

# **Making Safeguarding Everybody's Business: A Post-Richard Vetting Scheme**

Analysis of the responses to the Consultation document

Gateway reference: 5553

## **Introduction**

This report has been based on 310 responses to the consultation document. As some respondents may have offered a number of options for questions, total percentages listed under any one question may exceed 100%. Similarly, some respondents may not have indicated a framework preference.

The organisational breakdown of respondents was as follows:

Multi Agency:	75
Education:	74
Health:	50
Other *	26*
Children's Social Services:	25
Adult Social Care:	24
Sport & Leisure:	11
Early Years/Childcare:	11
Charity/Voluntary:	9
Police Service:	5

*\*Those which fell into the 'other' category included: Union responses, Church responses, University Responses and, CAF/CASS.*

The report starts with an overview followed by a summary analysis of each question within the consultation.

## Overview

Respondents welcomed the proposals for the introduction of a central vetting scheme. They supported proposals for a single point of reference where they could check the suitability of employees for positions working with children and vulnerable adults. Respondents also thought that the scheme would have a positive impact on safeguarding children and welcomed the fact that records would be updated when new information came to light.

Respondents did not generally believe that the new scheme would have a negative impact on the way that they recruited individuals to work with children or vulnerable adults, although there were concerns about delays in the system and additional costs.

Respondents wanted the majority of initial disclosures to be returned within two weeks to support effective recruitment. Most respondents felt that the maximum timeframe for those requiring further assessment was four weeks but there were also suggestions of up to eight weeks. Respondents also felt that a tracking system to check where an assessment was up to would be beneficial.

Respondents agreed with the proposal to extend the categories of positions for which it should be compulsory to carry out a CRB check to include all those services exclusively targeted at children or vulnerable adults. A number of respondents felt that all who had access to children and vulnerable adults should be checked.

Respondents agreed that the impact in checks was acceptable, commenting that additional bureaucracy and costs would be acceptable because of the increased safety they provided.

The majority of respondents agreed that a secure online facility was the best system for employers to check if an employee was barred. There were however concerns about the security of the system and the confidentiality of the data.

When asked about how much they would be willing to pay for a comprehensive updated system, respondents put forward suggestions that the system should be free, subsidised or that they would prefer an annual registration fee.

Most respondents agreed with the proposals not to impose a requirement on employers of children and vulnerable adults to check other members of their workforce who had contact with them. They were also happy that they had the option to check them if they wished to do so. There were however a number of respondents who felt that there should be checks for all.

The majority of respondents agreed with the intention to keep the existing penalties for non-compliance and that the penalties should apply to private

employers as well as larger employers. Some respondents felt that there should be proportionate levels of penalties so that smaller organisations and individuals should pay less.

The majority of respondents wanted the barring threshold set at low or very low as this would lead to a more comprehensive check. Those who thought the barring threshold should be higher felt that 'soft' evidence was not always accurate and that only convictions or cautions should lead to barring.

The majority of respondents felt that those people who applied to work with children or vulnerable adults, but had relevant offences or allegations, should be provisionally listed and not allowed to work with children until the checks had been completed.

There was widespread support for the suggestion that the scheme should take into account information from professional and regulatory bodies and referrals from social services when considering an individual's suitability to work with children and vulnerable adults.

## Summary of Responses to Questions

### **Q1 Do you agree that the proposed model for a central vetting scheme is appropriate?**

There were 289 responses to this question.

113 (39%) Strongly agree	145 (50%) Agree
17 (6%) Neither agree nor disagree	
11 (4%) Disagree	3 (1%) Strongly disagree

There was widespread support for the model proposed for a centralised vetting scheme. Respondents were happy there would be a single point of reference where they could check the suitability of employees for positions working with children and adults.

16 (6%) of respondents were concerned that the current Criminal Record Bureau (CRB) system was slow, particularly when it started, and were concerned that the new system would be the same.

Some respondents felt that there was insufficient information provided and raised a number of questions, such as:

- How exactly will the central vetting scheme work?
- What is the composition of the expert team?
- Will people on the old lists such as POCA and list 99 be automatically

transferred to the new lists?

Respondents were concerned that the proposed model was a big change and that the resources needed to introduce it were great. Some respondents felt that the resources needed to introduce and maintain this system had been underestimated. The introduction of the POVA list was cited as an example as it was felt that this was under-resourced and produced confusion for the list users.

Respondents also questioned the separation of lists for children and adults, as it was felt that those who posed a risk for one group would pose a risk for the other group.

