



Working to protect vulnerable people

A new government scheme aims to ensure that those working with children or vulnerable adults are properly vetted and registered. **Toby Fox** investigates

Whenever a young person or vulnerable adult is harmed by someone who worked with them, the question on every lip is, why was this person ever allowed near them? Sometimes it's because such behaviour came out of the blue and could never have been predicted. But there have been occasions where individuals showed signs of inappropriate behaviour but their employer didn't know, or where their job or activity wasn't covered by existing vetting arrangements.

Soham tragedy

In one of the most tragic cases of recent years, Ian Huntley murdered Holly Wells and Jessica Chapman. Huntley worked as a caretaker at a local school. Yet police and other agencies had had serious concerns about his behaviour, and if there had been a mechanism for sharing this information he would not have found employment in a school.

The Soham case and the subsequent Richard Inquiry highlighted the need to ensure that everyone working in regulated activity with children or vulnerable adults is checked and registered, so in October 2009 the Government introduced the Vetting and Barring Scheme (VBS) to do just that. It covers England, Wales and Northern Ireland, and a parallel scheme is being developed in Scotland. A new public body, the Independent Safeguarding Authority (ISA), has been set up to make decisions on who should be barred, with much of the administrative work being conducted by the Criminal Records Bureau (CRB) or Access NI in Northern Ireland.

The new scheme is designed to be both simpler and more comprehensive than previous arrangements. Instead of several different lists of banned individuals there will be a single list of people barred from working with children and a separate but aligned list relating to vulnerable adults, both maintained by the ISA. Vulnerable

adults can be people in care homes or sheltered housing, or elderly or disabled people receiving special care or anyone receiving medical treatment or therapy.

Anyone wanting to work or volunteer regularly with children or vulnerable adults will be required by law to become ISA registered, and employers will be legally required to check that new employees are registered. When a person becomes registered they will be continuously checked and their status reassessed against any new information, something that wasn't possible in the past. Registration will be free for volunteers; paid workers will be charged a one-off fee of £64 (£58 in Northern Ireland).

There's more emphasis on pre-employment checks to prevent those who are known to present a risk of harm from entering the relevant workforce in the first place. It's now illegal for a barred person to engage or seek to engage in a regulated activity (even on a one-off basis). It is also against the law for employers, employment agencies, voluntary and other organisations to allow a person they know to be barred to engage in such an activity. These new offences are punishable by up to five years in jail and significant fines.

As well as input such as CRB data, the ISA will have powers to pull in information about cases from a wide variety of sources, including the police and social services across the country. Moreover, employers, social services departments and professional regulators have a legal duty to refer to the ISA any information about individuals who may pose a risk of harm to vulnerable groups: for example when they've withdrawn permission for someone to work with vulnerable people, or if the person has left while under investigation. Once someone is registered, an employer of an individual in regulated activity can confirm their worker's registration online, free of charge. And they can also subscribe to be notified if the

An author reading his or her book in schools will not have to register

individual's status changes, also free of charge.

By raising their concerns with police or social services anyone, including private citizens, can now contribute information they think may be relevant. But this isn't to say that people will be barred on the basis of rumour or hearsay. They'll have the opportunity to put their side of the story, and making deliberately false accusations will be treated as a serious offence. But it does mean that legitimate concerns can be recorded even when there's no criminal conviction: it's the kind of system that could have barred Ian Huntley, for example.

The scope of the new Vetting and Barring Scheme is much wider than the previous arrangements, covering all those who work or volunteer with children and vulnerable adults. It now covers most jobs in the NHS, for example.

As well as obvious things such as teaching, coaching, supervising vulnerable people and registered childminding, regulated activities can also include health care and therapy, driving, moderating online chat rooms or being a school governor. Simply working in places such as schools, children's hospitals and care homes, even if the job doesn't involve direct contact with vulnerable groups, is also defined as regulated activity. The rules are pragmatic rather than dogmatic, so that while the driver of a school bus would be required to register, someone driving a scheduled bus service that might be used by children would not.

The key determining factors are who arranged the activity, and how frequent and intensive it is. If the arrangement is a private one – such as sharing the school run with a neighbour, babysitting your nephew or visiting someone in a care home – then it's not covered by the scheme. However, similar activities arranged by a third-party organisation (so that parents or carers may not be directly involved in the choice of person) are covered by VBS.

