



Diocese of Wakefield

Independent Safeguarding Authority

Vetting and Barring Scheme: Advice to Parishes

This advice has been prepared using information from the Independent Safeguarding Authority and from national advisers. It gives information about the new scheme and a description of how it applies to parishes. However we cannot yet give full information about how the system will work because it is not yet available to us in the form of detailed guidance. There will be more information sent to parishes next year before the Vetting and Barring Scheme is opened for membership.

The Independent Safeguarding Authority (ISA) is a new public body set up to prevent unsuitable people from working with children and vulnerable adults. It will do this by placing these people on one of two Barred Lists, one for children and one for vulnerable adults. It will make decisions about who should be on these lists as part of the new Vetting and Barring Scheme.

The ISA will work in partnership with the Criminal Records Bureau (CRB), which will be the administrative arm of the ISA and supply information to the scheme. The ISA from October 2009, is responsible for the current barring lists, which some of you will know as the Protection of Children Act list, Protection of Vulnerable Adult Act list, and List 99 (the lists previously maintained of all those considered to be unsuitable to work with children or adults). ISA will now be the organisation which makes all barring decisions that were previously made by other government departments.

The Independent Safeguarding Authority was set up as part of the response to the Soham murders and the weaknesses in the system that were exposed. The Safeguarding Vulnerable Groups Act 2006 provides the legislative framework for the new Vetting and Barring Scheme.

The Act deals with activities that are "regulated" or "controlled". It applies to all such activities, whether paid or voluntary.

A regulated activity is

One that involves contact with children or vulnerable adults frequently (once a month or more), intensively (one three or more days in a thirty day period) or overnight.

Such activities include teaching, training, care, supervision, advice, treatment and transportation,

Any activity allowing contact with children or vulnerable adults that is in a specified place frequently or intensively,

Fostering and adoption,

Any activity that involves people in certain defined positions of responsibility (eg school governor, director of social services etc).

Any organisation providing a regulated activity must ensure that their staff is registered with the ISA, and all staff, paid or volunteer, must register to be a member of the scheme. It will be a criminal offence, punishable by up to five years in prison, for a barred individual to take part in a regulated activity. It will also be a criminal offence for any employer to take on an individual in regulated activity if they fail to check that person's status.

It will also be a criminal offence for an employer to allow a barred individual or an individual who is not yet registered with the ISA, to work in any regulated activity.

A controlled activity is

Frequent or intensive support in health settings, the NHS and in further education (e.g. cleaners, caretakers, catering staff, receptionists etc),

Where individuals are working for specified organisations (such as local authorities) who have frequent access to sensitive records about children and vulnerable adults,

Support work in adult care settings,

It will be a criminal offence for an employer to take on an individual in a controlled activity if they fail to check that individual's status. An employer can permit a barred individual to work in a controlled activity only if sufficient safeguards are put in place.

What does this mean for parishes?

From October 2009 all employers, whether of voluntary or paid staff, who work with children and vulnerable adults in regulated or controlled activity have a legal duty to refer relevant information to the ISA concerning individuals who have been dismissed, or when an individual resigns, because they have harmed, or may harm, a child or vulnerable adult.

The ISA will then make a decision about whether that individual should be barred from working with children and/or vulnerable adults in the future.

This legal duty has been introduced to make sure that organisations who have such information share it, and to make a decision about whether an individual should be barred based on all the evidence available.

If your parish or church organisation are in such a position you should contact the Diocesan Safeguarding Adviser (DSA) immediately. The referral of such information is a complex piece of work and the DSA will guide you through the requirements. It is strongly advised that you consult the DSA at the earliest possible time if you have a situation where you are concerned about the behaviour of a person carrying out any regulated activity.

From July 2010 all those working with children and vulnerable adults in parishes will have to register with the ISA.

This registration, which is likely to involve up to 12 million adults nationally, will be phased. All new employees (paid or voluntary) will from July have to use the new form which both registers them for ISA membership of the Vetting and Barring scheme, and for CRB Disclosures. There will be a phasing in of all workers, probably by date of existing CRB, from then, and is likely to take some years to complete.

There is no opt out. If your parish is working with children in any way, and with vulnerable adults regularly, you will have to ensure that all your workers have an up-to-date CRB and register for membership.

It is recommended that you look to see if your workers now have current CRBs and if not ensure that they do. All new workers from July 2010 will have to use the new system. If you do not do this then the P.C.C. will be committing a criminal offence.

It is likely that the range of work will be the same as now for those working with children. There is still some discussion at a national level about some particular activities, such as membership of mixed age groups, such as choirs. There will be a comprehensive list of activities for which membership of the Vetting and Barring

scheme and a CRB will be required, along with a new recruitment process, sent to parishes nearer the time of implementation.

I hope this has clarified some of the concerns that have been raised about the scheme. Although the forms will be different, and the number of activities which require membership/CRB disclosure may increase, it should not look too different from the existing system. What is different are the legal requirements for all those working with children, and their employers, to participate, and the duty to refer cases of concern to the ISA. This is a positive step in the sharing of information to protect children and vulnerable adults and should be welcomed.

Jenny Price, Diocesan Safeguarding Adviser.

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This document has been drafted from original work done by Sue Booth, Diocesan Safeguarding Adviser Diocese of Leeds and Ripon. My thanks go to Sue.

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