

Safeguarding Vulnerable Groups Act 2006 and Safeguarding Vulnerable Groups (NI) Order 2007

Background to Safeguarding Vulnerable Groups Legislation

Following the murders of Jessica Chapman and Holly Wells by Ian Huntley (a school caretaker) in 2002, the Bichard Inquiry was commissioned to examine the reasons why this happened and the lessons to be learned. One of the key issues this Inquiry looked at was the way in which organisations recruit people to work with children and vulnerable adults. The Inquiry asked whether the way organisations check the background of applicants is reliable enough and also whether organisations should be responsible for deciding whether a job applicant can be safely employed.

One of the Inquiry's recommendations was the need for a single agency to determine if individuals who want to work or volunteer with children and vulnerable adults are suitable to do so. The [Safeguarding Vulnerable Groups Act 2006](#) established the Independent Barring Board (known as the Independent Safeguarding Authority (ISA)). The ISA started operating on 2nd January 2008 to fulfill this role across England, Wales and Northern Ireland, (Scotland is developing its own similar scheme, which will work closely with the ISA). The Safeguarding Vulnerable Groups (NI) Order 2007 mirrors those provisions of the Safeguarding Vulnerable Groups Act 2006 which do not extend to Northern Ireland and will establish a new Vetting and Barring Scheme.

How Will the Vetting and Barring Scheme Work?

Every person who wants to work or volunteer with children or vulnerable adults must be registered with the ISA. In Northern Ireland applications for ISA registration will be processed by AccessNI.

Access NI will receive applications for ISA registration and will gather and forward information to the ISA. Having considered this information the ISA will register an individual where there is no known reason why they should not work with children or vulnerable adults. Individuals registered with the ISA will be continually monitored and the ISA will remove their registration if they subsequently do something which makes them unsuitable to work with children or vulnerable adults.

The ISA will hold a list of all those who are barred from working with children and a list of those barred from working with vulnerable adults. These are called the Barred Lists and when the legislation is commenced will replace the existing Disqualification from Working with Children (DWC) List, the Unsuitable Persons List (UP List) and the Disqualification from Working with Vulnerable Adults (DWVA) List, as well as the current system of Disqualification Orders established under POCVA.

Those currently on the above barred lists will be considered by the ISA who will then decide if the individual concerned should be placed on one or both of the new ISA Barred Lists.

Under the Vetting and Barring Scheme organisations/employers will be able to register an interest in any individual they employ and the ISA will advise them when the individual's registration status changes. Organisations/employers will also be able to avail of a free on-line service, which will enable them to check if a prospective employee/volunteer is ISA registered.



Cost

The cost for registering with the ISA will be £58 per person (this includes the cost of an enhanced disclosure). **Volunteers who currently meet Access NI's criteria for free disclosure checks will not pay for ISA registration.**

The fee will cover the following administrative and operational costs:

- the application and registration processes;
- the employer registration of interest facility;
- the online checking system; and
- continuous monitoring of individuals who are ISA registered.

Implications for Sport

Implementation of the Vetting and Barring Scheme will commence from 12th October 2009. Individuals will register with the ISA before taking up employment/volunteering in regulated activity. An organisation must check that the person is registered with the ISA before allowing them to commence employment/voluntary work. This will determine whether or not the sports organisation can allow the individual to take up, for example, the post of coach, instructor or volunteer, and may affect what activities they can undertake.

All those working in the existing children's and vulnerable adults' workforces will be required to register with the ISA. Registration of existing workers will be phased in over a five year period. Further detail on how exactly phasing will work in Northern Ireland will be available well in advance of ISA registration being commenced.

Instructing or coaching children or vulnerable adults will be viewed as a **"Regulated Activity"**. Only an ISA-registered person can undertake **regulated** activity – it will be illegal to employ (either in a paid or volunteer capacity) an unregistered person and those who do can be fined up to £5000. In the context of the Vetting and Barring Scheme, an unregistered person is someone who has not registered with ISA. A person is guilty of an offence if he knowingly employs a barred person in regulated activity. This can result in a fine of up to £5000 or a term of imprisonment.

For more information visit: www.dhsspsni.gov.uk/index/hss/svg.htm/

