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Human Resources • Health and Safety

Working with Children and vulnerable adults new Vetting and Barring Scheme (VBS)

On the 12th October 2009 the Independent Safeguarding Authority (ISA) will implement the first stage of the new VBS and employers will need to know how their duties and obligations are going to change. The changes affect both employees and volunteers that work with children (those under 18) and vulnerable adults.

The ISA is a public body that will make decisions about an individual's suitability to work with protected groups and their decisions are legally binding. Failure to adhere to the rules of the ISA may lead to prosecutions/convictions and a fine or even imprisonment for the people involved. The VBS will involve a registration process, providing additional strength but not replacing, the Criminal Records Bureau.



Registration with ISA will be the employee's responsibility but there will also be strict obligations on employers to check registration before allowing people to work with vulnerable groups. Registration involves a one off costs of £64 (£28 ISA/£36 CRB administration costs. Unpaid volunteers will not be subject to a charge.

Employers must check the prospective employee or volunteer is registered, this can be done for free online, before employing them. Once registered the employee does not need to reapply.

The scheme is being implemented in phases and will affect employers differently.

From 12th October 2009

- Increased safeguards will be introduced, such as a wider definition of "Regulated activities", further enhancing protection of children and vulnerable adults.
- The three current barring lists (POCA, POVA and List 99) will be replaced by the creation of two new barred lists (an adult and child list) that will be administered by the ISA. The lists will contain those individuals who are considered unsuitable to work with protected groups. Those people on existing lists will be reviewed and may be included on the new lists automatically. The lists will draw on information from a variety of sources including old employers.
- An enhanced CRB will now check these new lists and the eligibility criteria for the enhanced CRB will be extended to include anyone working in a regulated position. Standard CRB check will not be sufficient for those working with vulnerable groups.
- Employers, social services and professional regulators have a duty to refer any information to the ISA about individuals who may pose a risk to protected groups.
- Criminal penalties take effect for barred individuals who seek or undertake work with vulnerable groups and for employers who knowingly take them on.

From July 2009

- New individuals to the workforce, those changing taking on new roles involving regulated activities or those changing jobs to other regulated activities MAY apply for ISA registration. Existing employees need not register at this point, unless their roles or employers change.
- The application form will change and allow individuals to apply for ISA-registration and a CRB check (including an ISA check) at the same time.
- Once registered individuals will be continuously monitored and their status reassessed against any new information that comes to light.

From November 2010

- It now becomes mandatory for employees to register with the VBS and for employers to check their status before employing them.

From 2011

- Those currently employed or volunteering must now apply for ISA registration and employers should check this

Regulated Activities

The scheme applied to those people working or volunteering in 'regulated positions' or that work in situations that fall under 'regulated activities'. Those meeting the following criteria will need an enhanced CRB check: -

- Activities of a specified nature involving frequent, intensive and/or overnight contact with children and/or vulnerable adults (e.g. teaching, training, care, supervision, advice, treatment and transportation);
- Activities allowing frequent or intensive contact with children and/or vulnerable adults that is in a specified place (e.g. care homes and schools);
- Fostering and childminding;
- Activity that involves people in certain defined positions of responsibility (e.g. school governor, director of children/adult social services).

For these purposes 'frequent' means that the activity takes place once a month or more, 'intensive' means the activity takes place on three or more days in any 30 day period. 'Overnight' will apply to teaching, care, advice and treatment.

Automatic Inclusion on the Two Barred Lists

Should a person have been found guilty of a very serious offence under the Safeguarding Vulnerable Groups Act 2006 they will be automatically barred without further assessment. Individuals may be able to make representations against other serious offences and get removed from the list. For the remaining cases the ISA will consider all information available on the individual and decide whether they pose a risk of harm to children or vulnerable adults and whether they should be entered on to the list.

Tips for employers

- Consider whether the rules apply to you and your employees
- Ensure a full policy is in place detailing what checks and registrations are required for existing and new employees
- Ensure an appropriate procedure is in place for checking registrations and CRB checks
- Make offers of employment conditional on obtaining clear checks and ensure that they are undertaken quickly and chase if they are delayed
- Ensure your contract of employment require the employee to have a clear CRB check and require the employee to notify you of any investigations or convictions against them.
- Act on allegations of inappropriate behaviour immediately, consider whether suspension on full pay is need and whether the relevant authority should be notified. Ensure compliant with their rules and guidance.
- Complete any internal disciplinary procedure with a reasonable time and conduct fairly.
- Consider whether you need to notify the ISA of any information about employees who could pose a risk of harm to children and vulnerable adults to allow for an investigation.

