

**EXPLANATORY MEMORANDUM TO
THE SAFEGUARDING VULNERABLE GROUPS ACT 2006 (BARRING
PROCEDURE) REGULATIONS 2008**

2008 No. 474

1. This explanatory memorandum has been prepared by the Department for Children, Schools, and Families and is laid before Parliament by Command of Her Majesty.

2. Description

2.1. These Regulations make provision in relation to some aspects of the procedure that the Independent Barring Board (“IBB”) will follow in exercising its barring functions under Schedule 3 to the Safeguarding Vulnerable Groups Act 2006 (“the Act”). They cover how individuals are to be invited to make representations against inclusion, or proposed inclusion, in one or both of the barred lists maintained by IBB under section 2 of the Act, and the time within which they must do so. They also cover the periods which must expire before an individual is able to apply for a review of his inclusion in a barred list.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1. There are no matters of special interest in relation to these Regulations.

4. Legislative Background

4.1. The Act reforms arrangements for safeguarding children and vulnerable adults from harm or the risk of harm by employees (paid or unpaid) whose work gives them significant access to these groups. The new arrangements it introduces will replace those provided for under the Protection of Children Act 1999, the Care Standards Act 2000, the Criminal Justice and Court Services Act 2000 and the Education Act 2002.

4.2. The Act creates IBB to maintain a list of people barred from work with significant access to each group that falls within the definition of regulated activity (see Schedule 4 to the Act), and to decide whether to include individuals in one or both lists. Schedule 3 to the Act provides for the inclusion of individuals in these new lists. These Regulations provide for points of detail necessary to make the processes under Schedule 3 work.

4.3. People who are already subject to disqualifications under the existing regime (i.e. who are included in the lists maintained under section 1 of the Protection of Children Act 1999 (the POCA list) or section 81 of the Care Standards Act 2000 (the POVA list), who are subject to a disqualification order under section 28, 29 or 29A of the Criminal Justice and Court Services Act 2000, or who are subject to a direction made under section 142(1) of the Education Act 2002 (usually referred to as being on “List 99”)) must be included, or

considered for inclusion, in the new lists in accordance with the provisions of the Safeguarding Vulnerable Groups Act (Transitional Provisions) Order 2008, S.I. 2008/473 (“the TPO”). These Regulations will apply to those people as they will to those brought to the attention of IBB in the future.

4.4. Further detail on the legislative background to the Act are set out in an over-arching explanatory memorandum on the implementation of the Act, at Annex 1 below.

4.5. These Regulations are the first to be made under paragraphs 15(1) and (2) and 18(3)(b) and (6) of Schedule 3 to the Act.

5. Extent

5.1. This instrument extends to England and Wales.

6. European Convention on Human Rights

6.1. As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy Background

7.1. The broader policy objectives of the Act are set out in the accompanying over-arching explanatory memorandum (see Annex 1 below). In relation to these Regulations, four aspects of policy are particularly relevant, namely:

- the time allowed for an individual to make representations as to their removal from or inclusion in one of the new barred lists;
- the length of the “minimum barred period” (i.e. the period that must pass before an individual may first apply for permission to apply for a review of their inclusion in a barred list: see paragraph 18(3)(a) and (6) of Schedule 3 to the Act);
- the age at which an individual should be treated as an adult in terms of the minimum barred period that will apply to them; and
- the length of the period within which an individual may not make any repeat application for permission to apply for a review of their inclusion in one of the barred lists.

7.2. Consultation

7.2.1. The Government formally consulted on the key aspects of its policy proposals behind regulations made under Schedule 3 to the Act (these included the issues set out at paragraph 7.1). The title of the consultation document was “*The Safeguarding Vulnerable Groups Act 2006 Barring Consultation*” and the consultation ran from 22 June to 14 September 2007.

7.2.2. There were 182 responses to the consultation. These came from bodies including Local Authorities, Local Safeguarding Children Boards,

voluntary sector organisations, unions, national and professional associations and health and care sector organisations, as well as parents. Respondents broadly agreed with all the proposals put forward in the consultation document.

(i) Representations

7.2.3. The Government proposed that the period in which an individual must make representations should be eight weeks. There was strong support for this proposal. The majority of people felt that eight weeks was about right given the need to balance efficient operation of the scheme with providing individuals sufficient time to put their case to IBB. IBB will have the ability to grant extensions where necessary.

