

## Y CYNLLUN ARCHWILIO CEFNDIR A GWAHARDD (VBS)

### Cefndir:

“Dylai trefniadau newydd gael eu cyflwyno sy’n gofyn i’r rheiny sy’n dymuno gweithio gyda phlant, neu oedolion sy’n agored i niwed, gael eu cofrestru. Byddai’r gofrestr yn cadarnhau nad oes unrhyw reswm hysbys pam na ddylai unigolyn weithio gyda’r grwpiau cleient hyn”. Adroddiad Bichard 2004

Arweiniodd yr argymhellion a wnaed gan yr adroddiad uchod at “Ddeddf Diogelu Grwpiau Hyglwyf 2006”, a oedd yn cydnabod yr angen am asiantaeth unigol i archwilio cefndir pob unigolyn sydd eisiau gweithio neu wirfoddoli gyda phobl sy’n agored i niwed. Lluniwyd cynllun yr Awdurdod Diogelu Annibynnol (ISA) ym mis Ionawr 2008 i lenwi’r rôl hon ledled Cymru, Lloegr a Gogledd Iwerddon.

Diben craidd y Cynllun yw atal pobl anaddas rhag gweithio gyda phlant ac oedolion sy’n agored i niwed. Mae’r Cynllun yn diwygio’r arferion archwilio cefndir a gwahardd presennol, ond y cyflogwyr sy’n gyfrifol am sicrhau arferion recriwtio a chyflogi diogel. Nid yw’n dod yn lle gweithdrefnau recriwtio presennol, ond dylai gael ei ystyried yn ychwanegiad at brosesau diogelu.

Bydd y Cynllun yn ymdrin â’r rheiny sy’n gweithio neu wirfoddoli, neu sy’n ceisio gweithio neu wirfoddoli, gyda phlant neu oedolion sy’n agored i niwed. Mae amrywiaeth y galwedigaethau yn cynnwys: iechyd, gwasanaethau gofal, darparwyr gofal plant, addysgu a hyfforddi, cludo unigolion sy’n agored i niwed, a gwasanaethau ymgynghori. Mae’r Cynllun yn ymdrin â phob aelod o staff sy’n gweithio neu sy’n gwirfoddoli mewn ysgolion, gan gynnwys llywodraethwyr ysgolion, yn yr hyn a elwir yn **Weithgaredd Rheoledig**.

### Diffiniad o ‘Weithgaredd Rheoledig’

Home Office

Mae’n cynnwys cyswllt â phlant neu oedolion sy’n agored i niwed ac sydd:

#### o natur benodol

e.e. addysgu, hyfforddiant, gofal, goruchwyliaeth, cyngor, triniaeth, neu gludiant

#### neu

#### mewn man penodol

e.e. ysgolion, cartrefi plant ac ysbytai, cyfleusterau cadw ieuencid, cartrefi gofal oedolion

#### “yn aml, yn ddwys a/neu dros nos”

- unwaith y mis
- 3 achlysur neu fwy mewn cyfnod o 30 diwrnod
- dros nos rhwng 2-6am

- **Mae hefyd yn ymdrin â Maethu a ‘Swydd-ddeiliaid Diffiniedig’**  
e.e. Cyfarwyddwyr Gwasanaethau Plant, Ymddiriedolwyr Elusennau Plant, Llywodraethwyr Ysgolion.
- **Heb nodi gwahaniaeth rhwng gwaith â thâl a gwaith gwirfoddol**

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Rhagwelir, ar ôl i’r cynllun ddechrau gweithredu’n llawn, y bydd y rhan fwyaf o gofrestrïadau’n cael eu cwblhau mewn saith niwrnod. Bydd cofnodion yn cael eu diweddarau’n barhaus ar-lein ar ôl derbyn gwybodaeth newydd, fel euogfarnau neu gyfeiriadau newydd gan gyflogwyr.

**Mae aelodaeth o’r Cynllun yn gyfan gwbl gludadwy rhwng cyflogwyr.**

## Sut y bydd yn gweithio?

Bydd y Cynllun yn cael ei roi ar waith dros gyfnod o amser oherwydd y niferoedd.

