

## Safeguarding Vulnerable Groups

February 2010



Q: I have heard that there is new legislation in place which requires people who work closely with children and vulnerable adults to be registered with a new body. As an employer in the childcare sector what do we need to do?

A: Yes, that's correct, new legislation is in place requiring employers to ensure they employ only properly vetted staff who will be working with children and vulnerable adults. The Vetting and Barring Scheme ("VBS") was established following the Bichard Inquiry. It applies to both employees and volunteers and the VBS is a partnership of the ISA and Access NI/CRB. The new Independent Safeguarding Authority (ISA) became operational on 12 October 2009 throughout the UK. Two new barring lists are now in place: the "Children's" and "Vulnerable Adults" lists. Access NI and CRB will process the applications made to the VBS. Employees and volunteers need to apply to register with the ISA and will be assessed using data gathered by Access NI. The fee in NI for ISA registration is £58 per individual.

From 26 July 2010, individuals will be able to apply for registration with the ISA. Registration and checking is mandatory from November 2010. Once the scheme is fully implemented, anyone working or volunteering with children or vulnerable adults in a 'regulated activity' will have to be registered with the ISA. It will be an offence for an employer to hire a person in a regulated activity without first confirming his or her ISA registration, and employers will have a legal duty to refer appropriate information to the ISA.

Only ISA registered individuals can undertake regulated activity which involves frequent or intensive contact with children or vulnerable adults. Employers who employ an unregistered person can face imprisonment or a fine up to £5,000. However, those volunteering for a non-profit or non-statutory organisation will not have to pay for ISA registration. It is essential that employers review their recruitment procedures to ensure that the necessary checks are in place and are carried out for existing and future staff. Employers will need to engage in continuous monitoring of those registered with the ISA and will also need to put into place policies governing the information which will be provided to the ISA. Although the government has factored in a need to phase in the legislation it is highly likely that the current backlog within the Access NI system will be compounded.

*Please note: The content of this article is for information purposes only and further advice should be sought from a professional advisor before any action is taken.*