(ii) The minimum barred period

7.2.4. The Government proposed that the new scheme should distinguish between young people and adults for the purposes of setting the length of the minimum barred period. The suggested minimum barred period for adults was 10 years, whilst that for younger people was 5 years. There was general support for this proposal, although a number of organisations argued strongly that either the minimum barred period should not apply at all to under 18s or that a shorter period should apply. The key arguments put forward for this were the impact which being barred has on the development of a child under 18, and the capacity of this age group to change.

(iii) Age at which individuals should be treated as adults for the purposes of the minimum barred period

7.2.5. The Government proposed that the point at which the scheme recognises an individual as an adult for this purpose should be at age 25. There was strong support for providing for different lengths of minimum barred period dependent on the age of the barred individual. Respondents agreed that the age point of differentiation between a young person and an adult for this purpose should be 25, and not 18 as under the existing regime. This was mainly based on views that young people have capacity to change quite dramatically over a shorter period. In addition, the typical circumstances behind relevant types of young offending often involve some of the most vulnerable young people, and/or those more greatly influenced by their environment and peers. Once removed from the influences that have led, or contributed, to the offending behaviour, young people often show rapid improvement.

(iv) Subsequent “no review” periods

7.2.6. The Government proposed that the period within which an individual may make no further application for permission to apply for a review of their inclusion in one of the barred lists should mirror the relevant

minimum barred period. Again, this proposal was supported by respondents.

7.3. Provisions in the Regulations

- 7.3.1. Representations: The Regulations set an 8-week limit on the right to make representations as to why a person should be removed from, or not included in, one of the new lists barring them from work with children or vulnerable adults. Lessons learned from existing schemes suggest that eight weeks balances efficient operation of the scheme with providing individuals reasonable time to put a case together. As mentioned above, there was strong agreement to this proposal in formal consultation. IBB will be allowed to grant extensions in extenuating circumstances, such as in complex cases. IBB will be expected to draw up its own internal review processes to deal with instances which question the validity of a barring decision, for example mistakenly attributed information, or where a conviction was overturned.
- 7.3.2. Minimum barred period and “no review” period: The Regulations set the period that must elapse before an individual is eligible to seek a review of his inclusion in a barred list, and the starting point of that period. The Act calls this the minimum barred period. The underlying rationale here is that where a person has been barred from working with a vulnerable group, some time must be allowed to pass before it will be reasonable to expect that person’s circumstances to have changed in such a way that barring may no longer be appropriate. Age is felt to have a big impact on the length of this period and arrangements under the existing regime apply a period of 5 years for those under 18 and 10 years for those aged 18 or more.
- 7.3.3. In the light of experience and advice from safeguarding experts the Government proposed that the age differentiation point in relation to the minimum barred period should be raised from 18 to 25. Amongst the reasons for doing this, some of the key points were that patterns of behaviour are often not settled in those aged under 25, that people under that age may be relatively immature, and that the age difference between the “perpetrator” and “victim” of particular conduct may be minimal. Respondents to the formal public consultation on barring agreed to raising the age differentiation point to 25.
- 7.3.4. For those aged 18 to 24 the policy is that the minimum barred period should be 5 years. The purpose of this period is to ensure that vulnerable groups are safeguarded in a proportionate and fair way; in general we expect that if a relevant change in circumstances were to happen, it is likely to happen more quickly with those aged under 25.
- 7.3.5. In response to concerns raised by respondents to the barring consultation the Government has decided that the minimum barred period should be 1 year for those aged under 18. For under 18s there is no automatic barring; IBB will make a balanced risk of harm assessment

when considering cases. Although circumstances may change very rapidly for children in this age group, change is unlikely to happen ‘overnight’. IBB’s judgement should endure for a period of time in which rehabilitation can occur. If IBB is considering or undertaking a review, it will want to be able to assess whether a change in behaviour pattern has actually happened. It will also want to avoid nuisance repeat applications for permission for a review. IBB will not be able to grant permission unless the individual’s circumstances have changed in such a way that barring may no longer be appropriate. Even then the individual will need to satisfy IBB that he or she should be removed from the list.

7.3.6. Therefore the policy given effect by the Regulations is that, in relation to future cases, the minimum barred period and subsequent “no review” period should be:

- Aged up to 18 at point of listing, unsuccessful review, or application for review – 1 year;
- Aged 18 to 24 at point of listing (or at conviction/ caution, for auto-bar offences), unsuccessful review, or application for review – 5 years;
- Aged 25 or older at point of listing (or at conviction/ caution, for auto-bar offences), unsuccessful review, or application for review – 10 years.

