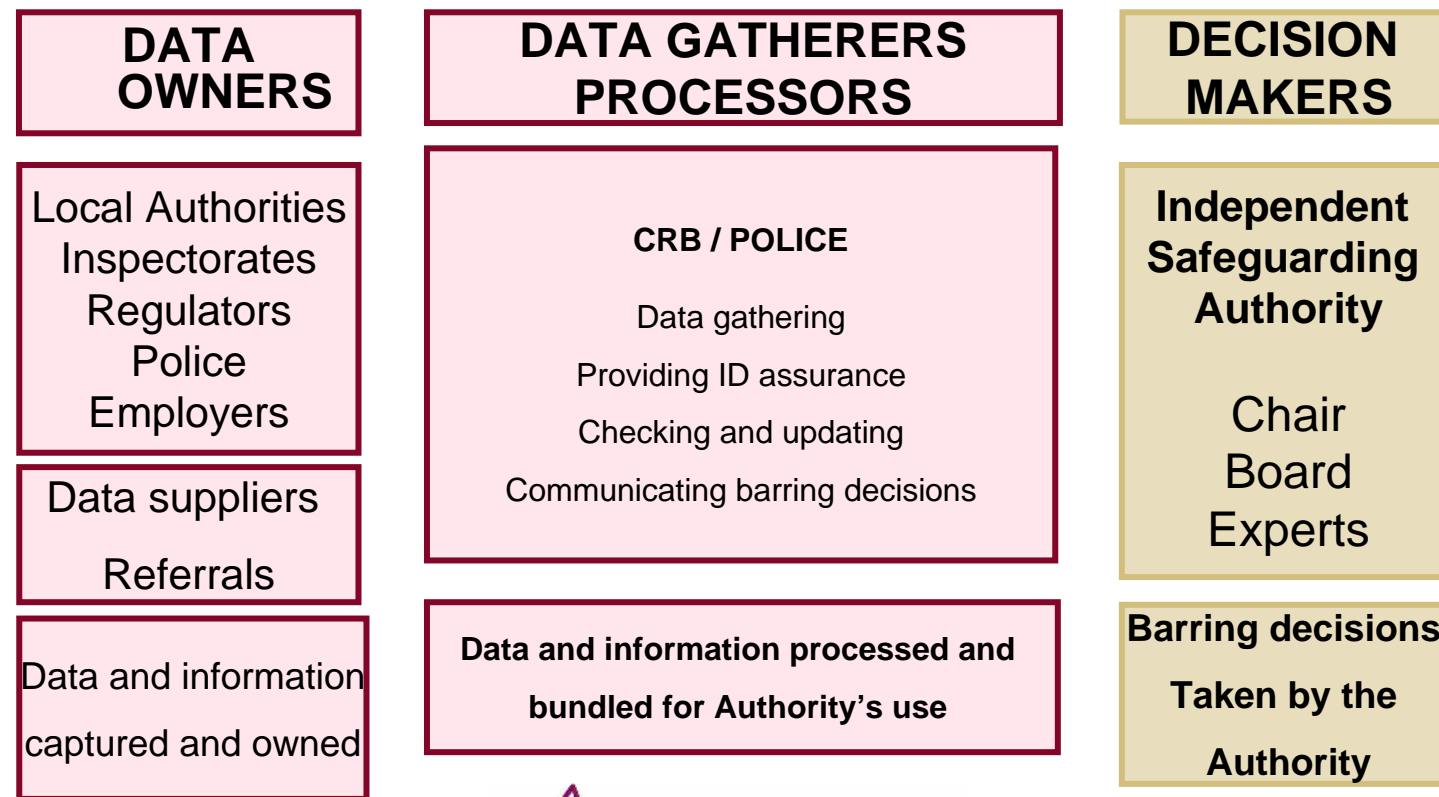
# How it will work – Operations

The **Criminal Records Bureau** will:

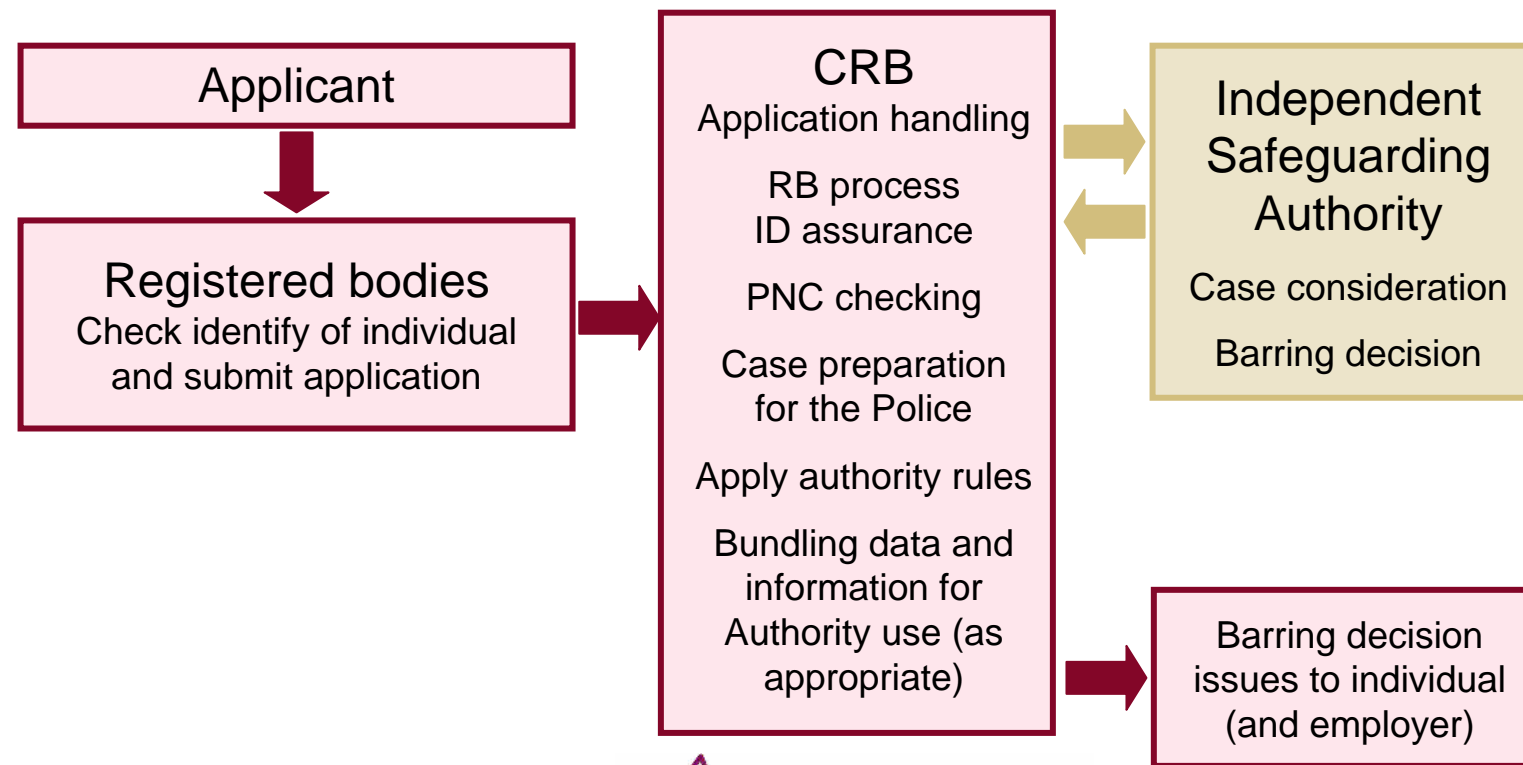
-  **Receive applications** to the scheme
-  **Gather and monitor information** for the Independent Safeguarding Authority
-  **Administer** automatic inclusions on the list and cases where there is no information
-  Provide the facility for **online checks** and continuous updates






## Scheme operation – Independent Safeguarding Authority and decision making

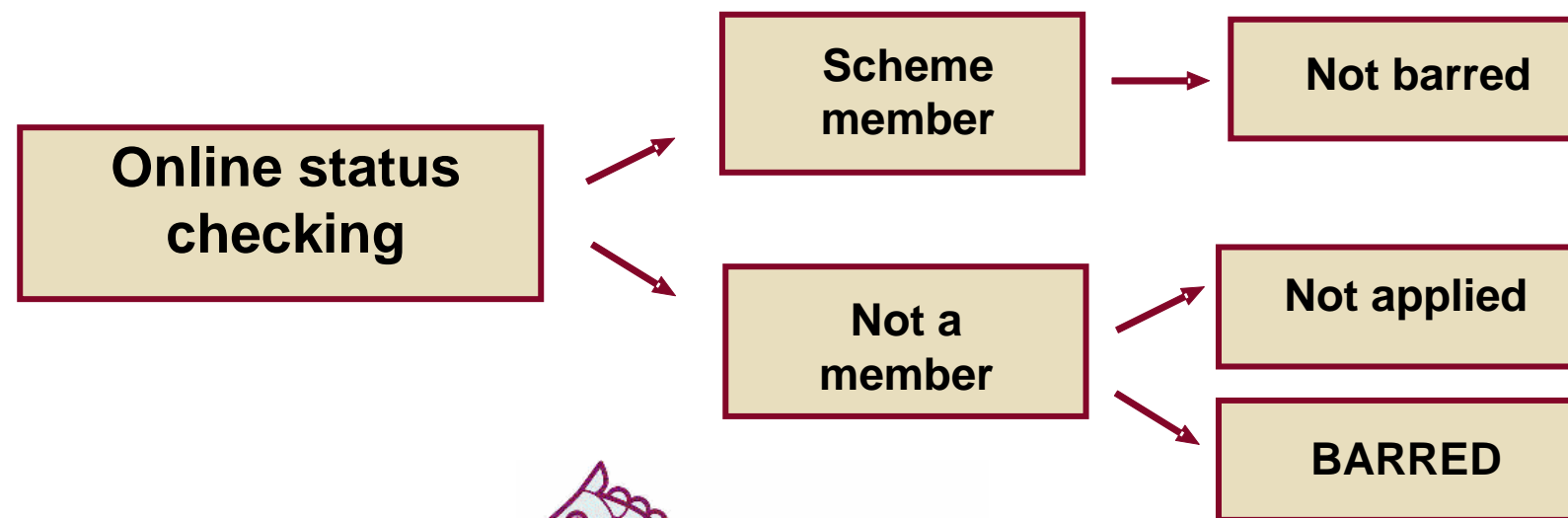


# Scheme operation – Application overview












# Scheme operation – Barring and 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 of the Safeguarding Vulnerable Groups Act  
November 2006**
-  **Home Office implementation from January 2007**
-  **Open information sessions in various cities started February 2007**
-  **Independent Safeguarding Authority Chair, Sir Roger Singleton,  
appointed April 2007**
-  **Consultation on secondary legislation, Summer 2007**
-  **Independent Safeguarding Authority infrastructure procured  
autumn 2007**
-  **Systems ready for testing spring 2008**
-  **Independent Safeguarding Authority readiness review Summer  
2008**
-  **Phased scheme roll-out starts autumn 2008**