The precise scope of "frequent

and intensive" gave rise to some debate when the VBS was launched in October, so the Government asked Sir Roger Singleton, its chief adviser on the safety of children, to check that the line had been drawn in the right place. Sir Roger's recommendations have been accepted in full, including that "frequent" should mean weekly rather than monthly, and "intensive" should mean at least four days in one month with the same group, or overnight. This means that anyone who visits various locations and meets different groups of vulnerable people (such as an author reading his or her book in schools) will not have to register.

He also recommended exempting under-18s who carry out regulated activity as part of their continuing education, and families arranging short foreign exchange visits where the family of the visitor has agreed the selection of the host family.

Clear decisions

By and large the aims and workings of the new scheme – extending the protection of vulnerable people, better sharing and disclosure of information, and reducing bureaucracy – have been widely welcomed. A survey in December found that 80 per cent of people aware of the VBS supported the scheme, with the legal requirements on employers to check the status of potential employees and the constant updating of information about individuals being particularly welcomed.

The Home Office Minister, Meg Hillier, summed it up. "The benefits of the scheme are clear: better sharing of information, portable registration status for employees and volunteers, and clear decisions on who is unsuitable to work with vulnerable groups.

"Parents and carers expect us to protect children and other vulnerable groups from harm, and I'm confident that the scheme does this in a proportionate and common-sense way."

PRACTICAL PERSPECTIVES

Will the VBS affect my day-to-day life?

The scheme doesn't apply to activities carried out in the course of family or personal relationships: driving a friend's child to band practice, for example. Nor will it apply to things done in a private capacity, such as watching the school play or visiting a vulnerable adult in a care home.

What must I do now?

- You must not knowingly employ a barred person in regulated activity or use them as a volunteer.
- If you employ people or use volunteers in regulated or controlled

activity, and subsequently dismiss or cease using them because you think they pose a risk to children or vulnerable adults, you must refer the case to the ISA.

● If you are barred from regulated activity with children or vulnerable adults you must not work, or seek to work, with that group. Note that the range of jobs that come under regulations has expanded.

How will vetting work?

Everyone who applies to register will be vetted in a similar way to existing CRB arrangements. The ISA will only consider a case where there is

relevant information which suggests that they might pose a risk of harm to vulnerable groups. For the vast majority of people working in regulated activities, this will not be necessary. Trained staff will review each case to decide if a bar is appropriate. The ISA will tell the individual why they are under investigation, and share all information it has received.

Except in the most serious cases (where a bar is mandatory because of a very serious conviction) individuals will have the opportunity to put their side of the story.

Real people, real responsibilities

FREQUENCY AND INTENSIVENESS

Sue is asked to help on a school day trip, under the supervision of a teacher. This isn't regulated activity because it's not frequent enough. But if Sue helped at least once a week this would be regulated activity, despite the fact that a teacher is in overall charge.

PERSONAL/FAMILY RELATIONSHIPS

Tom is part of a babysitting circle and often looks after his friends' children. Eddie has mild dementia, so once a week a friend comes to sit with him so his wife can go out for the afternoon. Neither activity is covered by the VBS, because the care is unpaid and part of a personal relationship.

WORKING WITH CHILDREN

William gives weekly swimming lessons to children. Nadia volunteers at least once a week in a school, helping children with their reading. Joe

volunteers at his local church Sunday school and frequently supervises the children. All these are regulated activities, meaning that William, Nadia and Joe must all register.

WORKING WITH VULNERABLE ADULTS

Yolanda works part-time in a care home, and has frequent contact with vulnerable adults. Jack is a weekly volunteer for a charity that provides respite care for people with dementia. Sara works for a voluntary organisation and holds weekly meetings offering guidance to vulnerable adults with mental health conditions. All must register.

WORKING WITH ADULTS IN THEIR OWN HOMES

Sam is a volunteer who regularly visits stroke sufferers in their homes to help them to reacquire lost skills. This is a regulated activity and Sam must register.

CHILDREN IN THE WORKPLACE

Sarah is 15 and has a Saturday job in a hair salon. None of her colleagues or bosses is required to register just because they work alongside her or instruct her as part of her employment.

'INCIDENTAL' PRESENCE

Jodie is 22, has learning difficulties and lives in a care home. She regularly attends a dance class, which is open to anyone. The dance instructor is not engaged in regulated activity, because the class isn't targeted wholly or mainly at vulnerable people.

EXCHANGE VISITS

Pierre's family are friends with an English family. Every summer, Pierre's parents send him to stay with their friends in England for two weeks. There is no requirement for the English family to register as this is an arrangement made between friends.

Taking care: the young, the elderly and the ill will all be better protected under the new system



For more information, please see www.direct.gov.uk and www.isa.homeoffice.gov.uk