7.3.7. Minimum Barred Period – cases considered under the TPO: Before the disqualifications under the existing regime (see paragraph 4.3, above) can be removed, those subject to them will have to be included, or considered for inclusion, in the new barred lists. This process will be governed by the TPO.

7.3.8. The policy in relation to those whom IBB is required to include in the barred lists (rather than considering whether they should be included) is that account should be taken both of the time that they had already been subject to a disqualification (in effect, to treat this as time already served) and of the minimum period that would have applied in relation to that disqualification, in the absence of the introduction of the new arrangements under the Act (5 years in relation to someone under the age of 18; 10 years in all other cases). By way of illustration:

- if a person was made subject to a direction under section 142(1) of the Education Act 2002 in 2004 on grounds of unsuitability, and was then aged over 18;
- and if that person is included in the children’s barred list under the TPO in 2008;
- first establish the period that he has been subject to that direction (from 2004 to 2008, so 4 years);
- subtract that period from the period of 10 years, because he was more than 18 when he was made subject to the direction (10 minus 4 leaves 6 years);

- and you find that the person becomes eligible to seek a review 6 years after their inclusion in the new barred list i.e. in 2014, in this example.

Criteria IBB will use in making barring decisions

7.3.9. The Government decided that, so far as possible, IBB should be left to determine matters of barring procedure itself. Consequently, these Regulations do not cover the administrative criteria to be used by IBB when considering whether an individual should be included on a barred list. IBB will consider these criteria shortly and will be expected to publish guidance on them in due course.

8. Impact

8.1. The impact assessment on the Act was published previously – see over-arching text, annexed. An updated Assessment, giving the latest cost figures and other details, will be annexed behind the over-arching memorandum to accompany future S.Is in this group, after a related announcement by Home Office Ministers which is expected in the coming weeks.

9. Contact

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DCSF, 27th February 2008

Annex: over-arching explanatory memorandum

EXPLANATORY MEMORANDUM ON THE IMPLEMENTATION OF THE SAFEGUARDING VULNERABLE GROUPS ACT 2006

1. The Department for Children, Schools and Families (DCSF) prepared this memorandum in consultation with the Home Office and the Department of Health, and submitted it voluntarily to Parliament.

2. Description

- 2.1 This over-arching explanatory memorandum explains the context to the first set of Statutory Instruments to be laid before Parliament under the Safeguarding Vulnerable Groups Act 2006¹ (“the Act”). These are:

- The Safeguarding Vulnerable Groups Act 2006 (Transitional Provisions) Order 2008,
- The Safeguarding Vulnerable Groups Act 2006 (Barring Procedure) Regulations 2008, and
- The Safeguarding Vulnerable Groups Act 2006 (Prescribed Criteria) (Transitional Provisions) Regulations 2008.

These instruments are described in their respective explanatory memoranda.

3. Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 As noted in the explanatory memorandum relating to that Instrument, the draft Safeguarding Vulnerable Groups Act 2006 (Prescribed Criteria) (Transitional Provisions) Regulations 2008 are subject to the affirmative resolution procedure.

4. Legislative background

Introduction

- 4.1 The Act provides for a new scheme to replace the existing arrangements for safeguarding children and vulnerable adults from harm or the risk of harm by employees (paid or unpaid) whose work gives them significant access to these groups. A public consultation for the new scheme, “*Making Safeguarding Everybody's Business: A Post-Bichard Vetting Scheme*” (Ref: 1485-2005DOC-EN), ran in 2005. That consultation paper and a summary of responses are at www.dcsf.gov.uk/consultations
- 4.2 The purpose of the new scheme is to minimise the risk of harm to children and vulnerable adults from those who 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 have to go through. The new arrangements introduced by the Act will replace the existing arrangements provided for under the Protection

¹ 2006 c.47.

of Children Act 1999, the Care Standards Act 2000, the Criminal Justice and Court Services Act 2000 and the Education Act 2002.

