



## Factsheet

# Safeguarding Vulnerable Groups Bill

The **Safeguarding Vulnerable Groups Bill** provides the legislative framework for the introduction of a new vetting and barring scheme for those working with children and/or vulnerable adults. The scheme is the Government's response to **Recommendation 19 of the Bichard Inquiry**, 2004, and follows a **public consultation** on the proposals.

### Background and historic improvements

**Protection of children and vulnerable adults** is a top priority of the Government.

This Government has built on the work of previous Governments to **tighten the vetting and barring systems** for those working with children and vulnerable adults including the creation of the **Protection of Children Act (POCA)**, the **Protection of Vulnerable Adults Scheme (POVA)** in 2000, a comprehensive **overhaul of sex offences legislation** in 2003, and the creation of the **Criminal Records Bureau** in 2002.

The **Care Standards Act 2000**, together with the Green Paper "Independence, Well-Being and Choice" and the recently published White Paper "Our health, our care, our say" has put in place the foundations for a system overhaul of the way care services are delivered to all adults.

The **Children Act 2004** strengthened the arrangements made to safeguard and promote the welfare of children; requiring key people and organisations to make safeguarding arrangements for children and requiring agencies to work together through local safeguarding children boards.

The **Secretary of State for Education and Skills'** statement and report of 19 January announced how the system of safeguards would be strengthened further including replacing List 99 with a new system to be introduced via the Safeguarding Vulnerable Groups Bill, announced in the Queen's Speech, 2005.

### Objective of the Vetting and Barring Scheme

- The primary aim of the new vetting and barring scheme is to make **safeguarding a top priority** –barring individuals from working in situations where the evidence suggests that they present a risk of harm to children or vulnerable adults.

The reformed system must also be:

- **Rigorous**, using proper expert advice at appropriate points.
- **Clear that everybody has a responsibility** for ensuring children and vulnerable adults are safe – the government, service providers, individuals, families, parents and the public.
- **Transparent**, with a clear relationship with other data sources, and clear responsibilities on those running the scheme, the police, employers, and other stakeholders.
- **Fair to individuals**, in particular not penalising any individual beyond what is reasonable to ensure the protection of children and vulnerable adults from harm, including appeal and review proceedings.

### How will the provisions in the Bill lead to improvements on the current systems?

- List 99 and the Protection of Children Act list will be integrated to create a **single list** of people barred from working with children and there will be a separate, but aligned, list of people barred from working with vulnerable adults. Where evidence suggests the individual presents a risk to both children and vulnerable adults they will be placed on both lists.
- A barring decision will be made **on application to work** with children or vulnerable adults on the basis of an individual's criminal history, as well as following referrals from employers and other bodies.
- An **expert board**, independent of Ministers, will be established and given statutory responsibility for all discretionary barring decisions.
- **Barring decisions will be updated** as soon as any new information becomes available. Every reasonable effort will be made to notify current employers if an employee becomes barred. It will be a criminal offence for a newly-banned individual to continue working with children/vulnerable adults.
- Under the new scheme employers will be able to check the barred status of all those who applying to work or working in jobs that bring them into contact with children or vulnerable adults, **including for the first time:**
  - Those employed in the context of **private family arrangements** such as nannies, music teachers, care workers
  - Those who have substantial access to **personal and sensitive information** about children or vulnerable adults;
- All those employing individuals to work closely with children will be **required to check barred status** before employing them except where the employment occurs in the context of private family arrangements
- **Information from a wide range of agencies** will be assessed centrally by the new vetting and barring board: there will be duties on police, employers, professional and regulatory bodies, and local authorities to provide relevant information.