

## Are you aware of the Vetting and Barring Scheme?

Peter Horner, NAVCA's Policy and Communications Officer, outlines the new Vetting and Barring Scheme and how it will affect members and the organisations they work with.

The Vetting and Barring Scheme (VBS) run by the Independent Safeguarding Authority (ISA) will affect all organisations working with children or vulnerable adults. Therefore it will affect members of every single local infrastructure organisation (LIO). Additionally some LIOs (especially those that provide services aimed at children, young people or vulnerable adults) will be directly affected. This article seeks to ensure that all LIOs have an awareness of the scheme – it does not seek to answer all questions and issues or give a complete picture of the scheme. (Future issues of *Circulation*, NAVCA's website, and *LINX* will all provide further information).

### What is the Vetting and Barring Scheme?

The scheme is designed to prevent unsuitable people from volunteering or working with children or vulnerable adults in formal arrangements. It brings in new legal requirements on organisations and on individual employees and volunteers. It is being phased in over five years but parts are already in force.

### Definitions

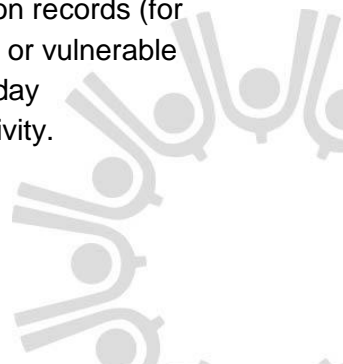
The scheme uses and introduces a whole range of new terms and concepts. To fully understand these ISA's interim guidance published on 12 October needs to be read. However the most important terms are regulated and controlled activity and summary explanations are below.

#### Regulated activity includes:

- specified activities such as teaching, instructing, supervising, caring for or providing children/vulnerable adults with guidance or treatment
- fostering and childcare
- specified positions such as school governor
- all activity undertaken within specified settings where there is the opportunity for contact with children or vulnerable adults
- roles that involve managing, on a regular basis, the day-to-day work of those carrying out specified activities or working in specified settings.

**Controlled activity** is "work arranged by a responsible person that does not constitute regulated activity but which provides opportunities for contact with children or vulnerable adults, or opportunities to access education records (for children only) or health or social services records about children or vulnerable adults in a limited range of settings". It also includes the day-to-day management and supervision of staff carrying out controlled activity.

*The scheme will affect members of every single local infrastructure organisation. Some LIOs will also be directly affected.*



### How this affects LIOs

- This directly affects LIOs that have employees and/or volunteers that work in 'regulated' or 'controlled' activity. LIOs will need to check the detailed definitions of regulated and controlled activity in the guidance and see if any of their staff are covered by this. (This will need to be done on a case by case basis as all LIOs operate differently, but LIO services that are aimed at the general public and which young people or vulnerable adults may occasionally access are unlikely to be covered).
- LIOs that operate as umbrella bodies for the Criminal Records Bureau will need to understand the new scheme and changes to the CRB processes.
- All LIOs will need to have an awareness of the scheme and how it will affect their members and ensure that their members are aware of it.
- LIOs need to be aware of the 'duty to refer' (see below).

### How this affects local third sector organisations

- They need to determine if they or their employees are regulated activity providers and if their employees work in regulated or controlled activity.
- They need to ensure that any employee or volunteer that they know to be barred is not working in regulated activity.
- Once ISA registration becomes available they will need to ensure that all new employees or volunteers register with the ISA and then subsequently check all existing employees (this is a phased process).
- Organisations need to be aware of the duty to refer (see below).

### The duty to refer

If an organisation removes someone they employ, manage as a volunteer, or for whom they are responsible, from regulated or controlled activity; or if someone leaves while under investigation for allegedly causing harm (or posing a risk of harm) the organisation is legally obliged to refer this information to the ISA. If it fails to do this it has committed an offence.

### Isn't this scheme being reviewed?

No, the scheme itself isn't being reviewed – only the definition of frequent and intensive activity is being reviewed. This relates to the requirement to register with the ISA (not yet in force) and not to the duty to refer or the offences of working in regulated activity and of knowingly employing a barred person in regulated activity (in force from 12 October 2009). Guidance on ISA registration will be available early 2010.

### More information

- NAVCA Web pages on CRB issues, Vetting and Barring and Safeguarding: [www.navca.org.uk/localvs/crb](http://www.navca.org.uk/localvs/crb)
- Independent Safeguarding Authority: [www.isa.gov.uk](http://www.isa.gov.uk), T: 0300 123 1111; VBS Guidance: [www.isa.gov.uk/PDF/VBS\\_Guidance.pdf](http://www.isa.gov.uk/PDF/VBS_Guidance.pdf)
- Criminal Records Bureau: [www.crb.gov.uk](http://www.crb.gov.uk)

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