

Vetting and Barring Scheme

Policy Briefing Pack

Prepared by
Department for Education and Skills
& Department of Health

December 2005



- ☀ Published 22 June 2004 following investigation into failures around Soham case
- ☀ 31 recommendations all accepted in principle by Government
- ☀ Mostly concern record keeping, vetting and information handling
- ☀ The DfES were assigned 8 recommendations: this update relates to recommendation 19

“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 client groups.”

The objective of the Vetting and Barring Scheme is **to reduce the incidence of harm to children and vulnerable adults** by helping to ensure that:

- ☀ Employers get **better vetting service** when recruiting people who come into contact with children and/or vulnerable adults through their work
- ☀ Those who are **known to be unsuitable are barred from working** with children and/or vulnerable adults at the earliest opportunity

Problems with the current system include:

- × **Inconsistent decisions** made by local employers
- × Not all staff **eligible** for Enhanced Disclosure
- × Disclosure is a '**snapshot**' – only valid on day of issue
- × **Current barring list inconsistencies** - POCA, POVA, List 99
- × Barring is **reactive** – ie after the event
- × **Cost** and **delay** of repeat checks
- × **Inconsistencies** in police disclosure of information

Key features include:

- A **barring decision on application to work** with children and/or vulnerable adults.
- **Continuously updated** barring decisions
- Entry to the scheme through **Vetting and Barring Disclosures** - the equivalent of an Enhanced CRB check
- Employers will be able to do an **instant online check** of an individual's up-to-date barred status.
- **More people** will be eligible for Disclosures than are able to apply for Enhanced Disclosures
- **Self standing applications** for Disclosures possible for
 - those employed by **domestic employers** such as nannies, domestic carers, direct payment recipients,
 - **self-employed** such as music teachers,
 - those **considering** working with children or vulnerable adults in the future.
- **Domestic employers** will be able to check an applicant's barred status online.

How it will work – application process

Barring decision made and passed to CRB taking account of any other relevant referral info

