THE SAFEGUARDING VULNERABLE GROUPS ACT 2006

The Safeguarding Vulnerable Groups Act 2006 provides the legal framework for the new Independent Safeguarding Authority and scheme. This fact sheet sets out the background to the Act and some of its main provisions.

Background

The Safeguarding Vulnerable Groups Act is a major element of a wide-ranging and ambitious programme of work established across government to address the systemic failures identified by the Bichard inquiry into the Soham murders. The Act was created in response to recommendation 19 of the Bichard Inquiry Report, which states:

“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 Sir Michael Bichard endorsed Department for Children, Schools and Families (DCSF) and Department of Health’s (DH) proposal to implement Recommendation 19 through the development of a central scheme whereby unsuitable people would be barred from working with children and/or vulnerable adults.

The full text of the Safeguarding Vulnerable Groups Act and its Explanatory Notes is available on the Office of Public Sector Information website, [www.opsi.gov.uk](http://www.opsi.gov.uk/) .

The future of Vetting and Barring

The Safeguarding Vulnerable Groups Act provides the legal framework for the new Independent Safeguarding Authority and scheme. The new arrangements are due to be introduced in a phased roll-out from autumn 2008. In the meantime, the DCSF, DH and Home Office are drafting the regulations and guidance that will underpin the scheme and help prepare for its launch.

Provisions under the Safeguarding Vulnerable Groups Act

In summary, the Act includes the following provisions:

* Coverage of the scheme defined in terms of regulated and controlled activities\*
* Two barred lists with four routes to inclusion on one or both of the barred lists
* An independent barring board – (which will be known as the Independent Safeguarding Authority)
* The referral of relevant information
* A right of appeal to the Care Standards Tribunal
* A series of new criminal offences to enforce the scheme

\* The Act and the new Vetting and Barring Scheme will not distinguish between paid and unpaid (voluntary) work as this does not have any bearing on the potential for abuse.

Improvements under the new arrangements

When the new arrangements are phased in from autumn ’08, they will reform current vetting and barring practices through the following improvements:

* The integration of lists – The Protection of Children Act (POCA) list, Protection of Vulnerable Adults (POVA) list, List 99 and the Disqualification Order Regime will be replaced by the new scheme. There will be a single 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 - The scheme will ensure that those who are known to present a risk of harm to children and/or vulnerable adults are prevented from entering the relevant workforce in the first place.
* Independent and consistent decision making - A new Independent Safeguarding Authority will be set up to take all discretionary decisions on who should be placed on the barred lists both prior to an individual’s employment and, if necessary, following a referral into the scheme.
* The introduction of continuous checking - When relevant new information becomes known about an individual who is already in the workforce and being monitored by the scheme, the Independent Safeguarding Authority will, if necessary, review the original decision not to bar. Where they have registered, the employer will be notified if a person’s status in the scheme has changed.
* Workforce coverage – The scope of the new scheme will be wider than the current arrangements. For example, in relation to vulnerable adults this is a significant step forward from the existing POVA scheme, which applies in regulated social care settings only.
* A reduction in bureaucracy - Once people have joined the new scheme, subsequent employers will be able to check their status in the scheme on-line, free of charge.
* Wide range of sources of information - As with the current arrangements, certain organisations will be under a duty to refer relevant information about individuals to the Independent Safeguarding Authority. Under the new scheme, other employers and service providers will also have the opportunity to refer information.

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| § In all of this guidance the term “employers” refers to both employers and managers of volunteers and the term “employees” refers to both paid and unpaid/volunteer work/activities§ For further information about the vetting and barring scheme please visit: [www.everychildmatters.gov.uk/independentsafeguardingauthority](http://www.everychildmatters.gov.uk/independentsafeguardingauthority)  |