

Independent Safeguarding Authority / Vetting & Barring Scheme

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This paper highlights the **key changes** to CRB, and the timetable for the introduction of the Vetting & Barring Scheme (VBS) by the Independent Safeguarding Authority (ISA) which has a direct affect on the way churches and church-connected organisations select and appoint staff and volunteers.

What has happened so far?

From October 12th 2009 working with children and young people (aged 0-17) or vulnerable adults became known as **Regulated Activity**. These people, whether paid or volunteer, will continue to need Criminal Records Bureau checks renewed every 3 years if they work in or for a church. The definition of 'Regulated Activity' is given later in this paper.

Occasional helpers

Those whose role is limited to occasional assisting in regulated activity with children, young people or vulnerable adults where someone else is in charge **will not** be able to get Criminal Records Bureau checks.

Mixed-age activities

'Rank and file' members in mixed-age activities such as choirs, bell ringing and serving, will not be able to get Criminal records Bureau checks, but as now we would expect a Leader and one other key person to be checked.

Vulnerable Adults

The definition of 'vulnerable adult' has changed considerably. It is now possible to get CRB checks for church workers and volunteers who visit, support or help vulnerable adults. The revised definition is later in this paper.

Passing on concerns

If the PCC or church organisation has to remove someone from work with children and young people it is likely to have a **legal duty** to refer information to the Independent Safeguarding Authority (ISA) and consult the local authority. You **must** consult the Diocesan Safeguarding Officer (Barbara Selley) first if this situation may be arising.

CRB Applications and Renewals

The application form and process for Criminal Records Bureau checks remain unchanged until May 2010.

The next step

Until the end of May 2010

The application form and process for Criminal Records Bureau renewals remains unchanged until the end of May, and we will aim to process most renewals due in 2010 by then. The 'old' CRB forms will no longer be valid after this date.

End May – Mid July 2010

There will be a gap in the service provided by CRB, so we will not be able to apply for CRB checks or ISA registration during this period.

What will happen from Mid July 2010?

Individuals will be able to apply to the Criminal Records Bureau through the Diocese for registration with the Independent Safeguarding Authority if they are applying to work with children, young people, or vulnerable adults **for the first time**, or they are changing their role. Registration confirms that the individual is not on the Vetting & Barring list, so is not barred.

CRB and ISA Forms

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.

Checking people who change role or are new

Initially ISA applications will 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.

Checking those currently in post

There will be a five year phased roll-out for CRB renewals and ISA registration of those individuals who currently work with children or with vulnerable adults. People who do not change roles will be asked to register at some point over a 5-year period. The details of the five year phased roll-out have not yet been confirmed.

ISA registration once only

Once a person registers with ISA they will be given a unique number, and other organisations can express an interest in that person by using their number. If a church volunteer is already registered through their paid employment or another voluntary organisation, the Diocese 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. The Diocese, on behalf of churches, will be able to carry out free, online checks of a person's ISA registration status.

ISA and CRB costs

The cost of ISA Registration (including a new CRB check) is £64 for paid staff. CRB checks for paid staff continue to be £36. The Diocese will invoice individual churches as is currently the case. Volunteers who have no appropriate paid employment with children, young people or vulnerable adults will register with ISA for no charge.

ISA and Portability

ISA registration will be fully portable and will not need to be repeated. However, Criminal Records Bureau Disclosures will continue not to be portable, and therefore people may still have CRB Disclosures for a range of organisations they work with.

Safe recruitment

An ISA check will only show if a person is ISA-registered, which means the ISA has found no known reason why the applicant should not work with children or vulnerable adults. It also means that ISA will review their status if any new information becomes available. It **does not check** for malpractice or all criminal convictions, and therefore registration with the ISA does not guarantee that a person has no criminal history. It also will not guarantee that a person doesn't have recent criminal history of a less serious nature, but which could still be very relevant to the role. Regular CRB renewals remain necessary, and ISA registration and CRB checks **must not** be the sole procedure for assessing suitability. All applicants (paid or volunteer) should have a job or role description, provide references, complete the confidential declaration that there is no reason why they should not work with children, young people and vulnerable adults and have a discussion or interview to judge their suitability for the role.

CRBs will continue

ISA checks the Vetting and Barring list to ensure that the person has no serious offences that would bar them from working with children, young people or vulnerable adults. However, CRB Disclosures also have an important part to play in ensuring that applicants are suitable. Therefore CRB renewals will continue as before on a rolling 3-year programme.