Relevant info gathered from police forces

Police Service

CRB disclosure team

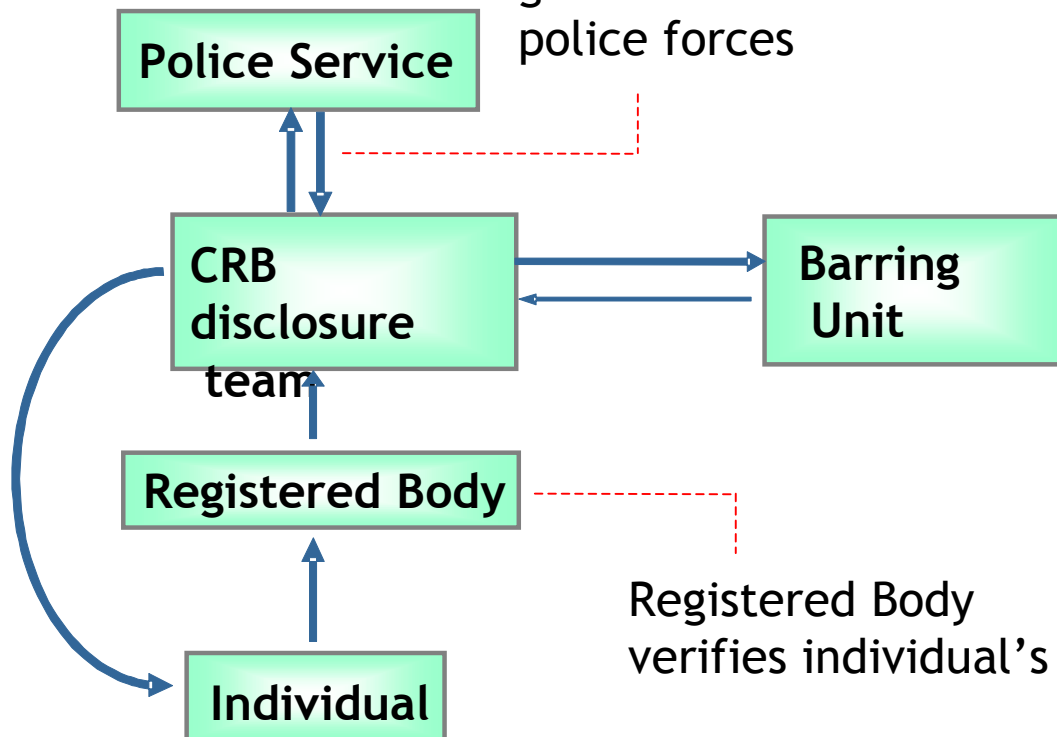
Barring Unit

Registered Body

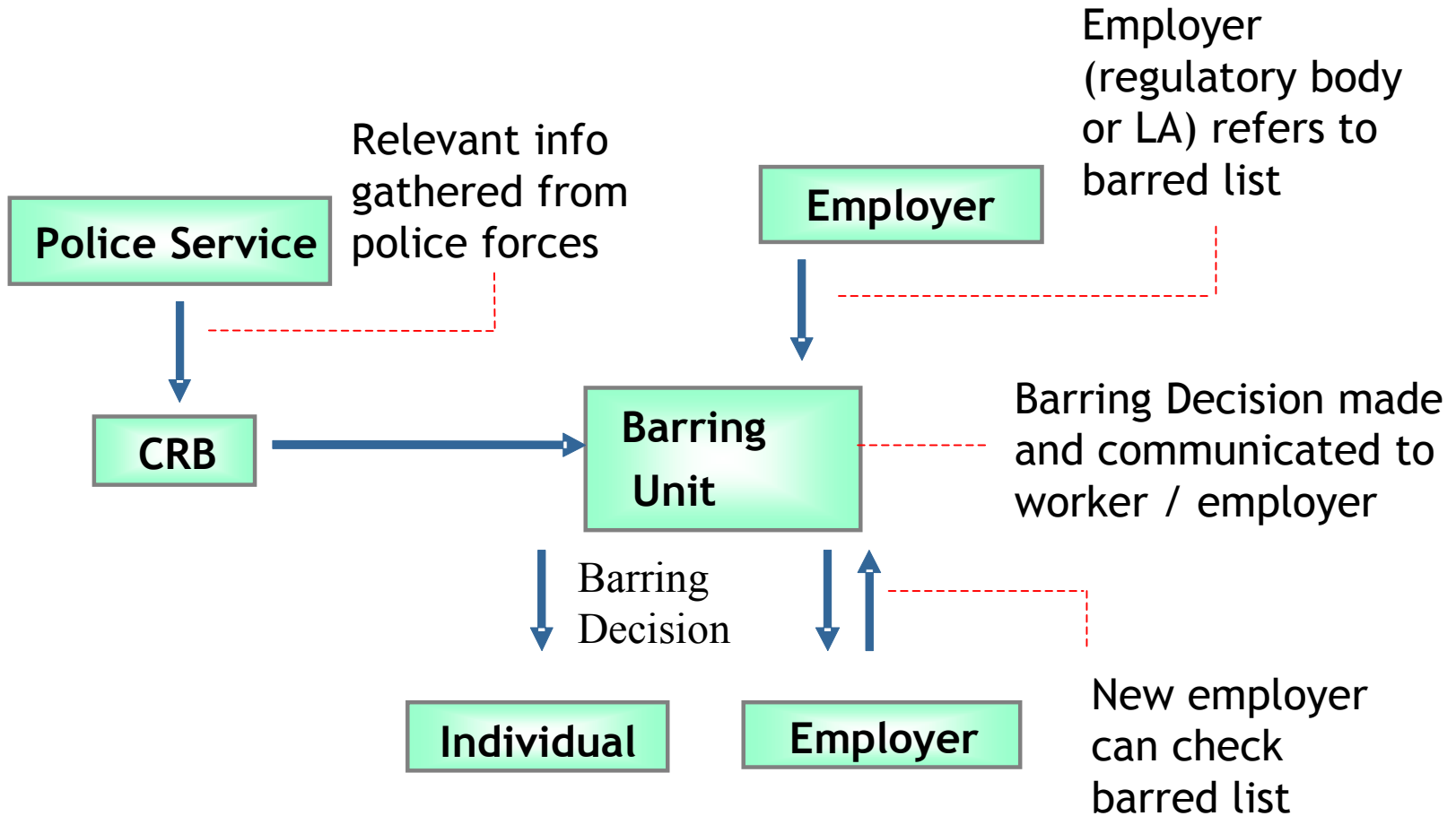
Registered Body verifies individual's ID

Individual

Barring decision included on disclosure and issued to individual (and employer)



How it will work – Continuous updating



The following categories of people (paid and volunteers) will be eligible for Disclosures:

