



Wandsworth Voluntary Sector Development Agency

enabling voluntary action

Guidance Notes

Safeguarding Requirements while VBS is under review

The Government is currently undertaking a review of the Vetting and Barring Scheme (VBS). This means that the introduction of individual registration requirements with the Independent Safeguarding Authority (ISA) due to be introduced in November has been suspended to allow the review to take place.

However, it is important to note that the requirements introduced by the first phase of the Vetting and Barring Scheme in October 2009 will remain in place.

The **Vetting and Barring Scheme** safeguards and legal duties that came into effect on 12 October 2009 are:

1. The old lists of people barred from working with children or vulnerable adults in England, Wales and Northern Ireland are being phased out and replaced by two new lists: the ISA Adults' Barred List and the ISA Children's Barred List.
2. Employers must not knowingly employ or use a volunteer in a 'regulated activity', if they have been barred from working with vulnerable people, otherwise they commit a criminal offense.
3. Employers must report to the ISA any individuals that may pose a risk of harm to children or vulnerable adults.
4. Anyone barred from working with vulnerable people, will be breaking the law if they work, or seek to work, in 'regulated activity'.
5. CRB checks: those who engage workers in 'regulated activity' with children or vulnerable adults have the right to ask for an Enhanced CRB check on those individuals. In some cases (e.g. in the case of schools and care homes) this might be required by law. Standard CRB checks are no longer available for work with children or vulnerable adults, but remain available where checks are required for other types of work or licences.

The Safeguarding Vulnerable Groups Act 2006 defines "**regulated activity**" as, any activity which involves:

- (i) contact with children or vulnerable adults,
- (i) is either paid or unpaid,
- (iii) occurs on a frequent, intensive or overnight basis. Where, 'frequent' is once a week or more, or once per month for health or personal care professionals, and 'intensive', if it takes place on four or more days in a 30-day period.



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'Regulated Activities' include either:

1. **Activities of a specified nature** such as, teaching, instructing, supervising, caring for, giving guidance, healthcare treatment, driving a vehicle to convey children or vulnerable adults, fostering and childcare, chatroom moderator; includes also those who are responsible for the day to day management and supervision of any regulated activity.
2. **Activities in specified places** such as schools, childcare premises, children's homes, hospitals, care homes; includes working directly with vulnerable groups as well as activities that provide an opportunity for contact, e.g. catering, cleaning, administration staff.
3. Activities that involve people in **certain positions of responsibility**, includes school governors, trustees of charities who work with vulnerable people, directors of services responsible for vulnerable people.

The Scheme completely excludes family and personal arrangements and it includes exemptions. For more details on the exemptions refer to the CRB guidance, www.crb.homeoffice.gov.uk/pdf/VBS%20Interim%20guidance.pdf.

The Vetting and Barring Scheme also covers "**controlled activities**". Controlled activities include:

- i. Support work in general health, NHS and Further Education settings; such roles will include those of cleaner, caretaker, shop worker, catering staff, car park attendant and receptionist, which is frequent or intensive,
- ii. Those working for specified organisations, such as a Local Authority, Social Services, NHS or Education institutions, with frequent access to sensitive records about vulnerable people (health, education or social services records), and
- iii. Support work in adult social care settings, for instance, day centre cleaners and those with access to health records.

According to the latest CRB guidance, if you are recruiting someone in a controlled activity your organisation can request the CRB to carry out a check of the barred lists on your behalf, however this is not a legal requirement.

It is not currently clear what the remodelled Scheme will look like or when the review will be concluded. However, it seems likely that the requirement to register with the ISA will remain.

In the meantime, voluntary and community organisations (VCOs) are advised to continue safe recruitment practices e.g. by carrying out CRB checks (when appropriate), ID and reference checks and ensuring compliance with aspects of the Scheme still in force. VCOs are also advised to start reviewing their safeguarding policies and ensure that they are ready to act when the remodelled Scheme is announced by the Government.



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If you are unsure about the eligibility of a specific job and whether you can apply for a CRB check you can email the CRB Customer Services at customerservices@crb.gsi.gov.uk or call 087 0909 0811, providing as much information as you can.

Further information is available on the CRB publication, 'Guidance on Safeguarding arrangements during the Scheme review period', www.crb.homeoffice.gov.uk/PDF/VBS%20Interim%20guidance.pdf.

If you would like further information or advice on any of the issues in this Guidance Notes, contact the Wandsworth Voluntary Sector Development Agency (WVSDA) on 020 8875 2844/5/6 or Email: smallgroups@wvsda.org.uk, info@wvsda.org.uk.

More Guidance Notes can be found on our website, www.wvsda.org.uk.

The Wandsworth Voluntary Sector Development Agency (WVSDA) provides information, advice and training to assist voluntary and community groups with issues relating to setting up and managing effective organisations. Whilst every effort is taken to ensure the information, advice and support we offer is current, relevant and accurate, it does not constitute legal advice.

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