

Safeguarding Vulnerable Groups Act 2006: Independent Safeguarding Authority Scheme Barnardo's Consultation Response

Introduction

Barnardo's works directly with more than 120,000 children, young people and their families in over 394 services across the UK. We work with children affected by today's most urgent issues: poverty, homelessness, disability and abuse. Our projects work with children aged 0 to 18 (or 24 in the case of young care leavers) and a significant number provide services for young people aged 12 to 19. These include leaving care, young single homeless, young carers, sexual exploitation, training, youth inclusion and support programmes and young people support projects.

We are keen to ensure we engage a workforce with the right values and aptitude to work with children and young vulnerable adults, and their data, therefore broadly welcome the proposals that support us in doing this. Our paid workforce numbers almost 10, 000; staff have contact with children, young people and vulnerable adults and their data in a wide range of settings. Barnardos has a progressive volunteer development programme (numbering 11,000) whereby we recruit volunteers for our retail businesses, fundraising and children's services, from a diverse range of backgrounds, from local and business communities.

Our volunteer workforce is important to us and the experience is of enormous benefit to our volunteers. We welcome free registration proposals, however, have some concern that young or less affluent volunteers might find re-paying the fees on joining the paid workforce a deterrent either to volunteer or to move on to paid work.

Barnardo's responses

1. Do you agree with the proposals for refining the definition of vulnerable adults?

While Barnardo's accepts these proposals in principal we are concerned that they may have overlooked the vulnerability of adults who are parents of children involved with children's social care and similar services. These adults may be vulnerable to exploitation by unscrupulous workers. Any worker exploiting adults in these situations should be eligible for barring.

2. Are you content with our proposed understanding of frequency (paragraphs 3.4 – 3.6)?

Agree The policy position is clear and reasonable

3. Are there situations other than those described in paragraphs 3.8-3.12 where children are merely incidental to the provision of regulated activity to adults?

Barnardo's is concerned that the distinction between young people under 16 and those over 16 in Saturday employment is inequitable. Young People in Saturday employment are vulnerable to bullying and exploitation with few rights to employment protection.

Barnardo's has a three-month internship volunteer scheme across services, a vulnerable adult's placement scheme and some work experience placements for young people in our retail outlets. It is essential that guidance around such schemes is detailed and balances risk with viability.

4. Do you agree with our proposals to include and exclude those forms of transport specified in paragraphs 3.24 – 3.25 as regulated activity? Do you have any further comments on these proposals?

Barnardo's would question whether it is really necessary for a driver to be in a regulated position if the group leader (who will be regulated) will also be present on the transport and accompanying the group. The proposal presents challenges to small driver pools when there is sickness or annual leave and cover has to be bought from outside. This might result in activities for children being cancelled if ISA registered drivers are not available.

5. Do you agree that Children's Centres should be classed as establishments under the SVG legislation in the same way schools? (paragraphs 3.26 -3.34). Are there any other settings that should be covered?

Agree.

6. Do you agree that endorsing organisations should be able to check ISA status of the groups specified in paragraphs 4.2 – 4.11?

Agree.

7. Do you agree that adoption agencies should be able to check ISA status on the groups set out in paragraph 4.12 – 4.17?

Agree. ISA checks on prospective adopters are appropriate. Should guidance state what level of check should be carried out on informal carers named in children's care plans such as babysitters?

8. Do you agree that it should be possible to check ISA status on the groups set out in paragraphs 4.18 – 4.21?

Agree

9. Are you content with proposals relating to ContactPoint in paragraphs 4.25?

Barnardo's believes that the level of access ContactPoint administrators have to sensitive information from a number of sources about children warrants a high level of vetting. There will be database administrators in other situations who will have access to similarly sensitive information but their roles might be in controlled not regulated activity. IS staff and administrators in statutory and voluntary children's service could have access to children's details from across the UK, Vetting requirements for these positions should be the same as those for ContactPoint.

10. Do you agree that employers should be required to obtain an enhanced disclosure before employing a barred individual in a controlled activity?

Agree. In the absence of data from an enhanced disclosure, employers would be unable to ensure that risk assessments were fit for purpose. Would employers be able to seek further clarification from agencies providing sensitive data to the CRB to help inform decisions about risk assessment and employment?

11. Are there good reasons for employers in controlled activity to have access to Enhanced Disclosures for individuals who are not barred and who are ISA registered?

Yes, there may be information within an enhanced disclosure that does not meet the threshold for barring but may mean that employers should place safeguards around the employee's activity to protect vulnerable service users.

12a. Do you agree that employers, before employing a person in controlled activity, should be required to conduct, make a record of and retain a copy of a risk assessment?

Agree. However, many employers would welcome guidance about how to progress a risk assessment. It would be appropriate to ensure that there is appropriate guidance to provide consistency across organisations

12b. Do you agree that employers employing a barred person in controlled activity should be required to ensure the person will be appropriately supervised?

Agree. However, supervision has different meanings in different settings. Employers must be offered support in making decisions about supervision, again basic guidance or minimum standards would provide consistency

12c. Should the employer be required to record the supervision arrangements in the risk assessment?

- Agree.** Employers should record decisions about supervision arrangements and ensure that relevant staff are aware of and implement them. Guidance about what might be constructed as a reasonable safeguard is also welcome. Barnardo's would welcome guidance to indicate at what point would the employer be able to refuse to employ the individual if the cost of the safeguards outweighs the benefit of employing the barred individual?
- 13. Do you agree that the employer should be required by regulations to obtain Enhanced Disclosures and repeat the risk assessment at set intervals?**
Agree. Employers should make agreements with such staff that they are required to notify them if there are any potential changes to their CRB status. The frequency of re-checking should be dictated by a minimum requirement but employers should exert judgement about whether to re-check more frequently, depending on the nature of the employment.
- 14. Do you agree with our proposed phasing principles?**
Agree. The proposed principles provide an appropriate balance between the risk of harm to vulnerable groups, the management and capacity of the scheme and the cost to employers.
- 15. Do you agree with the proposals regarding checking arrangements for personnel suppliers including educational institutions?**
Barnardo's is concerned that there appears to be a lack of clarity about who has responsibility for checking the register. The wording of the duties of agencies providing permanent positions to employers is confusing; there should be more clarity about who is expected to check, the employer or the agency.
- 16. Do you agree with our proposals to retain existing statutory requirements for Enhanced Disclosures and not add any further requirements as part of the ISA scheme?**
Agree. We welcome the CRB consideration to continuously update disclosures.
- 17. Should anything be added to our proposed understanding of harm?**
There will need to be further exploration of circumstances outside of the workplace that may have a bearing on suitability; for example staff whose children might be subjects of section 47 enquiries by local authorities. There may be concerns about a non-substance misusing parent's (in a relationship with a substance misuser) capacity to protect their own children, or parents who are victims of domestic abuse. Employers would need clear guidance about how they might link this information to reporting barring concerns, or interpreting enhanced CRB checks.

18. Do you agree that the list in Annex G will capture all the information that the ISA would require in making barring decisions?

Barnardo's would like to see an additional question as to whether this is the person's sole employer.

19. At what stage in the ISA's consideration do you believe employers should be notified?

Employers should be notified if there is a threshold assessment being carried out by ISA. Employers may have concerns that, in isolation, do not meet their threshold for referring to ISA, but this information could facilitate ISA's decision making and that could potentially safeguard a child or vulnerable person.

19b. What information should the ISA pass to employers at this stage?

Employers would value being informed of the nature of misconduct, circumstances, action taken and any previous incidents of a similar nature. It would be helpful if the ISA was able to indicate when it might reach a conclusion.

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