**Q2 Do you agree that the new scheme will have a positive impact in terms of improving safeguards for children and vulnerable adults by preventing unsuitable people from entering the workforce and eliminating them?**

There were 282 responses to this question.

76 (27%) Strongly agree	171 (61%) Agree
24 (8%) Neither agree nor disagree	
8 (3%) Disagree	3 (1%) Strongly disagree

The majority of respondents agreed that the new scheme would have a positive impact in safeguarding children and adults. Respondents welcomed the fact that records would be updated if new information came to light, and that this information would be passed to employers.

Respondents said that although this scheme was welcomed it should only be seen as part of the process of recruiting staff and that organisations should have a robust recruitment process, and effective training and support.

**Q3 Do you agree that the new scheme will not have a negative impact on the way that you recruit and select individuals to work with children? Please describe any impact you anticipate.**

There were responses to this question.

43 (16%) Strongly agree	129 (49%) Agree
60 (23%) Neither agree nor disagree	
28 (11%) Disagree	2 (1%) Strongly disagree

The majority of respondents did not believe that the new scheme would have

a negative impact on the way they recruited individuals to work with children.

79 (30%) respondents were concerned that there may be delays in checks in the new system and that it would be too slow. Respondents noted that:

- Managers might find solutions that allow them to continue to provide staff without all the checks being completed
- Delays could lead to candidates withdrawing from the recruitment process
- There needed to be a quick appeals process for those who disagreed with the outcome of their individual vetting.

23 (9%) respondents were concerned that there might be additional costs incurred following the introduction of the new scheme. Respondents asked:

- If governors and other volunteers needed checking who would bear the cost of this?
- Would there be a charge for subsequent updates on individuals records?
- Would the costs increase to fund the barring scheme?

**Q4 Do you agree that the new scheme will not have a negative impact on the way you recruit and select individuals to work with vulnerable adults? Please describe any impact you anticipate.**

There were 200 responses to this question.

25 (12%) Strongly agree	99 (50%) Agree
52 (26%) Neither agree nor disagree	
21 (10%) Disagree	3 (2%) Strongly disagree

The majority of respondents did not believe that the new scheme would have a negative impact on the way they recruited individuals to work with vulnerable adults.

25 (13%) of respondents were concerned that they might lose candidates for posts because of delays in the new scheme.

16 (8%) of respondents were again concerned that there may be additional costs associated with the new scheme.

**Q5 Please state how quickly employers would need the majority of initial disclosures to be returned in order to support effective recruitment practices. Also, please comment on the maximum acceptable timeframe for the tiny minority which have information that needs to be assessed and therefore take longer to process (including time for appeals if necessary). And please state whether any additional mechanisms could be put in place to support employers.**

There were 256 responses to this question.

2 weeks	123 (48%)
3 Weeks	65 (25%)
4 Weeks	36 (14%)
5 Weeks	1 (0%)
Other	31 (13%)

Just under half of respondents felt that the time needed for the majority of initial disclosures to be returned in order to support effective recruitment practices would be two weeks.

There were various suggestions relating to the maximum acceptable timeframe for those that needed further assessment. Most respondents who commented suggested four weeks as a maximum but there were suggestions ranging from four weeks to eight weeks. Respondents suggested that employers were notified when further assessment was taking place and the reasons behind the assessment.

95 (37%) respondents were concerned about delays in the system and how it might affect their recruitment processes. Respondents said that the inconsistencies within the current system hampered recruitment planning.

31 (12%) respondents suggested the introduction of some sort of tracking system that would allow employers to check the current status of each individual application. There was concern that if applications were delayed for any reason then it might automatically be assumed by employers that there was information under consideration and a tracking system would alleviate these problems.

**Q6 Do you agree with the scope of child-related employment and therefore entitlement to Enhanced Disclosures? Please add any categories of people who may not be covered by this definition and state any difficulties with the definition.**

There were 260 responses to this question.

100 (38%) Strongly agree	134 (51%) Agree
10 (4%) Neither agree nor disagree	
12 (5%) Disagree	4 (2%) Strongly disagree

There was widespread support for the changes suggested to the entitlement to Enhanced Disclosures for child-related employment. A number of respondents put forward suggestions for categories of people they did not feel were covered by this definition.

Respondents raised concerns over the following:

- The term 'regular contact' needed further definition
- Whether the definition included volunteers
- Further clarity was needed about the 'position of trust'
- What would be the process for checking workers from overseas such as nannies?

