



Vetting and Barring

(June 2011)

The coalition government has announced that it will be scaling back the Vetting and Barring Scheme but this will not happen until Parliament passes the Protection of Freedoms Bill and is implemented, not likely until spring 2012.

Therefore until such time the current regulations remain law, including:

- Organisations that work with those under 18 and/or vulnerable adults must:
 - inform the Independent Safeguarding Authority (ISA) if they dismiss someone or remove a member of staff or volunteer because they have harmed a child/adult, or would have dismissed them if they had not left the organisation
 - Not knowingly employ someone (including a volunteer) who is barred by the ISA (this is a criminal offence)
- Someone who is barred by the ISA must not seek employment or voluntary work with children or vulnerable adults (a criminal offence)

Therefore employers should carry out an Enhanced CRB (CRB will check with ISA) for anyone involved in a 'regulated activity'.

Regulated activity

Regulated activity covers anyone working closely with children (any person under the age of 18) or vulnerable adults, either paid or unpaid on a frequent, intensive or overnight basis (covering the period 2am-6am). **Frequent** means once a week or more (except in health or personal care services where frequent means once a month or more); **intensive** means on four days or more in a single month. Regulated activity can include, but is not limited to, any of the following:

- teaching, training or instruction, care or supervision of children
- teaching, training or instruction for vulnerable adults
- providing advice or guidance wholly or mainly for children, which relates to their physical, emotional or educational wellbeing
- providing advice, guidance or assistance wholly or mainly for vulnerable adults
- any form of treatment or therapy provided to children or vulnerable adults
- driving a vehicle that is being used only for the purpose of conveying children or vulnerable adults and their carers

A defining feature of a regulated activity is that it is particularly and/or exclusively organised for those under 18 and/or for vulnerable adults. Also the day to day management or supervision of a person carrying out the activities above is also a regulated activity.

In some specified settings, regulated activity includes anyone who works or volunteers on a frequent or intensive basis, and whose work gives them the opportunity for contact with children or vulnerable adults, regardless of the nature of the activity. For example,

this may include catering, cleaning, administrative and maintenance staff if they work once a week or more or four days or more in a single month or overnight. Specified settings include:

- schools (educational institutions exclusively or mainly for the provision of full-time education to under-18s)
- children's homes
- childcare premises (including nurseries)
- pupil referral units
- children's hospitals (hospitals exclusively or mainly for the reception and treatment of children)
- institutions exclusively or mainly for the detention of children children's centres in England,
- and adult care homes in England and Wales and residential care or nursing homes in Northern Ireland.

Additionally, certain posts are considered to be regulated activity and include:

- School governors and clerks
- Senior local government councillors and officers
- Trustees of charities that carry out work targeted at under 18s and/or vulnerable adults
- Certain posts of childcare and youth justice systems

Controlled Activity

The Scheme also covers a special category of work called 'controlled activity'. Employers will be able to employ someone barred from regulated activity to carry out controlled activity, provided they put in place appropriate safeguards.

Controlled activity will include:

- frequent or intensive activity that is ancillary to healthcare in hospitals or primary care
- frequent or intensive ancillary activity in adult social care settings and further education settings, and
- people working for specified organisations with access to health, education or social services records.

In England and Wales, responsible persons who do not know whether a new entrant into controlled activity is barred from regulated activity may ask the CRB to carry out a check of the barred lists on their behalf.

Further information

ISA: www.isa.gov.uk

Vetting and Barring Scheme, Guidance on Safeguarding arrangements during the Scheme review period www.crb.homeoffice.gov.uk/pdf/VBS%20Interim%20guidance.pdf

Up to date government information at Business Link: tinyurl.com/34x3oyh

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