



Key Provisions of the Safeguarding Vulnerable Groups Act 2006

The **Safeguarding Vulnerable Groups Act 2006** is a key piece of legislation in the United Kingdom designed to protect vulnerable groups—both children and adults—from harm and abuse. It establishes the legal framework for vetting individuals working with vulnerable groups and creates a mechanism for barring individuals who pose a risk from working in certain roles. The Act was introduced following the recommendations of the **Richard Inquiry**, which was established after the Soham murders in 2002.

Key Provisions of the Safeguarding Vulnerable Groups Act 2006

1. Definition of Vulnerable Groups:

- **Children:** Under the Act, a **child** is defined as anyone under the age of 18.
- **Vulnerable Adults:** A **vulnerable adult** is defined as someone aged 18 or over who receives health care, personal care, or other types of care and support services that may make them more vulnerable to abuse or neglect.

2. Regulated Activities:

The Act defines **regulated activities** as certain types of work or volunteer roles that involve close and regular contact with children or vulnerable adults. Individuals working in these activities must undergo background checks to ensure they are not barred from such work.

Regulated activities include:

- Teaching, training, or supervising children.
- Providing personal care to vulnerable adults.
- Working in healthcare settings.
- Providing advice or guidance to children or vulnerable adults.
- Any form of day-to-day management or supervision of individuals carrying out regulated activities.

3. Disclosure and Barring Service (DBS):

The Safeguarding Vulnerable Groups Act 2006 created the **Independent Safeguarding Authority (ISA)**, later merged with the Criminal Records Bureau (CRB) to form the **Disclosure and Barring Service (DBS)** in 2012. The DBS is responsible for:

- **Processing background checks:** Organizations must request **DBS checks** for individuals applying for roles in regulated activities.
- **Maintaining two barred lists:** One list for individuals barred from working with children and another for those barred from working with vulnerable adults.
- **Decision making:** The DBS assesses whether individuals should be placed on the barred lists based on their criminal records or other relevant information.

4. Barred Lists:

The Act established the **children's barred list** and the **adults' barred list**, which contain the names of individuals who are prohibited from engaging in regulated activities involving children or vulnerable adults.

- **Automatic Barring:** In some cases, an individual can be automatically barred if they are convicted of a serious offense (e.g., sexual or violent crimes against children or adults). The individual may not be able to appeal this decision.
- **Automatic Barring with Representations:** In other cases, individuals can make representations before being barred.
- **Discretionary Barring:** The DBS may bar individuals after considering whether they pose a risk of harm, even if no conviction has occurred.

5. Vetting and Barring Process:

The Act mandates that all individuals working in regulated activities must be vetted and monitored. This is done through **Enhanced DBS Checks**, which disclose any criminal history or other relevant information. Employers are required to check whether potential employees are on the barred lists before allowing them to work with children or vulnerable adults.

- **Enhanced DBS Check:** This type of check includes information about spent and unspent convictions, cautions, reprimands, and warnings. It may also include additional information from police records that is deemed relevant to the role.

6. Referral Process:

Organizations and employers have a legal duty under the Act to **refer individuals to the DBS** if they:

- Have harmed or posed a risk of harm to a child or vulnerable adult.
- Have been dismissed or removed from working in a regulated activity because of misconduct that relates to children or vulnerable adults.
- Have resigned while under investigation for such misconduct.

Referrals help ensure that individuals who pose a risk to vulnerable groups are added to the barred lists and prevented from working in roles that could endanger others.

7. Legal Obligations for Employers:

Employers have certain legal responsibilities under the Safeguarding Vulnerable Groups Act 2006, including:

- **Carrying out DBS checks** for all employees and volunteers working in regulated activities.
- **Not employing individuals on the barred lists** in regulated activities.
- **Making referrals to the DBS** if an individual is found to pose a risk to vulnerable groups.

8. Offenses and Penalties:

The Act outlines various offenses and penalties for non-compliance, including:

- It is an offense for a barred individual to seek work, or engage in work, in regulated activities.
- Employers commit an offense if they knowingly allow a barred person to work in regulated activities.
- Convictions for offenses under the Act can result in fines and imprisonment.

9. Safeguarding Framework and Integration with Other Legislation:

The Safeguarding Vulnerable Groups Act 2006 works in tandem with other key pieces of safeguarding legislation, including:

- The **Children Act 1989** and **Children Act 2004**, which establish local authorities' responsibilities to safeguard children.
- The **Care Act 2014**, which outlines safeguarding duties for vulnerable adults.
- The **Sexual Offences Act 2003**, which includes provisions related to sexual offenses and the protection of vulnerable people.

10. Exemptions and Exceptions:

Certain roles or relationships are not covered by the Act, including:

- **Family arrangements:** Informal family caregiving or parenting does not fall under the regulated activities covered by the Act.
- **Peer relationships:** The Act does not apply to situations where children or vulnerable adults provide care or assistance to each other in a peer setting, such as in schools or youth clubs.

Key Amendments to the Act:

The **Protection of Freedoms Act 2012** made several changes to the Safeguarding Vulnerable Groups Act 2006, including:

- Reducing the scope of regulated activities to focus on roles involving close and regular contact with vulnerable groups.
- Introducing the concept of "**supervised roles**": Individuals in supervised roles (where close monitoring is provided) are not required to undergo enhanced DBS checks.

- Merging the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA) to form the DBS, streamlining the vetting and barring process.

Conclusion:

The **Safeguarding Vulnerable Groups Act 2006** is a critical framework for protecting children and vulnerable adults from harm and abuse by ensuring that individuals who work in regulated activities are properly vetted. The creation of the Disclosure and Barring Service (DBS) and the barred lists provide a robust system to prevent unsuitable individuals from working with vulnerable groups. By mandating DBS checks, referrals, and placing legal duties on employers, the Act enhances safeguarding in various sectors, including education, healthcare, and social care.