

# WCVA Criminal Records Unit

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## ISA Vetting and Barring Scheme Report Dec 2009 – Drawing the Line

On 14 December Sir Roger Singleton as Chief Adviser on the Safety of Children and the Chair of the Independent Safeguarding Authority (ISA), published a report “Drawing the Line”, on the ISA Vetting and Barring Scheme. [www.dcsf.gov.uk](http://www.dcsf.gov.uk)

The Report has made 10 recommendations in an effort to strike a balance between the need to protect the vulnerable on the one hand, and the importance of having a scheme which is proportionate on the other.

### Summary of recommendations

1. Mutually agreed and responsible arrangements made between parents and friends for the care of their children will not be affected by the Vetting and Barring Scheme (VBS).
2. Where organisations such as schools, clubs or groups make the decisions as to which adults should work with their children then the requirement to register will apply, subject to the frequent and intensive contact provisions.
3. The frequent contact test will be met if the work with children takes place once a week or more. The intensive contact test will be met if the work takes place on 4 days in one month or more or overnight.
4. Individuals who go into different schools or similar settings to work with different groups of children will not be required to register unless their contact with the same children is frequent or intensive.
5. The minimum age of registration for young people who engage in regulated activity as part of their continuing education will be reviewed.
6. Overseas visitors bringing their own groups of children to the UK e.g. to international camps or the Olympics, will have a three months exemption from the requirement to register.
7. Exchange visits lasting less than 28 days, where overseas parents accept the responsibility for the selection of the host family, will be regarded as private arrangements and will not require ISA registration.
8. The Government will consider the position of some self-employed health care practitioners and whether a duty should be placed on them to register with the scheme.
9. The Government will review the continuing need for ‘controlled activity’.
10. The Government will review both the statutory requirements and its advice in relation to the continuing need for CRB Disclosures for safeguarding purposes once the VBS is in place.

**These recommendations are of significance to the voluntary sector and are considered below in relation to advice given previously by WCVA CRU.**

#### Recommendations 1 & 2: PRIVATE & FORMAL ARRANGEMENTS

- CRU has always advised that the definition of regulated activity and the requirement to register with ISA does not apply when parents are making their own arrangements
- **Example: SPORT** - arranging transport for their children to and from sports clubs venues/matches etc. *However*, when it is the club who arranges which volunteers are to be involved in a transport rota, and that contact is frequent or intensive, then the club becomes the Regulated Activity Provider and there is a requirement for the volunteer to be ISA registered as well as the RAP to check the ISA registration of that volunteer before engaging.
- Also as advised previously, parents will not be required to check that anyone employed privately to teach, train, tutor, coach or care for their children is ISA registered e.g. a private piano teacher would not be required to register because the parent is making a personal choice about who should provide the tuition. However, the private piano teacher *can* register with the scheme if he or she so wishes and parents are able to exercise a choice as to whether or not they engage an ISA registered person.
- Recommendation 7 regarding exchange visits is also considered here as a similar private arrangement not requiring the host family to be ISA registered

#### Recommendation 3: FREQUENT & INTENSIVE CONTACT

- CRU advises that for regulated activity the definition of frequent contact is once a week or more and intensive activity to four or more days in a 30 day period or overnight.
- **Example: VOLUNTEER OPPORTUNITY.** We will also be able to advise that under these conditions volunteers will have the opportunity to undertake a trial period in regulated activity before making a commitment e.g. A potential volunteer may take part in regulated activity by observing in the first instance and without carrying out any supervision. The volunteer then may move to actively participating in the regulated activity for 3 days before the requirement to register is triggered.

#### Recommendation 4: VISITS TO DIFFERENT SETTINGS

- CRU can advise that where the regulated activity is carried out frequently in *different* specified settings then there is no requirement to register with VBS. This recommendation is restricted to specified places outlined in the SVG Act where the chance of contact with the same children on frequent visits to different institutions is virtually non-existent. These settings are: schools; nurseries; children's hospitals; young offender's institutions; children's homes; relevant childcare premises; and Sure Start children's centres. However, this would not apply to a range of children's facilities within a locality or community where repeat encounters are more probable.
- **Example: SCHOOLS** - A police officer or fire officer who visits different schools and works with different groups of children will not be required to register with ISA.

## Recommendation 5:REGISTRATION BY THOSE IN CONTINUING EDUCATION

- CRU can advise that ISA registration for 16-17 yrs in continuing education such as the Welsh Baccalaureate, which involves work experience or volunteering within the community and is regulated activity under supervision, will be reviewed. However, for those who intend to pursue a career working with children and have enrolled on a vocational course such as BTEC Early Years course where they are expected to carry out work experience, then the requirement to register will remain.

Recommendations 8-10: These involve the Government undertaking work in the relevant areas and we will advise accordingly once a decision has been reached

**IMPORTANT:** Please note all the recommendations are subject to the regulations being drawn up including a change in primary legislation before they come into force.

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