- 4.3 The current system for vetting people who wish to work with children or vulnerable adults operates through employers obtaining criminal record certificates issued by the Criminal Records Bureau ("CRB disclosures") for new job applicants. CRB disclosures give employers information about an individual's criminal records history, which informs their assessments about the individual's suitability to work with children or vulnerable adults. They also show whether a person has been made subject to a disqualification order (see below) or is included in any of the three lists the Government maintains of persons barred from working with children or vulnerable adults. These lists, which are each subject to different legislation, criteria and procedures, are: "List 99" (a list of those in respect of whom a direction under section 142(1) of the Education Act 2002 has been made), the Protection of Children Act (POCA) List (kept under section 1 of the Protection of Children Act 1999) and the Protection of Vulnerable Adults (POVA) List (kept under section 81 of the Care Standards Act 2000). Disqualification orders made by a court (under section 28, 29 or 29A of the Criminal Justice and Court Services Act 2000) also bar individuals from working with children. We refer below to being on one of these lists or being subject to a disqualification order as being subject to an existing restriction.

Key features of the Act

- 4.4 When implemented fully, the Act will replace the existing arrangements with a scheme with the following key features:
- 4.4.1 an **Independent Barring Board** ("IBB"): IBB was established on 2nd January 2008. It is a non-departmental governmental body sponsored by the Home Office. Its primary functions will be to maintain the barred lists (see below) and to make decisions about whether individuals should be included in one or both lists;
- 4.4.2 **Barred lists**: there will be two barred lists - one of individuals barred from engaging in "regulated activity" (see below) with children (the "children's barred list"), and one of those barred from engaging in "regulated activity" with vulnerable adults (the "adults' barred list").
- 4.4.3 There will be **four routes to inclusion** in one or both barred lists:
- (i) automatic inclusion in one or both of the barred lists without the right to make representations or to appeal. Inclusion in the lists on this basis will happen only where a person has been convicted of, or received a caution in relation to, one of a list of specified offences, or meet other prescribed criteria (such as being subject to an order, foreign order or direction of a prescribed description, or being included in a specified foreign barred list) that indicate, of themselves, that any offender would pose such a high risk to vulnerable groups that they simply could not make a case as to why they should be allowed to engage in regulated activity;

(ii) automatic inclusion in one or both of the barred lists with the right to make representations as to why the person in question should be removed and a subsequent right of appeal following inclusion.

Inclusion in the lists on this basis will happen where a person has been convicted of, or received a caution in relation to, one of a further list of specified offences or as a result of having met some other prescribed criteria (which may be any of those described above);

(iii) inclusion on the basis that the person in question has engaged in “relevant conduct” i.e. broadly, that they have behaved in a way that has harmed a child or vulnerable adult, or could have done so, or in a way involving child pornography or inappropriate sexual behaviour. In this case, the relevant individual will have the opportunity to make representations before they are included in a list and will have a subsequent right of appeal;

(iv) inclusion on the basis that the person in question seems to IBB to pose a risk of harm to children or vulnerable adults. Again, in this case the relevant individual will have the opportunity to make representations before they are included in a list and will have a subsequent right of appeal.

4.4.4 When IBB receives any information, it must consider whether it is relevant to IBB’s consideration of whether the individual to which it relates should be included in either list.

4.4.5 **Appeals:** there will be a right of appeal (against inclusion in a barred list) to the Care Standards Tribunal, with the permission of the Tribunal, on a point of law or on a finding of fact made by IBB. On informing the barred person of IBB’s decision, the Government expects that IBB will follow current practice on e.g. List 99 barring decisions, where DCSF’s decision letter outlines the factors taken into account in arriving at the decision. The Government will shortly be making a set of regulations governing the procedure to be followed by the Tribunal in considering appeals under the Act (these regulations will be subject to the negative resolution procedure).

4.4.6 **Regulated activity:** this is defined in Schedule 4 to the Act. Broadly, it covers a range of specified activities that provide an opportunity for close contact with children or vulnerable adults, other activities in key settings such as schools and care homes which provide an opportunity for contact and key positions of responsibility such as the Children's Commissioner and the Director of Adult Social Services.

4.4.7 **Controlled activity:** this is defined in sections 21 and 22 of the Act. Broadly, it covers support work in general health settings, further education settings and adult social care settings. It also covers work which gives a person the opportunity for access to sensitive records about children and vulnerable adults, e.g. education or social services records. The Secretary of State has power to make regulations determining who may engage in controlled activity, what steps must be taken by the person permitting them to do so and the

circumstances in which a person must not allow another person to engage in controlled activity.

4.4.8 **Monitoring:** to become “subject to monitoring”, individuals will make an application to the Secretary of State - in practice, to the Criminal Records Bureau (CRB). The CRB will check for any information relating to the individual and pass any that it discovers to IBB. IBB will then consider whether the person should be barred from working with children and/ or vulnerable adults, or bar them automatically, where appropriate. The CRB must repeat these checks at intervals for as long as the individual remains subject to monitoring, again, passing on any information that it discovers to IBB.

