



Vetting and Barring Scheme (VBS) Update

The electronic newsletter for stakeholders

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New figures on scale of child abuse

Amidst all the controversy over the Baby P case and the actions of Haringey Council, one particularly alarming report gained brief coverage, but provides food for thought and specific concern around the whole safeguarding agenda – a report by Ofsted that said four children are dying every week in England from abuse or neglect.

The damning report issued on 19 November said the system had let them down and was unable to protect them “while too many frontline staff in schools and health centres are still unable to recognise signs of abuse”, according to The Guardian. <http://www.guardian.co.uk/society/2008/nov/20/children-young-people-ofsted-abuse> (20.11.08)

The Telegraph reported inspectors saying: “vulnerable children are being neglected as councils fail to act on the “worst cases of abuse”. The watchdog said “too many” children were being let down because of major flaws in the way cruelty cases are handled. It said almost half of council-led reviews into serious child abuse cases were inadequate.” <http://www.telegraph.co.uk/news/uknews/baby-p/3486767/Four-children-dying-every-week-from-abuse.html> (20.11.08)

The Ofsted report can be read here:

<http://www.ofsted.gov.uk/Ofsted-home/News/The-Annual-Report-of-Her-Majesty-s-Chief-Inspector-of-Education-Children-s-Services-and-Skills-2007-08> (19.11.08)

Giving evidence to the Children’s Committee on the work of Ofsted on 10 December, Michael Hart of Ofsted was quizzed further about the alarming statistics and said: “The calculations show that there were around 12 a month over 17 months. Those are certainly the figures that we have established since we have had responsibility for them.” <http://www.publications.parliament.uk/pa/cm200809/cmselect/cmchilsch/uc70-i/uc07002.htm> (10.12.08)

Measures like the Safeguarding Vulnerable Groups Act tackle specific issues around workplace vetting and have some involvement in domestic settings, insofar as it can be used in terms of anyone you bring in to the home who is receiving pay, but the Ofsted report is a timely reminder that there are wider issues at stake and any single piece of legislation can only ever offer partial solutions.

ISA Decision Making (IDM) update

The Parliamentary process to introduce ISA Decision Making (IDM) via secondary legislation has been progressing and the date for the start of this transition to the new Vetting and Barring Scheme has now been fixed.

For background, as part of the transition to the new Vetting and Barring Scheme, the Independent Safeguarding Authority (ISA) is due to take over decisions on new referrals to the existing barred lists (List 99, POCA, POVA in England and Wales) from the Secretaries of State at the Department for Children, Schools and Families (DCSF) and the Department of Health (DH).

Since 31 March 2008, the ISA has advised the Ministers on barring, but when IDM comes in employers in England and Wales (under PoCA or PoVA), and employers in England (under List 99) must send new referrals under these schemes to the ISA, which will take the barring decisions. There will be local variations on these arrangements for List 99 in Wales and Northern Ireland. Where the ISA asks organisations for information on a case, they must provide it.

Other key features of IDM worth noting are:

- New referrals must be made to the ISA and not the DCSF or DH;
- New referrals will no longer be considered for provisional listing on POCA or POVA, making it even more important for employers to follow best recruitment practice by taking up references and looking into career history, to ensure they fully understand why job applicants left any previous employment;
- In the education sector, misconduct referrals on teachers in most cases (although not child protection related) must go to the General Teaching Council and no longer the DCSF;
- The appropriate wording on CRB certificates will change to reflect POCA/POVA and List 99 decisions will now be taken by the ISA.

In the wake of Parliamentary debates on Wednesday 17 December and sooner than expected, the House of Commons approved the draft Prescribed Criteria Regulations, following the Commons debate the previous day. This clears the way for the start of IDM on 20 January 2009. There is an Order which the Scottish Executive will make, to come into force at the IDM start date, to recognise ISA English and Welsh bars in Scotland from that date.

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Policy officials are discussing details with Scotland. A separate timetable for Northern Ireland involving draft policy instructions on the related DCSF amending Order should see IDM have a start date there of 13 March 2009. The Prescribed Information regulations, which say what information an employer and others must provide to ISA on request, were signed on 18 December and should be laid in Parliament by 29 December, to come into force on 20 January.

The Parliamentary debates around the necessary secondary legislation to enable the start of IDM began early in November.

More detailed information about the start of IDM and what is involved are available on the ISA website <http://www.isa-gov.org/>

ISA Decision Making Process (IDMP)

There are plans to spell out exactly how the ISA will make decisions when it deals with cases in 2009. A specific structure to the way case workers and the board of independent experts will approach referrals from the Criminal Records Bureau and information from a variety of other sources has been signed off by the ISA Board.

In keeping with their status as a Non Departmental Public Body (NDPB), independent of government, the ISA Board has been keen to ensure there is a robust method for cases to be worked through which puts safeguarding to the fore. The Board want details of this process to be put into the public domain so that their work can be seen to be accountable and at the same time reassure the public that the decision making process will be thorough and that unfounded allegations will wither under scrutiny and that the decisions on who to grant ISA registration and who should be put on barred lists are well thought through and justifiable.

Details will be published on the ISA website <http://www.isa-gov.org/> as soon as they are cleared.