### O fis Hydref 2009

- Bydd diogelwch cynyddol yn cael ei gyflwyno, fel diffiniad ehangach o “Weithgareddau rheoledig”, gwella ymhellach yr amddiffyniad o blant ac oedolion sy’n agored i niwed.
- Bydd y tair rhestr wahardd bresennol (POCA, POVA a Rhestr 99) yn cael eu newid am ddwy restr wahardd newydd a weinyddir gan yr ISA, yn hytrach na sawl adran yn y llywodraeth. Gellir gwirio’r rhestrau newydd hyn fel rhan o’r gwiriad CRB manylach.
- Mae gan ysgolion ddyletswydd i gyfeirio unrhyw wybodaeth am unigolyn a all fod yn berygl at yr ISA, gan sicrhau y gellir nodi ac ymdrin ag unrhyw fygythiadau posibl i grwpiau sy’n agored i niwed.
- Bydd cosbau troseddol ar gyfer unigolion gwaharddedig sy’n ceisio neu sy’n ymgymryd â gwaith gyda grwpiau sy’n agored i niwed, ac ar gyfer cyflogwyr sy’n eu cyflogi tra’n ymwybodol o hyn.
- Bydd y meini prawf cymhwyso ar gyfer gwiriadau CRB manylach yn cael eu hehangu i gynnwys unrhyw un sy’n gweithio mewn **swydd reoledig**.

### O fis Gorffennaf 2010

- O fis Gorffennaf 2010, gall y rheiny sy’n newydd i’r gweithlu, y rheiny sy’n newid rolau i gyflawni **gweithgaredd rheoledig**, a’r rheiny sy’n newid swyddi wrth weithio mewn **gweithgaredd rheoledig**, wneud cais am gofrestrriad ISA. Ni fydd yn rhaid i’r rheiny sy’n gweithio gyda grwpiau sy’n agored i niwed ar hyn o bryd ond sy’n aros yn eu rôl bresennol gael eu cofrestru tan yn hwyrach yn y cyfnod cyflwyno pum mlynedd.
- O fis Gorffennaf 2010, gall unigolion wneud cais am gofrestrriad ISA a gwiriad CRB (gan gynnwys gwiriad ISA) ar un ffurflen gais newydd.
- Pan mae unigolyn yn cofrestru gydag ISA, bydd yn cael ei fonitro’n barhaus a bydd ei statws yn cael ei ailasesu yn erbyn unrhyw wybodaeth newydd a allai ddod i’r amlwg.

### O fis Tachwedd 2010

- Er mwyn peidio ag aflonyddu recriwtio arferol dros gyfnod prysur yr haf, bydd y gofyniad cyfreithiol i weithwyr gofrestru gyda’r VBS ac i gyflogwyr wirio eu statws yn dod i rym ym mis Tachwedd 2010.

### O 2011

- Bydd yn rhaid i weithwyr a gwirfoddolwyr presennol sydd heb wiriad CRB wneud cais am gofrestrriad ISA.
- Bydd yn rhaid i weithwyr a gwirfoddolwyr presennol sydd â gwiriad CRB hefyd wneud cais am gofrestrriad ISA, gan ddechrau gyda’r staff sydd â’r gwiriadau CRB hynaf.

### Goblygiadau i Lywodraethwyr:

- **Ni fydd yn rhaid i lywodraethwyr ysgol sy’n wirfoddolwyr mewn Gweithgaredd Rheoledig dalu ffi o gwbl.**
- Mae’n rhaid i ysgolion ganiatáu pobl gofrestredig yn unig i gyflawni **Gweithgaredd Rheoledig** os ydyn nhw wedi cofrestru gyda ISA. Os nad ydyn nhw’n gwneud hynny, bydd yr ysgol yn torri’r gyfraith.
- Mae’n rhaid gwirio statws ISA unigolyn **cyn** ei gyflogi – ni allwch gymryd yn unigolyn ar ei air, ac ni allwch adael iddyn nhw ddechrau gweithio yn yr ysgol, hyd yn oed dan oruchwyliaeth, cyn eich bod chi’n gwybod canlyniad y gwiriad hwnnw
- Bydd yn rhaid cyflawni gwiriadau CRB manylach ar bob aelod o staff ysgol o hyd - bydd hyn yn effeithio ar recriwtio i ysgolion, gan na fyddwch yn gallu, dan unrhyw amgylchiadau, ganiatáu unrhyw weithiwr newydd i ddechrau gweithio tan y cadarnheir bod yr unigolyn wedi cofrestru. Bydd gwneud hynny yn weithred droseddol. Gan hynny, bydd angen i’r broses recriwtio mewn ysgolion ystyried hyn wrth gynllunio’r amserlen recriwtio.

