

BAB Information sheet 1: Vulnerable Adults

This information sheet is intended to give basic guidance on working with vulnerable adults and the need for a BAB CRB check.

(the list below has been edited in consultation with TMG¹ to aid understanding) A vulnerable adult is defined as a person who is aged 18 years or older and:

- is living in residential accommodation, such as a care home or a residential special school;
- is living in sheltered housing;
- is receiving domiciliary care in his or her own home;
- is receiving any form of health care (*however please note that this is a very grey area so please contact the BAB VA Officer for further clarification should this arise*);
- is detained in a prison, remand centre, young offender institution, secure training centre or attendance centre or under the powers of the Immigration and Asylum Act 1999;
- is under the supervision of the probation services;
- is receiving a service or participating in an activity which is specifically targeted at people with age-related needs, disabilities or prescribed physical or mental health conditions (age-related needs includes needs associated with frailty, illness, disability or mental capacity);
- is an expectant or nursing mother living in residential care;
- is receiving direct payments from a local authority/HSS body in lieu of social care services;
- requires assistance in the conduct of his or her own affairs (*this would usually be linked to a formal 'power of attorney' arrangement*)

As with CRB checks for those working with children, it is essential that the CRB applicant is eligible to undertake the check. The CRB Code of Practice states that only those who are eligible may be asked to apply for a CRB Disclosure. The Safeguarding Vulnerable Groups Act 2006 defines which activities are 'regulated' and are therefore within the scope of requiring a CRB check.

Regulated activity is defined as:

- Activity involving contact with vulnerable adults (as defined above) which is of a **specified nature** (e.g. teaching, training, care, supervision, advice, medical treatment or in certain circumstances transport) on a **frequent, intensive and/or overnight** basis;
- Activity involving contact with vulnerable adults in a **specified place** (e.g. schools, care homes etc), frequently or intensively;
- Fostering and childcare;
- Certain specified positions of responsibility (e.g. school governor, director of children's services, director of adult social services, trustees of certain charities).

These positions are also set out in more detail in the Safeguarding Vulnerable Groups Act 2006.

¹ The Media Group (TMG) is the organisation which processes CRB checks for the BAB

What is frequently, intensively and/or overnight?

- **Frequently** is currently defined as 'once a week' for most services
- **Intensively** takes place on '3 days in one month or more'
- **Overnight** takes place between 2-6 a.m

The Safeguarding Vulnerable Groups Act 2006 further defines regulated activity as:

- “any form of training, teaching or instruction **provided wholly or mainly for vulnerable adults**”

In order to be eligible for a BAB CRB check for working with vulnerable adults the applicant must be applying to work in (or volunteer for) an activity which meets the above criteria.

It is not enough that an aikido class:

- Has an open door policy (i.e. a vulnerable adult could attend on any given night)
- Has an occasional vulnerable adult in attendance
- Has a small number of vulnerable adults in regular attendance. The Safeguarding Vulnerable Groups Act 2006 stipulates that the activity must be **wholly or mainly for vulnerable adults**

An activity involving vulnerable adults which would require a CRB check could be described as:

A regular weekly aikido class promoted to, designed for and largely limited to vulnerable adults

Please note that the Safeguarding Vulnerable Groups Act makes no distinction between paid staff and volunteers. Also, when applying for a vulnerable adult CRB check it is important that the applicant specifies the position they are applying for, e.g. 'instructor working with vulnerable adults'. This means that the application will be cross-checked against the ISA's list of people barred from working with vulnerable adults (this list replaces the POVA list). If instructors work with vulnerable adults (as defined in this document) and children then make this clear in the position applied for.

At the time of writing this document the ISA registration process is 'on hold' pending a government review. The ISA will continue to maintain a list of those who may not work with vulnerable adults, but at present it is not possible for individuals to register with the ISA.

Please note that this Information Sheet is for information only and is not intended to replace any legal guidance.

For more information please contact the BAB Lead Safeguarding Officer: sueward.cpo@gmail.com