The Policing and Crime Bill

A new piece of legislation, the Policing and Crime Bill was introduced to Parliament this month. This Bill, in clauses 62 – 72 proposes to make various amendments to the Safeguarding Vulnerable Groups Act (SVGA) and to the Police Act 1997 Part V. The main effects are:

Clause 62: Renaming of Independent Barring Board - formally effects the change of name of the Independent Barring Board (IBB) to the Independent Safeguarding Authority (ISA). It also amends sections of the SVGA where references to the IBB appear substituting the name Independent Safeguarding Authority. It similarly amends references to the abbreviations "IBB" with "ISA", this change applies to subordinate legislation as defined by the Interpretation Act 1978.

Clause 64: Monitoring application - amends provisions in section 24 of the SVGA, the purpose is to allow the Secretary of State to determine the form, manner and content of the application form. This will allow the Secretary of State to amend the application form without needing to use secondary legislation, allowing improvements to be made to the application form more quickly and efficiently.

Clause 65: Monitoring: additional fees - makes provision for the payment of a fee by persons who are registered as volunteers, and therefore benefit from a free-of-charge registration, to be subject to a fee, if they subsequently enter paid employment in a regulated activity. This removes a loophole which would enable persons to apply solely as volunteers and avoid any fee when moving into paid activities.

Clause 68: Criminal conviction certificates to be given to employers - section 112 of Part V of the Police Act 1997 provides for Basic Disclosure certificate to be sent to the applicant only. However, when Basic Disclosures are to be introduced by the CRB the majority of applications will be made for the purposes of employment. This clause allows that, where an application is made in connection with employment or voluntary work, the CRB must also send a copy of the Disclosure to the specific employer.

Clause 69: Disclosures: right to work information provides for "right to work" information to be recorded on Basic, Standard and Enhanced Disclosures where a request for such information is made. This follows a request from the Home Secretary in early 2008 to explore the incorporation of "right to work" checks within the CRB service following concerns about the employment of illegal workers in sectors requiring a CRB disclosure. The amendments will enable an employer to request details of any restrictions on an individual's "right to work" in the UK.

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Clause 71: Registered persons - will enable the CRB, when checking the suitability of individuals to be registered to countersign and receive Standard and Enhanced Disclosures to be checked against the new barred lists established under the Safeguarding Vulnerable Groups Act 2006.

Clause 72: Criminal Records - applications - Part V of the Police Act 1997 sets out the form in which the CRB must issue criminal conviction certificates and criminal record certificates; this clause amends Part V so that the CRB may determine the "form, manner and contents" in which applications for such Disclosures are made.

ACPO briefings

A series of useful briefings with police forces across the country about the new Vetting and Barring Scheme, took place during November and December by the Association of Chief Police Officers (ACPO). With Scheme policy and communications officials in attendance, forces were able to start the work of assessing what level of information they would be sharing with the Scheme's operational partners the CRB and the ISA.

They were also able to ask questions on police resourcing to deal with the new Scheme, what kind of offences would be considered under the Safeguarding Vulnerable Groups Act, safeguards and online checking, consideration of overseas workers, secure access to information and a range of other practical issues.

Now plans are being made for a series of three regional workshops in London, York and Birmingham for the New Year. These will feature the creation of a series of practical scenarios where police can sit down and work out exactly how the information handling process and disclosures will work.

VBS roadshows

A 2009 series of roadshows where latest news on the Scheme can be shared with interested stakeholders, is in development. Communications and policy officials involved in developing the Scheme, together with their government partners in the Home Office, Department for Children Schools and Families and the Department of Health, will be teaming up with their delivery partners the Criminal Records Bureau and the Independent Safeguarding Authority, to produce material for the new season of roadshows.

Latest DVD information, leaflets and news on the development of the Scheme's full guidance will all feature as speakers update stakeholders on progress with the Scheme and explain the basics of how it will operate, for the benefit of those who are encountering the Scheme for the first time.

Once the practical logistics of the shows are in place and venues around the country booked, details will be posted on the ISA website <http://www.isa-gov.org/> and via other regular channels such as the stakeholder mailing list and this newsletter.

ISA recruitment update

The ISA recently advertised a range of operational caseworker roles from Level 1 Casework Assistant (Civil Service AA equivalent) to Level 6 Head of Operational Unit (Civil Service Grade 7 equivalent). These posts were advertised in a number of publications including local press, specialist magazines, local community centres and on the ISA website. The closing date for these posts was 10 December 2008. Debby Bonnard the ISA's Head of People & Development said: "We have had an excellent response rate. Recruitment specialists Hays are assisting us with the processing of the applications and these will be completed on a phased basis, starting with the selection process for the Level 6 Head of Operational Unit in January with other processes to follow."

In addition to operational vacancies, the ISA is continuing to recruit to specialist areas such as Performance and Stakeholder Management, Finance, and Risk Management. Some of these vacancies have already been advertised and the selection process is underway, for others where the ISA has not yet advertised and people may be interested in applying, these posts will be placed on the ISA website <http://www.isa-gov.org/>

Since it was vested in January 2008, the ISA now has 180 staff working for it, and will eventually grow to be an organisation of around 250 staff in total.