



## **Safeguarding Vulnerable Groups Act 2006: ISA scheme Consultation Document**

### **Response from the National Council of Voluntary Child Care Organisations (NCVCCO) and the National Council for Voluntary Youth Services (NCVYS)**

#### **Introduction**

1. The National Council of Voluntary Child Care Organisations (NCVCCO) and the National Council for Voluntary Youth Services (NCVYS) are pleased to have the opportunity to submit a joint response to the Government's *Safeguarding Vulnerable Groups Act 2006: Independent Safeguarding Authority Scheme* consultation.
2. As umbrella organisations representing voluntary and community organisations that work with children, young people and families, NCVCCO and NCVYS are in a unique position to comment on the new Independent Safeguarding Authority (ISA) Scheme. Our collective membership encompasses around 300 organisations working with children and young people, ranging from large national service providers to small community based organisations.
3. This response has been informed by a joint consultation event held on 14 February 2008, which was attended by a wide range of our respective members as well as by the Independent Safeguarding Authority's Head of Communications. We are grateful to the Department for Children, Schools and Families (DCSF) for having agreed to a late submission, which enables us to take account of the issues raised at this event and by the widest possible range of our members.
4. In this response we have focused on the main common areas of concern of our members and so we have not attempted to answer every question in the consultation or to look at implications for vulnerable adults. However, we would urge the Government to take full account not only of our submission but of the more detailed comments received from voluntary and community

organisations that work with children, young people and families and to ensure that their knowledge, experience and expertise is fully harnessed.

## **Definitions**

5. In order to minimise scope for confusion and ensure smooth running of the scheme, we would like to see greater clarity of definitions, in particular related to 'frequently', 'intensively', 'merely incidental' and 'controlled'.
6. For example, there seems to be a possible confusion about what should happen if an adult were to undertake activity that was regular but neither frequent nor intense. This could be an issue in the case of someone who visited a school every term for a particular purpose. Such a person would not appear to be covered by the scheme, but could still nonetheless build up a position of trust.
7. There may therefore be grounds for ensuring that the nature of access to children is assessed, and not just the amount of time or frequency of the contact. This could help ensure that adults who had infrequent but unrestricted access to children were ISA checked.
8. It is also concerning that the current definition of 'frequently' could negatively impact on volunteer recruitment. People who are considering volunteering often either shadow existing staff or volunteers or pay regular trips to an organisation or service whilst deciding whether to commit to volunteering or being assessed for suitability. There may therefore be grounds for including provision for time-limited supervised access without the need for the person being supervised to be ISA checked.
9. Definitions relating to 'merely incidental' also require greater clarity. Whilst we appreciate the complexity of arriving at an easily understandable and workable definition, we do have concerns that the proposed definition may be hard to understand, and could be seen by some people to be relatively arbitrary and still leave open the possibility of someone having consistent access to children, even if this was in a 'merely incidental' way.
10. There needs to be clarification about the settings in which the scheme applies. Examples beyond the conventional settings such as schools and childcare should be explicitly used to avoid confusion. Online contact, in particular, should be highlighted as a relevant setting.
11. NCVCCO and NCVYS would be keen to work with the DCSF and the ISA to further explore these issues relating to definition.

## **Transporting children and young people**

12. Safe transport for children and young people is clearly an important area and we welcome the scheme's focus on it.
13. However, the proposals take away flexibility as to whether the driver is accompanied or not by an approved adult. There may therefore be grounds for stipulating that as long as there is one additional vetted adult in a minibus who is responsible for the care of any children present, then the driver does not necessarily need to be vetted.
14. It is also not completely clear as to what would happen if transport is to a regulated activity but the driver does not undertake the driving regularly. We would welcome greater clarity on whether such people would have to be ISA checked.
15. There may also be grounds for looking again at the how to best assess the general suitability of bus and taxi drivers who may become involved on an ad-hoc unsupervised basis in transporting children. At the very least there should be work to raise awareness in the transport sector of issues in relating to transporting children and the need for high standards of recruitment and vetting. Otherwise there is a very real danger that drivers who have not been vetted may have unsupervised access to children.
16. There needs to be clarity about who is responsible for ensuring that a driver involved in transporting children is ISA checked.

