



safeguarding children

The Government is introducing a new vetting and barring system for those who work with, or seek to work with, children and vulnerable adults. Although the main changes, under the Safeguarding Vulnerable Groups Act 2006, will be phased in from the autumn of 2009, there are some procedural changes which begin this winter.

The intention is that the new registration and barring process will replace, expand and enhance the various vetting schemes which currently exist. When the legislation is fully in effect, there will be a register of those approved to work with children instead of a series of registers of those who are barred. Barring decisions will be taken by the Independent Safeguarding Authority (ISA).

The new legislation defines 'regulated activity' and 'controlled activity' and the range of people who will have to be registered, in order to work with children, may be wider than currently. The full details of how and when existing workers will need to be registered are still awaited. Priority is likely to be given to the registration of new workers and volunteers.

Employers will, as now, be required to carry out checks of the register before employing staff. It will be a criminal offence not to check, or to engage someone who is not on the register. Therefore all checks must be completed and all staff, who are to carry out work covered by the SVGA, must be registered before they are engaged. It will also be a criminal offence for an individual to engage in activity that is covered by the new legislation without being on the register.

The new system will enable the ISA to notify an employer if one of their employees ceases to be registered during the course of their employment. Currently, information only comes to light when a check is updated.

From this winter (the date is yet to be specified), the ISA will take barring decisions on new referrals under the current legislation. Therefore, although employers will have the same duty to make referrals - they must send them directly to the ISA, not to the Secretary of State. Employers will have a new legal duty to respond to requests from the ISA for information they hold already, although they will not have to find it from other sources.

At the same time, provisional listing on new cases will end. The ISA will not provisionally bar a person while considering a referral. Therefore, when recruiting employees, until the new registration system is fully in place, employers should take up references and check previous employment history. That may include asking the most recent employer (or employers if there have been a number in the recent past) whether they have made a referral of any misconduct, for possible barring.

Points to note

- The changes this winter do not change current requirements or guidance regarding checks on staff or volunteers.
- Regulations and guidance about the new scheme are still awaited.
- Operators will need to develop procedures for identifying activity covered by the SVGA, when to make checks and when to make referrals.

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