4.4.9 **Offences:** there will be a series of criminal offences to:

- prevent barred individuals from engaging in regulated activity in relation to children or vulnerable adults;
- ensure that people permitted to engage frequently or intensively in regulated activity in relation to children or vulnerable adults with the permission of a “regulated activity provider” (usually, the employer) are “subject to monitoring” (see below);
- ensure that relevant employers check an individual's status in the scheme before permitting an individual to engage in regulated activity in relation to children or vulnerable adults.

Transition

4.5 Schedule 8 to the Act makes provision for the transition from the current system to the new arrangements provided for under the Act. During the period leading up to the full implementation of the Act, this will have two main elements. Firstly, all those who are subject to an existing restriction must be included, or considered for inclusion, in the new barred lists kept under the Act. This will happen in accordance with The Safeguarding Vulnerable Groups Act 2006 (Transitional Provisions) Order 2008, by reference to the criteria set out in The Safeguarding Vulnerable Groups Act 2006 (Prescribed Criteria) (Transitional Provisions) Regulations 2008, and subject also to the provisions of The Safeguarding Vulnerable Groups Act 2006 (Barring Procedure) Regulations 2008. Secondly, IBB will have to give the Secretary of State advice, on request, in relation to outstanding cases under the existing arrangements (see paragraph 1 of Schedule 8).

4.6 Further detail on how the new scheme will work is in Explanatory Notes to the Act at http://www.opsi.gov.uk/acts/acts2006/pdf/ukpga_20060047_en.pdf (36 pages).

Grouping of implementation of secondary legislation

4.7 The Government proposes two main groups of secondary legislation:

- The first, creating IBB as a Non-Departmental Public Body and providing for people subject to existing restrictions or whose cases are being considered under the existing arrangements to be included or considered for inclusion in one or both of the two new lists;
- The second, providing for the full commencement of the Act, the repeal of the legislation underpinning the existing arrangements, and the phasing-in of the duties under the Act in relation to different groups of employees who are seeking or engaged in regulated activity or controlled activity, all to start to take effect from a “go-live” date (i.e. the date from which inclusion in a barred list will take effect to bar individuals from engaging in regulated activity).

4.8 For each Statutory Instrument, the lead Department will submit an individual explanatory memorandum setting out the detail of the SI, and where relevant, an update of the Regulatory Impact Assessment completed for the Act. Government consultation on policy issues in these S.Is included a formal consultation document in summer 2007 – details below.

4.9 The Statutory Instruments for the first group will be as follows:

- 4.9.1 The Safeguarding Vulnerable Groups Act 2006 (Commencement No.1) Order 2007, S.I. 2007/3545, which was made on 17th December 2007, and The Safeguarding Vulnerable Groups Act 2006 (Barred List Prescribed Information) Regulations 2008, which were made on 8th January 2008 (these specify information which IBB must keep about people included in the barred lists);
- 4.9.2 The Safeguarding Vulnerable Groups Act 2006 (Transitional Provisions) Order 2008 (“the TPO”), which is to be made and laid subject to the negative resolution procedure and, as described above, will require IBB to transfer, or consider transferring, all those subject to existing restrictions to the new barred lists. Cases considered under this Order will be handled in accordance with the procedural regulations referred to at paragraph 4.9.3 (and which are referred to in, and applied by, the Order) and by reference to the regulations referred to at paragraph 4.9.4;
- 4.9.3 The Safeguarding Vulnerable Groups Act 2006 (Barring Procedure) Regulations 2008, which are also to be made and laid subject to the negative resolution procedure and will make provision in relation to the making of representations, and the periods that must elapse before a person may apply for permission to apply for a review of their inclusion in one of the barred lists;
- 4.9.4 The Safeguarding Vulnerable Groups Act 2006 (Prescribed Criteria) (Transitional Provisions) Regulations, and which will specify the criteria which will enable IBB to identify which of the people it considers in accordance with the TPO will not have the right to make representations as to their inclusion in the new lists.

- 4.9.5 In addition, a further set of regulations will be made, subject to the negative resolution procedure, which will set out the procedure to be followed by the Care Standards Tribunal when considering appeals against decisions taken by IBB.
- 4.10 The intention is that the S.I.s referred to in paragraphs 4.9.2 to 4.9.4 should come into force in early April 2008.