- ☀ Those who have **contact** with children and/or vulnerable adults **by virtue of the service in which they work** (for example schools; nurseries; children's homes)
- ☀ Those who **work closely** with children and/or vulnerable adults in other settings
- ☀ Those in key **positions of authority** in relation to children and vulnerable adults
- ☀ Those who have contact with children and/or vulnerable adults over the telephone and internet and with access to significant **personal and sensitive information**

Self standing applications for Disclosures will also be possible for:

- ☀ Those employed by **domestic employers** such as nannies, care workers
- ☀ **Self-employed** such as music teachers
- ☀ Those **considering** working with children and/or vulnerable adults in the future

- ☀ The **bar will only apply in relation to jobs that involve working in positions with children and/or vulnerable adults**, defined by type of contact; type of setting; or the status and authority conferred.
- ☀ The bar will not cover administrative and support work in health, housing and other settings, and administrative jobs which give access to personal and sensitive information about children or vulnerable adults.
- ☀ Where the bar does not apply, employers will have the **discretion to employ individuals** on the barred list with safeguards in place.
- ☀ It may be possible for some barred people to be employed safely in these posts, as they do not involve close involvement with children or vulnerable adults
- ☀ Vetting and barring information will allow employers to think carefully about whether to employ the individual with appropriate safeguards in place.



Green Box Jobs (Eligible for Vetting and covered by the bar):

People who care for children/vulnerable adults; those in key services for children/vulnerable adults; and those in positions of authority – e.g. teachers, school caretakers, social workers, sports instructors, home tutors, care workers, nurses, doctors, ISA database operators, Director of Children’s Services etc. Total numbers (children and vulnerable adults): 7.5-8m.

Yellow Box jobs: (Eligible for Vetting and not covered by the bar):

Others who have contact– e.g. cleaners and catering staff in general hospitals, jobs giving access to personal and sensitive records about children and/or vulnerable adults (apart from ISA database operators). Total numbers (children and vulnerable adults): 1-1.5m.

What are the duties on employers?

- ✿ The scheme will be **mandatory** for some employers e.g. schools, care home managers, NHS Trusts etc.
 - ✿ The scheme will be **voluntary** for all other employers/employees working with children and/or vulnerable adults but we will encourage take up.
 - ✿ If an individual already has vetting and barring disclosure checks of barred status may be performed **online**.
- ✿ It will be an **offence** for employers to **employ an unsuitable individual** in a position in which they are barred from working.

As with the current barring lists, when employers dismiss/ suspend someone for protection reasons:

- ☀ Where the scheme is mandatory, employers **must refer**
- ☀ All other employers of those working with children and/or vulnerable adults **may refer**
- ☀ Parents/private employers will be encouraged to refer via a **statutory agency investigation** (ie police, social services etc)

- ☀ **Professional and regulatory bodies** will be under a duty to refer relevant information following regulatory proceedings relating to harm to a child/vulnerable adult
- ☀ **Local Authorities** will be under a duty to refer in specified circumstances
- ☀ The **Secretary of State** will have the power to consider **any other information** available to her when making a barring decision – for example other referrals.

- ☀ Applicants and their employers will receive a **superior product from the new scheme**, including:
 - ☀ **pre-employment** and **continuously updated barring decisions**;
 - ☀ **notification** of a change in barred status; and
 - ☀ the ability to **check barred status online**
- ☀ If it is decided to fund this product through charges on applicants, there **may be an increased charge** for disclosures,
 - ☀ although we envisage that **online checks** would be **free** and **volunteers would not pay** for disclosures.
- ☀ However, **work is ongoing** to determine whether this is the most effective funding mechanism.

The vast majority of the 310 respondents welcomed the proposals

- ☀ 89% (258 respondents) agreed that the **model was appropriate**
- ☀ 88% (247) agreed that it **would improve safeguards** for children and vulnerable adults
- ☀ Respondents did **not** generally believe that the new scheme would have a negative **impact on the way that they recruited** individuals to work with children or vulnerable adults, although there were concerns about potential for increased costs.

More results from our consultation are available at:

www.dfes.gov.uk/consultations

Progress to date and key next steps include:

- ✿ Initial **feasibility study confirmed** model for vetting/ barring scheme is feasible at end February 05
- ✿ **Sir Michael endorsed model** 15 March 05
- ✿ Formal **Public Consultation conducted** 5th April – 5th July 05
- ✿ Safeguarding Children and Vulnerable Adults' **Bill announced** in the Queen's speech
- ✿ Implementation of the systems to support the scheme intended to **be phased in from 2007 to 2008**

**If you have any comments please
contact us at:**

Team.BIP@dfes.gsi.gov.uk

Thank you!