

Vetting and Barring Scheme Key Features

Background to the Vetting and Barring Scheme:

The Soham murders in 2002 were events which focussed public awareness on the way in which people with significant access to children through their work/ volunteering are vetted to ensure their suitability. Sir Michael Bichard led the inquiry into the lessons which could be learned from Soham and one of his main criticisms was the inconsistent way in which organisations recruit staff and volunteers who work with children and/or vulnerable adults. Bichard recommended there would be one single, independent agency charged with the task of checking and registering those who work closely with children/vulnerable adults, and barring those who were deemed unsuitable to do so.

Safeguarding Vulnerable Groups legislation

The recommendations from the Bichard Inquiry led directly to the creation of the Safeguarding Vulnerable Groups Act 2006 in England and Wales and the Safeguarding Vulnerable Groups (NI) Order 2007 in Northern Ireland.

The Safeguarding Vulnerable Groups (SVG) legislation provides the legislative framework for the Vetting and Barring Scheme.

What is the Vetting and Barring Scheme?

The Vetting and Barring Scheme (VBS) is a membership scheme where anyone over the age of 16 who has significant contact with a vulnerable group through the course of their employment or volunteering, will be checked and registered with the Independent Safeguarding Authority (ISA) before they take up that post.

This applies to staff and volunteers working in regulated activity with a child or vulnerable adult.

What is regulated activity?

There are five strands to regulated activity, although an individual need only meet the criteria of one of the following to be considered engaged in regulated activity:

1. Undertaking activity which is of a **specified nature**, which includes teaching, training, instructing, caring for, supervising, providing advice or guidance, providing treatment or therapy, transport, moderating a chat room;
2. Regulated activity is activity which takes place in a **specified place**, and there is the opportunity for contact with a vulnerable person;

3. Certain **defined positions of responsibility** for example a school governor, director of social services, trustees of certain charities;
4. **Fostering, childminding and day care provision;**
5. **Manager/supervisor** of worker in regulated activity.

In addition to the five strands above, the activity must also take place on a **frequent** (once per week or more) or **intensive** (four or more days in any 30 day period or overnight) basis.

What are the barred lists?

There will be two new barred lists which are administered by the ISA. There is one list of people barred from undertaking regulated activity with children, and one list of people barred from undertaking regulated activity with vulnerable adults.

Individuals who are barred will be notified of this by the ISA.

There are three potential routes for barring:

Autobar without representation – on conviction of the most serious offences an individual will be barred by the ISA and will not have the right to make representation against the decision.

Autobar with representation – on conviction of serious offences, the individual will be barred, but will be able to make representation to the ISA against the decision.

Bar based on case referrals – for all other cases the ISA will consider all relevant information referred to them about an individual and make an informed decision as to whether they should be placed on one or both of the barred lists. In such cases the individual will be invited to make representations.

Legal requirements and criminal offences:

There are legal requirements and criminal offences introduced with the Scheme.

- As of October 2009 it became an offence for an employer to knowingly take on a barred person to undertake regulated activity.
- In addition, employers, professional and regulatory bodies are **required** to refer and provide information to the ISA where they have concerns that a worker has demonstrated harm or risk of harm to a vulnerable person. It should be noted that the term 'employer' refers to paid employment and volunteering in the statutory, voluntary, community and private sectors.
- It is an offence for a barred person to seek or undertake work in regulated activity.

What about the rest of the UK?

The Vetting and Barring Scheme will operate across Northern Ireland, England and Wales giving a co-ordinated approach to safeguarding vulnerable people. Scotland will have a similar and aligned scheme.

The VBS will be introduced in managed stages, beginning with the commencement of provisions relating to the definitions of regulated activity and barring in October 2009, followed by ISA registration in July 2010. For details of the timeline of introduction [click here](#)

Next Steps

Registration of workers in regulated activity is central to the aim of the VBS. At present voluntary registration to the scheme, which was due to commence in July 2010 has been halted as the government intends to conduct a review of CRB and the Vetting and Barring Scheme. Organisations should continue to operate safe recruitment and selection practices including carrying out enhanced disclosure checks through AccessNI as required by law.

Where can I access further information and guidance on the VBS?

Further information is available from the ISA website www.isa-gov.org.uk and Department of Health Social Services and Public Safety website www.dhsspsni.gov.uk/svg