



June 2010

ALL CHANGE FOR VETTING AND BARRING PLANS

In a remarkable change in direction the Home Secretary, Theresa May, announced on 15 June 2010 that registration under the Vetting and Barring Scheme (VBS) will be halted to allow the government to remodel the scheme. Voluntary registration with the VBS for new employees and job-movers working or volunteering with children and vulnerable adults had been due to commence on 26 July.

The government indicated that while the safety of children and vulnerable adults was of paramount importance, it also recognised that many businesses, community groups and individuals thought that the current scheme was disproportionate and overly burdensome, and that it interfered unduly with civil liberties. The scope of the remodelling is currently being finalised, but not yet known.

Some existing arrangements under the scheme will continue:

- Since January 2009, the Independent Safeguarding Authority (ISA) has been making independent barring decisions. It will continue to administer and maintain the two new lists (one for those barred from working with children, the other for those barred from working with vulnerable adults) which replaced the three previous barring lists (POVA, POCA and List 99). Since October 2009, it has been possible to make checks on these two lists as part of an Enhanced CRB check
- Existing requirements concerning Criminal Records Bureau and Access Northern Ireland checks will remain in place, and those entitled to such checks can continue to apply for them
- Significantly, employers are still legally obliged to refer information to the Independent Safeguarding Agency if they have moved or removed an individual because they have harmed a member of a vulnerable group or there is a risk of harm to such a person.

We are advised that employers, charities and voluntary groups are being informed directly of the change.

Note also that while the timing and scope of requirements on individuals to register with the scheme will depend on the outcome of the review, the following requirements, which came into effect in October last year, remain in place:

- It remains a criminal offence for a barred individual to apply to work with children or vulnerable adults in a wider range of posts than previously. Employers (including charities) also face criminal sanctions for knowingly employing a barred individual across a wider range of work
- Additional jobs and voluntary positions are covered by the barring arrangements, including moderators of children's internet chat rooms, and a large number of NHS staff
- Employers, local authorities, professional regulators and inspection bodies have a duty to refer to the ISA any information on an individual working with the vulnerable where they consider them to have caused harm or pose a risk.

Many in the Third Sector will we believe see this move as positive.

If you require any specific advice in connection with the material contained in this bulletin, or on any other legal issues, please contact Stephen Claus on 0151 600 3341.

If you no longer wish to receive the bulletin please let us know by return e-mail to helen.calvert@brabnerscs.com

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LIVERPOOL

Horton House, Exchange Flags, Liverpool L2 3YL
0151 600 3000

MANCHESTER

55 King Street, Manchester M2 4LQ
0161 836 8800

PRESTON

7-8 Chapel Street, Preston PR1 8AN
01772 823921