

## **Briefing note on the 'Vetting and Barring Scheme'**

### **Guidance for parishes in the Church of England**

From 12<sup>th</sup> October there are a few changes to Criminal Record Bureau checks and also the work of the Independent Safeguarding Authority commences. There have also been some problems in the accuracy of information from other sources, so we have prepared this briefing note for parishes.

- This briefing concentrates on those changes which are relevant to parish life.
- These arrangements apply in England, Wales and Northern Ireland.
- It does not cover the duties of church schools, which as statutory bodies need to follow the guidance of their local authorities. (The main difference is that some matters which are good practice in voluntary organizations such as parishes will be legal obligations in statutory bodies.)

The changes will come in three stages over the next 13 months. Terms in *italics* are explained in the Appendix.

#### **Stage 1: 12 October 2009**

From this date working with *children* or *vulnerable* adults becomes known as *Regulated Activity*. These people, whether paid or volunteer, will continue to need Criminal Records Bureau checks, as at present, if they work on behalf of an organization. Private and family arrangements are unaffected.

Those whose role is limited to assisting in regulated activity where someone else is in charge, as well as those who have only a rank and file role in mixed-age activities such as choirs, bell ringing and serving, will not be able to get Criminal Records Bureau checks.

If the PCC has to remove someone from work with children it is likely to have a legal *duty to refer information* to the *Independent Safeguarding Authority* (ISA). There is also a duty to consult the local authority. Consult the DCPA if this situation appears to be arising.

There are some changes to the operation of the current *barred lists*.

**The application form and process for Criminal Records Bureau checks remain unchanged at this stage.**

#### **Stage 2: July 2010**

Individuals will be able, via their *Registered* or *Umbrella Body* (usually the Diocese), to apply to the Criminal Records Bureau for *registration* with the Independent Safeguarding Authority if they are applying to work with children or *vulnerable adults*. Registration confirms that the individual is not barred.

The Criminal Records Bureau will introduce a new application form to allow applications for ISA registration and CRB Disclosures to be made on the same form. There will be no other way to register with ISA. There will be a changeover time between the old and the new form.

**The renewal programme for CRB checks continues according to previous advice until the middle of 2010. Parishes will receive further advice on the changeover period in June and July 2010 in due course.**

There will be a five year phased roll out for ISA registration of those individuals who currently work with children or with vulnerable adults. So this will initially affect only those who are working with children or vulnerable adults for the first time or who are applying for new positions *or* changing jobs. The details of the five year phased roll out have not yet been confirmed.

Employers will be able to express an interest in a person's ISA-registration which will enable them to be informed of any changes to that person's ISA-registration status. We expect this to be handled by Dioceses on behalf of parishes. The parish or other church body may be the main employer or it may be a secondary employer, as in the case of volunteers with other paid or voluntary work with children or vulnerable adults. Employers will be able to carry out free, online checks of a person's ISA-registration status.

The result is that ISA registration will be fully portable and will not need to be repeated. However, Criminal Records Bureau Disclosures will only be portable if local policy agrees to accept them. So they may need to be repeated for certain roles, while ISA registration will not.

### **Stage 3: November 2010**

It will be a legal requirement (subject to the five year phased roll-out described above) for individuals to register with the ISA if they intend to work or currently work with children or vulnerable adults.

### **Further information**

For further information consult your DCPA, CRB (Registered Body) administrator or the relevant government bodies.

Criminal Records Bureau: <http://www.crb.gov.uk/> 0870 90 90 811

ISA website: <http://www.isa.gov.org.uk/> phone 0300 123 1111

Both these websites maintain useful resources, including fact sheets and FAQs and link with each other as appropriate.

## Appendix: Definitions

### Children

- Those under the age of 18. However, not all the requirements apply in the case of 16 and 17 year olds.
- 16 and 17 year olds can also be vulnerable adults according to the new scheme definitions. Consult your DCPA if this is an issue for you.

