

SAFEGUARDING VULNERABLE GROUPS (NORTHERN IRELAND) ORDER 2007

S.I. 2007 1351

EXPLANATORY MEMORANDUM

BACKGROUND AND POLICY OBJECTIVES

4. The current system for vetting people who wish to work with children or vulnerable adults operates through employers obtaining a check on prospective employee's criminal records. This check also includes information about the individual's suitability to work with children or vulnerable adults.
5. There are also three separate lists of persons who are barred from working with children or vulnerable adults. These lists operate under different legislation: the Disqualification from Working with Children (Northern Ireland) List and the Disqualification from Working with Vulnerable Adults (Northern Ireland) List (maintained under the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003 and the Unsuitable Persons List (maintained under The Education and Libraries (Northern Ireland) Order 1986. Disqualification orders made by a Court also bar individuals from working with children.
6. The Bichard Inquiry Report (June 2004), available from <http://www.bichardinquiry.org.uk/>, identified systemic failures in current vetting and barring systems. These included the following factors:
 - Inconsistent decisions were being made by employers on the basis of information supplied with a criminal record check
 - The criminal record information is only valid on the day of issue
 - There are inconsistencies between the Disqualification from Working with Children (Northern Ireland) List, the Disqualification from Working with Vulnerable Adults (Northern Ireland) List and the Unsuitable People List
 - The current barring system is reactive to harmful behaviour rather than preventative
7. This Order provides the legislative framework for a new vetting and barring scheme for people who work with children and vulnerable adults. The purpose of the new scheme is to minimise the risk of harm posed to children and vulnerable adults by those that might seek to harm them through their work (paid or unpaid). It seeks to do this by barring unsuitable individuals not just on the basis of referrals but also at the earliest possible opportunity as part of a centralised vetting process that all those working closely with children and/or vulnerable adults will need to go through. These arrangements will enable vetting and barring processes to operate coherently across the UK.