



briefing

Health, Risk and Regulatory - January 2010

Sir Roger Singleton's recommendations on Vetting and Barring

In September 2009, Sir Roger Singleton, the Chief Adviser on the Safety of Children and Chair of the Independent Safeguarding Authority (ISA), was asked by Children's Secretary, Ed Balls, to check that the 'frequent' and 'intensive' principles used to define who is covered by the Vetting and Barring Scheme ("the Scheme") were appropriate for real life situations. This request was prompted by concerns raised around the precise interpretation of the degree of contact with children that should trigger the requirement for registration and fears that the Scheme would be unnecessarily burdensome and interfere in personal and family arrangements.

Sir Roger's report, 'Drawing the line', has now been published and the Government has welcomed and accepted all of his recommendations. Sir Roger's report recommends:

- Private arrangements made between parents and friends for the care of their children should remain outside the Scheme. This would mean, for example, that arrangements made by parents to take their friends' children to school would not be affected by the Scheme. 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 with the Scheme should apply, subject to the 'frequent' and 'intensive' contact provisions.
- The 'frequent' contact test should be met if the work with children takes place once a week or more (at present the test is if activity happens as often as once a month). The 'intensive' contact test should

be met if the work takes place on four days in one month or more or overnight. (This change is designed to make the Scheme easier to understand and put into practice, since at present the test is three times in every 30 days or overnight).

- Individuals who go into different schools or similar settings to work with different groups of children should not be required to register with the ISA unless their contact with the same children is frequent or intensive. This would mean, for example, that contractors who supplied services to a number of schools would not have to register with the Scheme unless their contact with the same children happens once a week or more, or takes place on four days in one month or more, or overnight. At present enhanced CRB checks would still be required for posts involving work in a regulated activity.
- The minimum age of registration for young people who engage in regulated activity as part of their continuing education should be reviewed. The Government will make immediate changes to the rules so that 16, 17 and 18-year-olds in education will not be required to register.
- 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 for the work they do with children they have brought to the UK.
- 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 will not require registration.

Sir Roger's report also invites the Government to undertake three further reviews on:

- The position of some self-employed health care practitioners, including chiropractors and homeopaths, and whether a duty should be placed on them to register with the Scheme. Current legislation allows these individuals to register but they are not required by their regulatory bodies to.
- The continuing need for 'controlled activity'. 'Controlled activity' is defined as a small number of activities where there might be opportunity for contact with children or vulnerable adults, such as working as a hospital or school receptionist, but falls short of the opportunities open to other regulated roles such as nurses or teachers. It has been considered that the existence of controlled activity places burdens and complexity on the scheme which is probably disproportionate to the numbers of workers in controlled activity and the numbers of barred people in controlled activity. This review will be launched in the new year.
- The statutory requirements and its advice in relation to the continuing need for CRB Disclosures for safeguarding purposes once the Scheme is in place.

It is estimated that once these recommendations have been implemented, the number of people required to register would fall from 11 million to 9 million.

Sir Roger's recommendations will not affect the rollout out of Scheme, in particular:

- **July 2010** - new entrants and employees looking to work or volunteer with vulnerable groups can start to apply to become ISA registered.
- **November 2010** - new entrants must become ISA registered before starting work with vulnerable groups.
- **April 2011** - existing workers start to become ISA registered.

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Professional advice should always be sought where you require assistance in specific areas of the law. No responsibility can be accepted for any action based on these articles.

More information

For further information about the Vetting and Barring Scheme, Safeguarding Vulnerable Groups and the law relating to children contact Eve Piffaretti or Sophie Nott.



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