Barred lists

These are statutory lists, maintained by the ISA, of those not permitted to work with children, young people 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.

What it means to be Barred

There are two levels of offence which result in a person being refused registration with ISA. The most serious offences mean that the person is barred for life, and cannot ever work (paid or voluntary) with children, young people and vulnerable adults. Other

offences are open to appeal by the individual, who can make representations as to why they should not be barred. The Diocesan Safeguarding Officer will be the first point for more information on how this works in practice.

Legal requirement

From 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, young people or vulnerable adults.

The individual is liable if they do not apply ISA, and the church that employs (paid or volunteer) is also liable. Penalties include a £5,000 fine and imprisonment. This highlights the importance of ensuring that everyone (paid and volunteers) who work with children, young people or vulnerable adults in our churches are **selected and appointed carefully** and properly.

What is a Child?

Those under the age of 18. However, not all the requirements apply in the case of 16 and 17 year olds.

Regulated activity definitions

- Any activity of a **specified nature** (teaching, training, care, supervision, advice, treatment and transportation) that involves contact with children or vulnerable adults **frequently** (regularly once a week or more often), intensively (4 days or more in a 30 day period) or overnight (any time between 2 a.m. and 6 a.m.)
Note: This is likely to apply to most work done with children and young people by churches and church-linked organisations.
- Any activity allowing contact with children or vulnerable adults that is in a **specified place** (schools, children's homes, hospitals, juvenile detention facilities, adult care homes) frequently or intensively.
- Any activity that involves people in certain **defined positions** (such positions include school governor and trustee of certain charities) of responsibility.
- 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.

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

What is a Vulnerable Adult?

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 or 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 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 payments from a local authority/HSS body in lieu of social care services;
- requires assistance in the conduct of his or her own affairs.
- 16 and 17 year olds in limited situations according to the new scheme definitions.

If you are not sure whether this applies to the adults who worship in your church or those receive support from church staff or volunteers please **seek advice** from Diocesan Safeguarding Officer (Barbara Selley).

Who needs ISA Registration and/or CRB checks?

In the church context this is usually anyone who is involved in an activity of a **specified nature** (teaching, training, care, supervision, advice, treatment and transportation) with children, young people or vulnerable adults **frequently** (regularly once a week or more often) or **intensively** (4 days or more in a 30-day period). This is regardless of whether the person is paid or a volunteer.

The list below gives an indication of who will need what checking, assuming they meet the 'frequent' or 'intensive' criteria as most will.

TASK OR ROLE	CRB DISCLOSURE	ISA REGISTRATION
Clergy	Y	Y
Licensed Lay Ministers	Y	Y
Recognised Lay Ministers	Y	Y
Commissioned Lay Workers, including lay ministers, youth, children and family workers	Y	Y
Musical Director / Choir leader, where the choir or musical group is wholly or mainly for children and young people	Y	Y
Youth ministry leaders and regular helpers	Y	Y

Children's ministry leaders and regular helpers	Y	Y
Leaders and Assistant Leaders of Church Parent & Toddlers Group	Y	Y
PCC approved Home Visitors for schemes that are wholly or mainly for families with children or vulnerable adults	Y	Y
PCC approved specialist club Leaders /assistants/drivers for schemes that are wholly or mainly for vulnerable adults	Y	Y
All Tower Captains, Ringing Masters and Adults Ringers who train/teach children (u 18)	Y	Y
PCC approved Drivers for PCC sponsored arrangements for children, young people or arrangements wholly or mainly for adults who are vulnerable	Y	Y

This list gives roles that may require checking, depending on how much contact the post-holder has with children, young people or vulnerable adults. If you are not sure about specific roles discuss it in the first instance with Nick Harding (details below).

Churchwardens - who have little or no contact	Y	N
Churchwardens – who have regular contact	Y	Y
Head Server - minimum two adults per group, regular contact	Y	Y
Church/Church Hall Cleaners/Caretaker – regular contact	Y	Y
Others (e.g.: Church Guides) – regular contact	Y	Y

More information

This information is subject to change as ISA release more information. We will do all we can through more Briefing Papers and communicate changes as and when they happen. *Information prepared by Nick Harding 07/01/10.*

Nick Harding. Diocesan Children's Ministry Adviser / CRB Policy and Practice

01636 817234 / nick@southwell.anglican.org

Barbara Selley. Diocesan Safeguarding Officer (Children and Vulnerable Adults)

0115 960 3010 / barbara.selley@familycare-nottingham.org.uk