

Vetting Briefing

There has been some publicity about the proposed changes arising from the UK government review of the Vetting and Barring Scheme (VBS) and how these may impact on sports organisations.

This briefing aims to set out the **current** requirements to which organisations must adhere and also to provide an update on progress of **proposed** changes. The briefing was finalised on the 6th July 2011 and is therefore subject to changes from any further recommendations or advice from government after this date and is based on an understanding of what are currently only future proposals.

It is essential that sports organisations understand that the current definitions of regulated activity and requirements to refer to the ISA will continue to apply until such times as the changes come into operation.

Vetting is only one element of an organisation's safe recruitment procedures.

Best practice in the recruitment and selection of staff/volunteers to work in regulated activity should include:

- Having a job/role description and specification
- Advertising/open application process
- Having an application form that includes a self declaration section
- Checking qualifications and experience
- Interview/Informal meeting
- Screening including AccessNI checks and references
- Appointees should be agreed by the club's management committee

The CPSU and many other voluntary organisations believe that the voluntary sector in particular needs easy access to clear information about whether or not potential volunteers pose a risk to children or vulnerable adults. In our experience, which is consistent with evidence from research, volunteers are not deterred by having to comply with checks¹. Parents and carers expect volunteers to have been vetted as part of an organisations safeguarding procedure to ensure safe practices. Organisations just want the process to be simple, accurate, and free for volunteers and with as little delay as possible.

For now it is “Business as usual”

Many of the processes in our current system brought in by the Safeguarding Vulnerable Groups (NI Order 2007 & England and Wales 2006) remain in place and will remain unaltered by changes:

- In England and Wales CRB Enhanced checks should be sought for those in regulated activity as defined by the Safeguarding Vulnerable Groups 2006
- In Northern Ireland AccessNI Enhanced checks should be sought for those in regulated activity as defined by the Safeguarding Vulnerable Groups (NI) Order 2007
- If a disclosure certificate states that an individual is barred then a Regulated Activity Provider (RAP) can't employ or permit them to volunteer in regulated activity. It is an offence for a barred person to work/volunteer in regulated activity and for a RAP to knowingly employ a barred person to work in regulated activity, either as a volunteer or in a paid role

¹ Research by the Sports Industry Research Centre (Commissioned by Sports Scotland Children 1st in 2008) investigated why volunteers stop volunteering. The research included surveys of nearly 750 volunteers, 65 disengaged volunteers and 170 potential volunteers. Disclosure checks were 11th out of 14 threats to volunteering for the current volunteers surveyed; last of the 14 possible reasons for stopping volunteering for disengaged volunteers surveyed; and 12th out of 14 possible reasons for potential volunteers not offering to volunteer.



- An applicant and employer both receive copies of enhanced disclosure certificates that can include relevant additional information
- Automatic barring remains for specific serious criminal offences
- RAPs have a duty to refer concerns since Oct 2009. Please visit the ISA web site for further information <http://www.isa.homeoffice.gov.uk/Default.aspx?page=379>
- Right of appeals to the Care Tribunal (Northern Ireland only)

What is Regulated Activity?

Regulated activity includes activities such as teaching, training, care, supervision, advice, treatment and transportation of children or vulnerable adults. Individuals engaging in those activities must be carrying them out either frequently (once per week or more) or intensively (4 or more days in a 30 day period, or overnight). It also includes activities which take place in certain settings, such as a school. Examples of activity within the sports sector which may come within the scope of regulated activity include:

- Structured supervision of a sporting activity in a group or one to one basis – where the coach, lead official or assistants hold responsibility for the supervision and management of members of a vulnerable group.
- Organised transporting of vulnerable groups to and from a sporting activity, but not transport arranged privately by parents.
- Activity which involves overnight supervision.
- Weekly instruction sessions at a community sports club, leisure centre or school facility.
- Sports camps, such as weeklong coaching sessions during the school holidays.

It is not possible to produce a definitive list of every role within the sports sector and Regulated Activity Providers (RAPs) may on occasion have to consult further before making a judgement on whether a role constitutes regulated activity. But it is for the RAP to be able to defend or justify such decisions. At grass roots or local club level, this might mean consulting your Governing Body or organisation's safeguarding committee.

What is a RAP?

A RAP is the person or organisation responsible for the management or control of regulated activity and makes arrangements for employing or deploying workers in that activity. This means each Club is a RAP, unless the worker/volunteer is under the responsibility of a Governing Body.

Proposed Changes (subject to amendments to legislation)

There are a couple of reviews that will affect our vetting system and requirements in the future. The first is the VBS Review (with changes to the Scheme being made by way of the Protection of

Freedoms Bill at Westminster) and the second is the review into criminal records in Northern Ireland and the Criminal Records Regime review in England and Wales. Although we are still awaiting the outcome of the NI review into criminal records it is clear from the Terms of Reference that it may have similar outcomes to recommendations arising from the Criminal Records Regime review in England and Wales. The following are the key proposals arising from both reviews as viewed by the NSPCC's CPSU:

- There will be some future changes to the definition of regulated activity (on enactment of the Protection of Freedoms Bill) in particular the removal of supervised volunteers from the scope of the Scheme. Organisations will still be able to carry out an AccessNI check/CRB check for individuals working in such supervised positions, however there will be no requirement to do so
- The CRB (England and Wales) and ISA, with functions relating to England, Wales and NI, to merge as a single body to be known as the Disclosure and Barring Service (DBS). The DBS will make barring decisions for NI



- The DBS will have the power to vary the review period in appropriate circumstances for barred list removal
- Under the new proposals criminal record checks will still be available but the government believe they should be portable through the introduction of a system that allows them to be updated on a continuous basis
- The criminal record review in England and Wales recommended that updating should be provided on-line with only the applicant receiving a copy of the certificate. The applicant could then use this certificate for a variety of roles. Employers and voluntary organisations could then check on-line whether the information on the presented certificate was valid or had changed. In addition, if the applicant is employed or accepted as a volunteer the organisations could check at any time if information on the certificate has changed. Note however as the Northern Ireland criminal record review has not reported yet the scheme may work differently in NI
- Introduction of two levels of Enhanced certificates, one for those in regulated activity which will include information about their barring status and one for non regulated activity positions e.g. the certificate held by the supervised coach will not include information on their certificate about whether they are barred but will include criminal record information and other relevant non conviction information.

Estimated timescales for implementation of proposed changes

February 2011 - Introduction of Protection of Freedoms Bill at Westminster

July 2011 - Northern Ireland criminal records regime review reports

May 2012 - Royal Assent for the Bill, subject to the will of Parliament

Summer 2012 - Commencement of the relevant provisions in the Bill

2012 - Introduction of continuous criminal records updating

2013 - New Disclosure and Barring Service begins work

If you have any questions or queries about the Vetting and Barring Scheme or the role of the ISA then please email: info@vbs-info.org.uk or telephone **0300 123 1111**. For further information please visit; <http://www.isa.homeoffice.gov.uk>

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(August 2011)