Gellir cael mwy o wybodaeth trwy fynd i wefan yr Awdurdod Diogelu Annibynnol (ISA)

## THE VETTING AND BARRING SCHEME (VBS)

### Background:

“New arrangements should be introduced requiring those who wish to work with children, or vulnerable adults, to be registered. The register would confirm that there is no known reason why an individual should not work with these client groups” The Bichard Report 2004

The recommendations made by the above report led to the “Safeguarding Vulnerable Groups Act 2006”, which recognised the need for a single agency to vet all individuals who want to work or volunteer with vulnerable people. The Independent Safeguarding Authority scheme (ISA) was created in January 2008 to fill this role across England, Wales and Northern Ireland.

The core purpose of the Scheme is to prevent unsuitable people from working with children and vulnerable adults. The Scheme reforms the current vetting and barring practices but employers retain responsibilities for ensuring safe recruitment and employment practices. It does not replace current recruitment procedures but should be seen as an addition to safeguarding processes.

The Scheme will cover those who work or volunteer, or seek to work or volunteer, with children or vulnerable adults. The range of occupations include: health, caring services, childcare providers, teaching and coaching, transport of vulnerable individuals and advisory services. All staff who work or volunteer in schools including school governors will be covered by the Scheme in what is called a **Regulated Activity**.

### Definition of ‘Regulated Activity’



#### Involves contact with children or vulnerable adults and is:

**of a specified nature**

e.g. teaching, training, care, supervision, advice, treatment, or transport

**or**

**in a specified place**

e.g. schools, children’s homes & hospitals, juvenile detention facilities, adult care homes

**“frequently, intensively and/or overnight”**

➤ once a month

➤ 3 or more occasions in a period of 30 days

➤ Overnight: between 2 - 6am

- **Also covers Fostering and ‘Defined Office Holders’**  
Eg Directors of Children’s Services, Trustees of children’s Charities, School Governors..
- **No distinction made between paid and voluntary work**

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It is anticipated that once the scheme is in full operation that most registrations will be completed in 7 days. Records will be continuously updated online on receipt of new information such as new convictions or referrals from employers.

## Scheme membership is fully portable between employers.

### How will it work?

There will be a roll-out of the Scheme over a period of time due to the sheer volume of numbers

#### From October 2009

- Increased safeguards will be introduced, such as a wider definition of “Regulated activities”, further enhancing protection of children and vulnerable adults.
- The three current barring lists (POCA, POVA and List 99) will be replaced by the creation of two new barred lists administered by the ISA rather than several government departments. Checks of these new lists can be made as part of an Enhanced CRB check.
- Schools have a duty to refer to the ISA any information about individuals who may pose a risk ensuring potential threats to vulnerable groups can be identified and dealt with.
- There will be criminal penalties for barred individuals who seek or undertake work with vulnerable groups and for employers who knowingly take them on.
- The eligibility criteria for Enhanced CRB checks will be extended to include anyone working in a **regulated position**.

#### From July 2010

- From July 2010 those who are new to the workforce, those who are changing roles to take on **regulated activity** and those changing jobs whilst working in **regulated activity** may apply for ISA registration. Those who currently work with vulnerable groups but are staying in their current role will not have to become registered until later in the five year phasing period.
- From July 2010, individuals can apply for ISA-registration and a CRB check (including an ISA check) on one new application form.
- When a person becomes ISA-registered they will be continuously monitored and their status reassessed against any new information which may come to light.

#### From November 2010

- So as not to disrupt normal recruitment over the traditionally busy summer period, the legal requirement for employees to register with the VBS and employers to check their status will come into force in November 2010.

#### From 2011

- Existing employees and volunteers with no CRB check must apply for ISA registration.
- Existing employees and volunteers with CRB checks will also need to apply for ISA registration, starting with staff whose CRB checks are the oldest.

#### Implications for Governors:

- **School governors as volunteers in Regulated Activity will not have to pay a fee at all.**
- Schools must only allow registered people to carry out **Regulated Activity** if they ISA registered. If they do not do so the school will be breaking the law.
- A person’s ISA status must be checked **before** employing them – you cannot take their word for it and you cannot have them starting work in the school, even supervised, before you know the outcome of that check
- Enhanced CRB checks will still need to be carried out on all school staff- this will affect school recruitment as you will not be able, in any circumstances, allow any new employee to start work until it has been confirmed that the person is registered. It will be a criminal act to do so. Hence, the recruitment process in schools will need to take this into account when planning the recruitment timetable.

Further information can be obtained by visiting the Independent Safeguarding Authority website (ISA)