

Vetting and Barring Scheme

Drawing the line – review by Sir Roger Singleton

A briefing paper from the National Council for Voluntary Youth Services (NCVYS)

December 2009

1. Introduction

Over the summer there was a good deal of high profile media coverage highlighting concerns about the scope of the new Vetting and Barring Scheme (VBS). Sir Roger Singleton was asked to review some of the key elements of the scheme which were at the centre of the concerns raised. This briefing summarises the key recommendations from the review and sets out a simplified summary in annex A of what this means practically for NCVYS members.

Key issues informing the review have been centred around the point at which an adult's contact with children and young people becomes 'regulated' activity and therefore requires the adult to register with the new scheme. Wider concerns considered by the review were issues frequently raised by voluntary and community sector representatives and by NCVYS in regular meetings with government officials implementing the scheme. The full '*Drawing the line*' report can be downloaded [here](#).

2. Summary and key recommendations

The recommendations in Sir Roger Singleton's report have been accepted in full and reflect a number of significant changes to the VBS Scheme. The executive summary from the report is printed below and an interpretation of the key changes is added as an appendix to this paper – please see Annex A.

- Mutually agreed and responsible arrangements made between parents and friends for the care of their children will not be affected by the VBS.
- 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.
- 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.

- 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.
- The minimum age of registration for young people who engage in regulated activity as part of their continuing education will be reviewed.
- 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.
- 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 registration.
- 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.
- The Government will review the continuing need for ‘controlled activity’.
- 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.

3. Conclusion

NCVYS is pleased that this review has resulted in steps towards more flexible arrangements that will allow more volunteers to help young people and their local communities. NCVYS has been working hard to ensure these changes are made, in particular we have been advocating the need for an ‘observation’ period before a prospective volunteer is registered and are particularly pleased that this has been taken forward. NCVYS will continue to ensure that the needs of voluntary and community organisations are taken into account as the recommendations from Sir Roger Singleton’s review are taken forward. NCVYS stresses the urgent need for the Government to renew its efforts to communicate the details and safeguarding benefits of the scheme to those that will need to understand its implications and methods for implementation.

Additional detail about these implications and a clarification of what these recommendations mean in terms of changes for the sector is set out below in Annex A.

4. Annex A - What has changed?

Previous version	December changes	What this really means
Recommendation 1: Private arrangements		
Mutually agreed and responsible arrangements made between parents and friends for the care of their children should not be affected by the VBS.		
	The VBS was never intended to interfere with the practical day-to-day arrangements which parents make with family, friends and other parents to care informally for each other's children	Clarifies the point
Recommendation 2: Formal arrangements		
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.		
		Draws the line where parental responsibility is taken over by an organisation or group
Recommendation 3: Frequent and intensive contact		
The frequent contact test should be met if the work with children takes place once a week or more. The intensive contact test should be met if the work takes place on 4 days in one month or more or overnight.		
Definition of Frequent Once a month or more	The frequent contact test will be met if the work with children takes place once a week or more..	Former version thought too rigorous – new definition provides greater flexibility for irregular volunteers. Sir Roger adds a note of caution stating that orgs need to be mindful of those who may seek to use this flexibility to their advantage.
Definition of Intensive On three days or more in a single 30 day period or overnight	The intensive contact test will be met if the work takes place on 4 days in one month or more or overnight	The definition has been extended by one day/occasion giving more flexibility.
Trial period for volunteers No provision had been allowed for	Allows for those who have not yet formed a firm intention to volunteer in a specific regulated activity to have the opportunity to undertake a trial period before making a commitment to continue their involvement, at which point they would be required to apply to register with the scheme. In particular those adults who are	This is a significant change which the VCS has lobbied hard for. It recognises that a potential volunteer may attend sessions of regulated activity as an observer before becoming an active participant and the need to register is triggered. This represents a major victory for the VCS and reflects, at last, the safe and gradual process of recruiting volunteers that has been

	thinking of volunteering to help out with for example the Scouts, Guides or other community or sporting activities should benefit from such an opportunity. I do not believe this requires major change to the frequent and intensive contact tests. A potential volunteer may merely observe in the first instance, without carrying out any supervision and without triggering the frequent and intensive contact tests. The potential volunteer might then actively participate in the regulated activity for 3 days before the requirement to register is triggered.	used in the VCS for many years.
Recommendation 4: Visits to different settings Individuals who go into different schools or similar settings to work with different groups of children, should not be required to register unless their contact with the same children is frequent or intensive.		
Previously considered to fall into the regulated activity that was either frequent or intensive	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.	Clarifies that unless the contact is with the same children this is not considered to be regulated activity.
Recommendation 5: Registration by those in continuing education. The minimum age of registration for young people who engage in regulated activity as part of their continuing education should be reviewed.		
At present, the minimum age for ISA registration is 16	I also consider that 16-17 year olds who are engaged as employees or as volunteers and not in any supervised training capacity should continue to be required to register.	This seeks to clarify what was a very blurred area. It now appears to accept that under 18's may be undertaking regulated activity as part of their continuing education and under supervision and therefore would not need to register.
Recommendation 6: Overseas visitors exemption Overseas visitors bringing their own groups of children to the UK e.g. to international camps or the Olympics should have a three months exemption from the requirement to register.		
Previously considered to fall into the regulated activity that was either frequent or intensive	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	Introduces realistic flexibility

	the requirement to register.	
Recommendation 7: Host families		
Exchange visits lasting less than 28 days, where overseas parents accept the responsibility for the selection of the host family, should be regarded as private arrangements and would not require registration.		
As above	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 registration.	Now considered to be a private arrangement between parents
Recommendation 8: Self-employed health care practitioners		
The Government should consider the position of some self-employed health care practitioners and whether a duty should be placed on them to register with the scheme.		
	some self-employed health practitioners including chiropractors and homeopaths will not be required by their regulatory bodies to register with the ISA. These practitioners are members of professions and/or licensed to work directly with individuals. I think it is a reasonable expectation that where these professionals engage in regulated activity it is in the public interest that they are ISA registered. I am recommending therefore that the Government explores with the Care Quality Commission and the relevant regulatory bodies an appropriate means whereby ISA registration can be required.	Clarification point
Recommendation 9: Controlled activity		
The Government should review the continuing need for 'controlled activity'.		
Controlled activity was to be introduced some time around 2014/15	The Government will review the continuing need for 'controlled activity'.	Looks like this idea will be scrapped at some point. Controlled activity was due to be introduced some time after those who needed to register as undertaking regulated activity had been registered.
Recommendation 10: Continuing CRB checks		

<p>The Government should 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.</p>		
	<p>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.</p>	<p>The report appears to play down the need for further CRB checks once a person is ISA registered. It misses the point that the ISA monitor individuals against a range of serious offences and Police intelligence. VCS organisations need to consider an individual's suitability against a broader criteria which can only be achieved by continuing to conduct regular Enhanced CRB checks.</p> <p>Sir Roger invites Government departments to review their advice on this point. We should encourage members to lobby for the continuity of regular CRB checking until such time that CRB and ISA merge or offer the rolling CRB check that has long been sought by the sector.</p>
<p>Additional issues The report concludes by reflecting on the role of volunteers and the perceived bureaucracy that prevents some from volunteering. The important role that ex offenders have in educating others from their life experiences is highlighted. The need for continuing and expanding the international sharing of information on offenders is encouraged.</p>		

For more information on any element of this paper, please contact NCVYS's Safeguarding Development Officer, Chris Brewster or email chris@ncvys.org.uk or on 020 7278 1041.