### Regulated activity:

- 1 Any activity of a *specified nature* that involves contact with children or vulnerable adults *frequently, intensively* or *overnight*.

*specified nature*: teaching, training, care, supervision, advice, treatment and transportation.

*frequently*: regularly once a month or more often

*intensively*: 3 days or more in a 30 day period

*overnight*: any time between 2 a.m. and 6 a.m.

(Note that the government has stated an intention to review these definitions and it has not yet finalised its guidance on the operation of the scheme.)

- 2 Any activity allowing contact with children or vulnerable adults that is in a *specified place* frequently or intensively.

*specified place*: schools, children's homes, hospitals, juvenile detention facilities, adult care homes.

- 3 Any activity that involves people in certain *defined positions* of responsibility. *defined position*: such positions include school governor and trustee of certain charities.

4. Activity which involves on a *regular* basis the *day to day management or supervision* of people carrying out activity of a specified nature or in a specified place.

### Vulnerable adult

*The definition has changed significantly –*

A vulnerable adult is 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;

- 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 in contact with probation services;
- is receiving a welfare service of a description to be prescribed in regulations;
- 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 or expectant or nursing mothers living in residential care (age-related needs includes needs associated with frailty, illness, disability or mental capacity);
- 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.

The definition is context based – i.e. a person is classified as vulnerable when they are receiving the specified services, but not necessarily in other contexts. So someone who is (for example) receiving health care will be classified as a vulnerable adult when they are visiting their GP or hospital, but not when they are shopping or worshipping at church.

**Examples:**

- Those visiting people living in care homes will need CRB Disclosures (and registration from July 2010) regardless of the frequency of their visits.
- Those visiting people in their own homes where they are providing a service as part of an activity which is *solely or mainly* for those fulfilling the vulnerable adult criteria will also need to be registered. This is likely to include visiting schemes which are *solely or mainly* for those who are housebound as they will be classed as vulnerable.
- People who work in a church run day centre or luncheon club aimed at elderly or those with moderate-severe learning disabilities will *probably* need to be CRB checked and ISA-registered. [An assessment of whether this activity is *solely or mainly* for vulnerable adults as defined above will need to be made.]
- A visiting scheme which is for the wider community or the whole parish is not likely to be eligible. Private arrangements (where people visit one another as friends rather than as part of a formal visiting scheme) are excluded.
- The activity does not need to be with the same child or vulnerable adult for frequent, intensive and overnight to apply. For example, someone who cares for children in a crèche once a month may not have contact with the same children but they are still engaging in the activity frequently and must register with the ISA.

**N.B.** Both the CRB definitions and the ISA definitions are narrower than the definitions of vulnerable adults than in the House of Bishops' policy for safeguarding

adults *Promoting a Safe Church*. The House of Bishops policy still stands in relation to the wider definition of vulnerability which it sets out.

### **Registered and Umbrella Bodies**

A Registered Body is an organization which is or acts as an employer and which is registered with the Criminal Records Bureau to obtain checks on those working with children or vulnerable adults. An Umbrella Body performs this function on behalf of small employers. Most Dioceses are Registered Bodies and most parishes and some other organizations use their Diocese as an Umbrella Body.

### **Independent Safeguarding Authority**

The organization which maintains the lists of people barred from work with children and with vulnerable adults. It works closely with the Criminal Records Bureau.

### **Registration**

The process of confirming with the ISA that there is no known reason, usually criminal or disciplinary, why an individual should not work with children or vulnerable adults. Note that it does not confirm suitability and does not replace normal recruitment processes. Those on the barred lists are withdrawn from the register.

### **Barred lists**

The statutory lists, maintained by the ISA, of those not permitted to work with children or vulnerable adults. These are mostly people who have committed relevant serious offences or been dismissed by employers for gross misconduct involving harm or risk of harm to children or vulnerable adults. There is an appeal system against barring.

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