

The Safeguarding Vulnerable Groups Act 2006

This factsheet explains the background to the Act and some of the details within the Act. You can read the full Act and its Explanatory Notes on the Office of Public Sector Information website at www.opsi.gov.uk

What is the Act for?

The Safeguarding Vulnerable Groups Act is an important part of a bigger programme of work. This programme of work extends across government departments and is designed to solve the failures identified by the 2004 Bichard Inquiry arising from the Soham murders.

Recommendation 19 of the Bichard Inquiry Report says:

'new arrangements should be introduced requiring those who wish to work with children, or vulnerable adults, to be registered. The register would confirm that there is no known reason why an individual should not work with these clients.'

In March 2005, the Department for Children, Schools and Families (DCSF) – then the Department for Education and Skills – and the Department of Health (DH) proposed that Recommendation 19 should be carried out by developing a central service that would bar unsuitable people from working with children and/or vulnerable adults. Sir Michael Bichard (author of the Inquiry Report) agreed with this proposal.

The Act was created in response to this recommendation.

How does the Act relate to the Independent Safeguarding Authority (ISA)?

The Safeguarding Vulnerable Groups Act 2006 provides the legislative framework for the new Vetting and Barring scheme.

These new arrangements will be introduced in managed phases from autumn 2008. Meanwhile, the DCSF, DH and the Home Office are drafting regulations and guidance that will underpin the scheme and help prepare for its launch.

What does the Act say?

In summary, the Act explains the following:

- The ISA will make all decisions about who should be barred from working with children and vulnerable adults.
- The Vetting and Barring scheme will deal with activities that are classified as 'regulated' or 'controlled'. These activities include both paid and unpaid (voluntary) work.
- There will be two separate but aligned ISA Barred Lists (one for those barred from working with children and one for those barred from working with vulnerable adults). Barred individuals can be placed on one or both of these lists.



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- Some offences will automatically result in the individual being barred, without leave to appeal or to make mitigating representations.
- Relevant information about an individual can be referred to the ISA from interested parties such as employers, regulatory bodies or even concerned members of the public.
- Individuals listed on one of the ISA Barred Lists may have the right to appeal to the Care Standards Tribunal on a point of fact or law but not on the ISA's decision.
- A series of new criminal offences will be created to enforce the new scheme. These will relate to both employers and employees.

What difference will I see?

When the new arrangements are phased in from autumn 2008, they will change the way vetting happens at the moment. You will see the following improvements:

- **The replacement of lists** – The Protection of Children Act (POCA) list, the Protection of Vulnerable Adults (POVA) list, List 99 and the court-imposed disqualification order regime will no longer exist. Instead there will be one list of those barred from working with children and a separate, but aligned, list of those barred from working with vulnerable adults.
- **Pre-employment vetting** – Checks will take place before an individual is able to start work. The scheme will make sure that those who are known to present a risk of harm to children and/or vulnerable adults cannot enter the relevant workforce in the first place.

- **Independent and consistent decision making** –

The new ISA will make all decisions on who should be placed on the Barred Lists. It will do this before an individual is employed.

- **The introduction of continuous checking** –

When new information, such as a conviction or caution or a referral from an employer, becomes known about an individual already registered with the ISA, the Authority will review its original decision not to bar. Where an employer has already checked on an employee's status with the ISA, that employer will be notified automatically if their employee's status changes.

- **Workforce coverage** – The scope of the new Vetting and Barring scheme will be much wider than the current arrangements. It is estimated that around 11 million individuals will have to pass through the ISA checking process in its first five years.

- **A reduction in bureaucracy** – Once people have registered with the ISA, future employers will be able to check their status online and free of charge.

- **Wide range of sources of information** –

As with the current arrangements, certain organisations will have a legal duty to refer relevant information about individuals to the ISA. Under the terms of the new vetting service, other employers, service providers and individuals will have the opportunity to refer information.

In this factsheet the term 'employers' refers to both employers and managers of volunteers. The term 'employees' refers to both paid and unpaid (volunteer) work/activities.

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