5. Extent

- 5.1 The Act mainly extends to England and Wales. The main provisions of the Act which also extend to Northern Ireland are section 1 and Schedule 1, which provide for the establishment of IBB. Otherwise, the provisions of the Act are essentially mirrored in the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007. The Scottish Executive passed its own legislation, the Protection of Vulnerable Groups (Scotland) Act 2007, and is now consulting on its implementation. The explanatory memorandum for each Instrument made under the Act will set out the Instrument's extent or application.

6. Policy background

- 6.1 The Bichard Inquiry Report (2004), at <http://www.bichardinquiry.org.uk>, identified systemic failures in current vetting and barring systems. These included the following factors:
- 6.1.1 inconsistent decisions were being made by employers on the basis of CRB disclosure information;
 - 6.1.2 CRB disclosure information is only certain to be accurate on the day of issue;
 - 6.1.3 there are inconsistencies between List 99, and the POCA and POVA lists, which operate under different legislative procedures;
 - 6.1.4 the current barring system is reactive to harmful behaviour rather than preventive;
 - 6.1.5 there are inconsistencies between police authorities in the disclosure of police information.
- 6.2 The aspects of policy most relevant to each of the Instruments referred to at paragraph 2.1 are described in those Instruments' respective Explanatory Memoranda. Looking at the broader policy behind the Act, the intention is to address the failings identified at paragraph 6.1 and to put barring decisions into the hands of a body of experts that is independent of Government.
- 6.3 As described above, all those who are subject to current restrictions are to be included or considered for inclusion in the new barred lists. As from a "go-live" date, inclusion on those lists will take effect to bar the relevant individuals from engaging in regulated activity with children and/ or vulnerable adults (there is no current intention to prevent a barred individual from engaging in controlled

activity, though those with responsibility for managing controlled activity will be required to put in place safeguards to manage the risks posed by barred individuals).

- 6.4 It is anticipated that the current restrictions will fall away at that point (subject to any savings that may be necessary), though the timing of this aspect of implementation is still under review. In relation to people who had been on List 99 and had not been transferred to the new barred lists, the General Teaching Councils for England and Wales will (where relevant) have to make a decision as to individuals' suitability to be teachers.
- 6.5 Because the Government is still finalising details about the later stages of implementation, a supplementary over-arching memorandum will be submitted once further substantive details have been finalised. Home Office Ministers hope to make an announcement on costs and the timing of the implementation of the Act in the coming weeks. In addition, the Government will publish a suite of guidance documents to help intermediary bodies, employers, employees and volunteers understand clearly their rights and responsibilities under the new scheme. This will be published well in advance of the go-live date. Some key points in the guidance will depend on the outcome of current public consultation, see below.
- 6.6 **Public Consultation:** The Government consulted publicly in summer 2007. The results were published on 14 November 2007 at: <http://www.dfes.gov.uk/consultations/conResults.cfm?consultationId=1476> . The explanatory memorandum with each Statutory Instrument will, where relevant, give further detail on any consultation responses relevant to that SI.
- 6.7 In February 2007 we began a series of stakeholder information events in major cities around England, Wales and Northern Ireland. These events are ongoing – further information is at: <http://www.isa-gov.org.uk> . That website also contains a number of fact sheets and background documents on the new scheme. We also hope to launch a new telephone helpline to help support stakeholders, including employers and employees, with their understanding of the new IBB scheme.
- 6.8 We have also recently concluded a second, wide-ranging, formal consultation on implementation of the scheme. This is online at: <http://www.dcsf.gov.uk/consultations/conDetails.cfm?consultationId=1516> . This consultation sets out in detail how it is intended that IBB scheme will operate. The scheme is still being designed and systems built. This consultation invites views on a range of issues that are fundamental to implementing IBB scheme. It covers:
- the definitions of children and of vulnerable adults;
 - further defining the scope of regulated activity and controlled activity;
 - eligibility to make checks on employee's status in the scheme;
 - how to apply to the scheme;
 - phasing-in of applications to the scheme;
 - the application fee;
 - referring information to IBB; and

○ representations and appeals against barring decisions.
This second consultation closed on 20th February 2008.

7. Impact

- 7.1 See updated Impact Assessment which will (after a Home Office Ministerial announcement expected in the coming weeks) be attached, where relevant, to each E.M; or the published Assessment for the overall Vetting and Barring scheme, signed by a Minister in July 2006, at:
www.dfes.gov.uk/ria/index.cfm?action=assessments.view&i_assessmentID=73.

8. Contact

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DCSF, 27th February 2008.