

Update on the Vetting and Barring Scheme

Revised timetable for the Vetting and Barring Scheme

In April 2009 the government announced a revised timetable for full implementation of the new Vetting and Barring Scheme which is being introduced under the Safeguarding Vulnerable Groups Act 2006 (SVGA). The new scheme will be responsible for making decisions to bar those people deemed unsuitable to work with children and/or vulnerable adults.

There are new legal requirements which relate to employing barred people and the duty to refer information. This will include requirements on employers of both paid staff and volunteers. Staff and volunteers who are engaged in “regulated activity” (defined below) will need to become members of the scheme which is being phased in, in order to work with children and/or vulnerable adults.

The legislation will therefore place new requirements on the sports sector, and guidance specific for the sector is being developed to help explain how this will work. For many people in sports clubs and centres these responsibilities will be able to be discharged through the organisation which currently processes their recruitment checks through the Criminal Records Bureau (CRB). This may be their national governing body (NGB) of sport or local authority or potentially local sports clubs.

A communications event for the sector was held on 24th July and the outcomes of this are outlined later in this briefing.

The new timetable

Since January 2009 the Independent Safeguarding Authority (ISA) has been taking barring decisions under the existing barring provisions of POVA, POCA and List 99.

From October 12th 2009 the ISA will be making barring decisions under the provisions of the SVGA. From this date, employers/deployers of staff/volunteers will have a **duty to refer** names of people presenting relevant concerns, who will be considered for barring under the new scheme. In practice this means that referring individuals working with children and/or vulnerable adults who have exhibited inappropriate behaviour or activity will be mandatory.

From 12th October 2009 anyone who is barred from regulated activity with either children or vulnerable adults will not be able to do this work, and will commit a serious criminal offence if they do so. A club or employer will also commit an offence if they **knowingly** employ or use a barred individual (in either a paid or voluntary capacity) in any regulated activity.

July 2010 sees the start of applications for registration under the Vetting & Barring Scheme (VBS) for new entrants to the sector (both paid employees and volunteers) and for those moving jobs, including moving from unregulated to regulated activity.



From November 2010 it will be mandatory for those starting to carry out regulated activity with children or vulnerable adults to have ISA registration before they begin. The requirements for the existing children and vulnerable adults workforce (paid and unpaid) who do not start in new regulated activity will be phased in over 5 years.

The new barring provisions under the Act will be brought into force, significantly extending the range of activities and workplaces from which individuals may be barred to include all regulated activity, as defined by the Act.

Regulated activity with children includes work, paid or unpaid, frequently or intensively, to provide:

- teaching, training or instruction
- care or supervision
- advice or guidance relating to children's physical, emotional or educational well-being
- treatment or therapy
- transport specifically for children

In addition, any frequent or intensive contact with children in certain specified places (e.g. schools, children's homes, relevant childcare premises) is regulated activity.

Sports clubs and leisure centres are not specified places but sports activities which are organised and run by NGB local clubs or other providers and which take place within a school setting/on school premises would fall within the specified place definition.

A similar definition applies in relation to regulated activity which is targeted specifically at vulnerable adults. 'Vulnerable adults' are clearly defined in the legislation and would include instances where sport activities are arranged specifically for a group with disabilities. It would not include situations where an adult who happens to have a disability participates in general sporting activity targeted at those without disability.

Also **from 12th October 2009**, applications for Standard CRB checks will no longer reveal information held about those barred from working with children and/or vulnerable adults. Therefore colleagues who are entitled to check the two barred lists managed by the ISA, which cover children and vulnerable adults, (POCA & POVA) must apply for an Enhanced CRB disclosure.

Draft generic guidance for review

As part of the communications strategy about the scheme, generic guidance about the scheme is being produced and will be available in August 2009. This comprehensive document will be for circulation primarily to key stakeholders, including CRB registered bodies, which will be responsible for implementing the scheme for their organisations.



Sector Specific Guidance

Guidance is being developed for each of the 17 sectors affected by the scheme. This forms part of national communications briefing for employers, voluntary organisations, intermediaries and BME groups across different sectors impacted by the legislation.

CPSU and Sport England met with the Home Office on 26th May 2009 to ensure that key issues for the sector were addressed in preparation for the road shows.

DCMS is responsible for writing the sports sector specific guidance, working closely with CPSU, DCSF and the Home Office to ensure the final guidance reflects the points made by the sector. We want the guidance to be a genuinely useful document which demonstrates an understanding of the sport and recreation landscape and will help the sector understand and implement the new requirements effectively and appropriately.

Key areas to be included within the guidance:

- Reference to general requirements
- Distinctions between CRB checks and ISA registration
- What constitutes regulated activity (with children or vulnerable adults)
- Exemptions
- Open age activities
- Sports settings
- Incidental involvement of children and young people within sports activities
- Responsibility and liability and Registered Activity Providers
- Duty to refer to the scheme

The guidance will be illustrated by case studies

VBS communication event 24th July 2009

The Communication event on 24th July was hosted by the Child Protection in Sport Unit for sports and recreation stakeholders to consider the sports specific guidance. The aims of this event were to ensure that participants:

1. Had a clear understanding of the Vetting and Barring Scheme including their organisation's role and responsibilities
2. Had the opportunity to contribute to the sports sector specific guidance
3. Agreed a process for cascading information to grass roots/local sports organisations



The outcomes of the event were:

1. The sector will continue to be able to communicate about its needs through the joint VBS/CRB Consultative Group chaired by the CPSU Director.
2. DCMS, will draft the sector guidance for September 2009, supported by representatives from the sector (to provide case studies to illustrate key issues), Sport England, the CPSU, the Home Office and DCSF.
3. The CPSU is writing up all of the feedback from the day which will be circulated to invitees.
4. A second communication event, following production of the sector specific guidance, will take place in October 2009.
5. The Home Office is communicating general information about the VBS. The sector needs to be kept aware of these developments in order to respond to questions from all stakeholders. Individuals and clubs need to be signposted to their existing CRB registered bodies or national governing bodies in the interim.
6. DCMS will clarify with the DCSF any outstanding concerns about coverage of the scheme and amend the responses to the Q&A which will be re-circulated and incorporated into the sector guidance.
7. The CPSU will provide this updated briefing for the CPSU website and provide monthly updates (this will incorporate a statement on vulnerable adults).
8. The changes in legislation will be incorporated into all new and updated safeguarding training provided by the CPSU and its partners.
9. Feedback and questions should be sent to the CPSU email inbox.

We will provide you with further information through the CPSU newsletter and briefings on the CPSU website. You will be able to use the draft guidance, when provided in September, to help your planning and cascade information down through your networks in good time ahead of the roll out of the scheme.

Up to date information about the Vetting and Barring Scheme is available on the ISA website at www.isa-gov.org and via a dedicated call centre 0300 123 1111 (local call rate applies) which is open 8am to 6pm weekdays. This includes further advice on the circumstances in which a regulated activity provider must refer an individual to the ISA.

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