## **The need for speedy decision-making**

17. It will be essential to ensure that the ISA is able to make its decisions fairly, accurately and speedily. This will require adequate resourcing, good quality training and guidance for ISA staff, clear operational guidance, partnership working with the Criminal Records Bureau, and clear communication to organisations that need to get staff or volunteers vetted.
18. We would welcome clarity about whether a new staff member or volunteer who has not completed ISA checks would be allowed to commence work if appropriate supervision arrangements are in place.

## **Guidance accompanying the scheme**

19. Given the complexities of the issues involved, the guidance that accompanies the scheme will be critical and must not only meet the needs of the voluntary and community sector but also be tailored specifically to it.

20. It will be important to ensure that the guidance is appropriately tested with the children's voluntary and community sector to ensure that it is workable. There must also be adequate support and advice available to those organisations that are unsure of the scope or remit of the scheme or who require advice on particular issues.
21. In order to ensure the guidance is operating effectively there will also be a need to monitor how it is being used and received by voluntary and community sector organisations – with modifications made to the guidance if necessary.

### **Effective communication and partnership working**

22. Effective communication of the proposals is absolutely essential if the scheme is to function as intended. Whilst our members welcomed the opportunity to attend our consultation event on the scheme and to speak with the ISA's Head of Communications, this communication must be on an ongoing basis and as comprehensive as possible.
23. The wide range and complexity of issues brought up in our consultation meeting vividly demonstrated the importance of the ISA in the future undertaking an effective and comprehensive communications programme to ensure that all voluntary and community sector organisations are fully aware of the impact of the new scheme.
24. Whilst we welcome the sentiments of the scheme and believe that the voluntary and community sector will be supportive of the principles behind the proposals, there is a need to ensure that the new measures are communicated well and in such a way that provides reassurance about both the need for the scheme and the operation of it.
25. It will be especially important to find ways of communicating to small organisations who may be hardest to reach but who collectively work with many children and young people.
26. There is a need for clarity about timescales for the scheme to come into operation and for this to then be communicated effectively across the voluntary and community sector.
27. NCVCCO and NCVYS are both in excellent positions to work with the ISA to raise awareness about the scheme and its functioning, and we would be very happy to work in partnership with the DCSF or ISA to raise awareness about the new arrangements.

## **The need for infrastructure support**

28. It is essential that vetting and barring is viewed as just one of a number of ways in which to ensure that people who work with children and young people are safe to work with them. All organisations that work with children and young people must therefore have in place proper practices and procedures to ensure that their staff and volunteers are safe to work with children and properly managed.
29. For small organisations in particular this may mean a greater focus than ever before on employment practices. There is therefore a need to ensure infrastructure support at national and local levels to assist voluntary and community sector organisations with sound recruitment and staff management practice.
30. More broadly, there needs to be support in place for employers to go beyond the minimum requirements of ISA-checking and to have in place rigorous procedures in place to ensure that those who work with children and young people are safe to do so and subject to ongoing checking.
31. In order to support organisations to develop safeguarding practices NCVYS has developed *Keeping it Safe*, a good practice guide and *Sound Systems*, a peer accreditation scheme aimed at voluntary youth organisations. *Keeping it Safe* has received endorsements from DCSF, the NSPCC and other key stakeholders and is a good example of how the VCS can lead the way in safeguarding work. Further information on *Keeping it Safe* and *Sound Systems* can be found via <http://www.ncvys.org.uk/index.php?page=262>

## **Vetting those who have lived abroad**

32. There is a need to continue to examine ways in which to ensure that those who have lived or worked overseas are adequately vetted before being able to work with children or young people. Whilst we are aware of the complexities of the issues surrounding foreign convictions, we believe that it must be a priority to ensure the safety of all children, wherever a staff member or volunteer has previously lived.

## **The future**

33. NCVCCO and NCVYS support the principles behind the proposals and would welcome the opportunity to work with the ISA to communicate details of the new scheme to voluntary and community organisations that work with children, young people and families. We would be interested, for example, in working with the ISA to hold regional awareness raising seminars for voluntary and community sector organisations.

34. Whilst the new vetting and barring arrangements will hopefully improve the safety of children, young people and vulnerable adults it is essential that the Government takes a holistic approach to safeguarding and does not view the ISA as anything other than just one of many ways in which to ensure the safety of children and young people. Managing risk, and avoiding risk displacement is a complex issue, and one that we believe must remain a Government priority,

35. As the Government further develops the ISA it will be essential to engage across the voluntary and community sector to ensure that there is effective two-way communication.

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