



Llywodraeth Cynulliad Cymru  
Welsh Assembly Government

To: Chief Executives Local Authorities  
Legal Services, Local Authorities  
Chief Executives Local Health Boards  
& Trusts  
Primary Healthcare Providers  
Primary Care Managers  
Directors of Workforce & OD  
LHB & Trust Chairs  
LSCB Chairs  
Heads, Further Education Colleges  
Director, CAFGASS Cymru  
Chief Inspector CSSIW  
Chief Inspector Estyn  
Chief Executive Careers Wales  
Heads of YOT  
Governors of Prisons  
Heads of Probation  
Heads of HR Local Authorities  
Housing Associations Wales  
Voluntaries  
NSPCC  
Barnardos Cymru

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Eich cyf / Your ref  
Ein cyf / Our ref

Dyddiad / Date 31 March 2010

Copy: The Secretary, Welsh Local  
Government Association  
The Secretary, ADSS in Wales  
Health Commission Wales

Dear Colleague

## **THE SAFEGUARDING VULNERABLE GROUPS ACT 2006 (CONTROLLED ACTIVITY) (WALES) REGULATIONS 2010 - WSI 2010/1171 w104**

### **1. INTRODUCTION**

This letter is to bring to your attention the above Statutory Instrument that will come into force on April 1 2010.

### **2. SUMMARY**

These Regulations will create an interim requirement on employers (“responsible persons”) to undertake a check of the barred status of



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individuals before permitting them to enter, or move to a new post in Controlled Activity. Controlled Activity in the new Vetting and Barring Scheme (VBS) is defined in sections 21 and 22 of the Safeguarding Vulnerable Groups (SVG) Act 2006 and applies only to tightly defined categories of work for certain, mainly public-sector, employers.

These Regulations will increase the effectiveness of safeguarding measures arising from the introduction of Independent Safeguarding Authority (ISA) registration in relation to Regulated Activity, which for new entrants and movers will be optional from July 2010, and mandatory from November 2010 with full registration to be phased in over five years. At this point it is possible for those barred from working in Regulated Activity to seek to work in controlled activity and these Regulations will allow employers to identify such individuals.

The requirement in relation to controlled activity is needed despite the Government having accepted Sir Roger Singleton's recommendation that the Government should review the continuing need for the category of controlled activity in his review 'Drawing the Line'.

Sections 21 and 22 of the SVG Act define the term "Controlled Activity". It covers a tightly-defined range of specified activities carried out frequently or intensively e.g. by support staff for employers in sectors such as further education, local authorities or the health service, that provide either an opportunity for any form of contact with children or vulnerable adults, or access to certain personal records on individuals in those groups.

At present some employers can check the barred status of an individual without seeing a certificate or notification through the use of TP Online for those in the teaching profession and through ISA Adult First in relation to regulated activity with vulnerable adults.

Regulations require a responsible person (normally an employer), in relation to new entrants or movers into controlled activity, either to satisfy themselves that the individual is not barred from regulated activity, or to obtain an enhanced CRB check (criminal records certificate) with a barred list check (suitability information) if it appears that the individual is barred under the VBS.

### **3. ACTION**

These regulations are interim arrangements that ensure that a responsible person proposing to allow someone to engage in controlled activities undertakes a check of the barred status of an individual before employing them. If that individual is barred the responsible person will receive a full enhanced disclosure from CRB and will be required to put in place appropriate safeguards.

Your human resource personnel and employees will need to be aware of these regulations and be prepared to implement the changes to their services when they commence on 1 April of this year. These Regulations extend only

to Wales and it is proposed that they come into force on 1 April 2010 at the same time as regulations due to be made by the Secretary of State.

#### **4. USEFUL WEBSITES**

Further information can be found on the following websites:-

<http://new.wales.gov.uk/topics/health/socialcare/vulnerableadults/vetting/?lang=en>

<http://www.isa.gov.org.uk/>

<http://www.crb.homeoffice.gov.uk/default.aspx>

#### **5. ENQUIRIES**

Enquiries about this letter should be made to:

Mrs Yvonne Delaney  
Children's Health and Social Services Directorate  
Safeguarding Children's Team  
Welsh Assembly Government  
Cathays Park  
Cardiff  
CF10 3NQ

Yours faithfully

**Yvonne Delaney**  
**Children's Health and Social Services Directorate**  
**Safeguarding Children's Team**