**Q7 Do you agree with the scope of vulnerable adult-related employment and therefore entitlement to Enhanced Disclosures? Please add any categories of people who may not be covered by this definition and state any difficulties with the definition.**

There were 209 responses to this question.

70 (33%) Strongly agree	108 (53%) Agree
17 (8%) Neither agree nor disagree	
11 (5%) Disagree	3 (1%) Strongly disagree

There was widespread support for the changes suggested to the entitlement to Enhanced Disclosures for vulnerable adult-related employment. There were a number of respondents who felt that as this would increase the number of people requiring a check, there would be an impact on resources.

A number of respondents mentioned the POVA lists and asked the following questions:

- Will the new barring list include those already on the POVA list?

- Will the new scheme cover those working in the NHS as the POVA list does not currently do so?

The definition of 'regular contact' was queried and it was felt that the current POVA guidance was more prescriptive and could be helpful.

**Q 8 Do you agree with the proposal to extend the categories of positions for which it should be compulsory to carry out a CRB check (or a subsequent barred list check) to include all those services exclusively targeted at children or vulnerable adults? Please name the groups of people whom you believe should be subject to compulsory checks.**

There were 278 responses to this question.

130 (47%) Strongly agree	132 (47%) Agree
8 (3%) Neither agree nor disagree	
6 (2%) Disagree	2 (1%) Strongly disagree

A large majority of respondents agreed with the proposal to extend the categories of positions for which it should be compulsory to carry out a CRB check.

59 (21%) respondents said that all those who had access to children should be checked and that anyone who had, or could have, unsupervised access to a vulnerable person in any setting should be checked.

57 (21%) respondents wanted the checks to be extended to include youth and voluntary groups and felt that the following should be included:

- Group leaders such as scouts, guides etc.
- Youth choir leaders
- After school clubs
- Leisure activities, sports clubs etc.

20 (7%) respondents wanted private tutors to be included.

19 (7%) respondents felt that all those involved with the transportation of children should be checked.

14 (5%) respondents wanted those people who had clerical access to childrens' details or data included.



**Q9 Do you agree that the impact of the increase in compulsory checks would be acceptable? Please state whether your answer refers to either children or vulnerable adults or both.**

There were 262 responses to this question.

77 (29%) Strongly agree	150 (58%) Agree
24 (9%) Neither agree nor disagree	
9 (3%) Disagree	2 (1%) Strongly disagree

The majority of respondents agreed that the impact of the increase in compulsory checks was acceptable and those that stated whether their answer applied to children, adults or both are listed below.

75 (29%) Both	37(14%) Children	10 (4%) Adults
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Some respondents stated that their main concern was the protection of children and vulnerable adults and that any additional bureaucracy and costs were acceptable. Other respondents, whilst welcoming the additional protection for children and vulnerable adults, were concerned that any delays associated with the new process would be unacceptable if this led to delays in appointing staff. Respondents also noted that:

- Realistic guidelines needed to be agreed and published so that employers were clear on who needed checking
- There was a perceived problem with employees who frequently moved posts e.g. trainee doctors who would need frequent rechecking.

**Q 10 In what situations would you request a new Enhanced Disclosure rather than simply checking the barred list for work with children?**

There were 230 responses to this question.

Change of job	98 (43%)
All	83 (36%)
Only if concerned	57 (25%)
Change of roll within same employer	54 (23%)
Never	1 (0%)

There were no issues of concern for this question.

**Q 11 In what situations would you request a new Enhanced Disclosure rather than simply checking the barred list for work with vulnerable adults?**

There were 175 responses to this question.

Change of job	72 (41%)
All	68 (39%)
Only if concerned	34 (19%)
Change of roll within same employer	26 (15%)
Never	0 (0%)

There were no issues of concern for this question.

**Q 12 Do you agree that a secure online checking facility is the best way for employers to determine whether or not an applicant is barred? Please state any concerns you may have about this approach.**

There were 275 responses to this question.

76 (28%) Strongly agree	138 (50%) Agree
41 (15%) Neither agree nor disagree	
12 (4%) Disagree	8 (3%) Strongly disagree

The majority of respondents agreed that a secure online checking facility was the best way for employers to check if an applicant was barred. Respondents thought that an online facility would provide a quick and cost effective way of checking an employee's details. Respondents did however raise a number of areas of concern.

95 (35%) respondents were concerned that the system needed to be secure and must be protected by a password system. There was also concern about who would have access to the system and how those who applied for access would be checked to ensure they were legitimate. There were concerns that 'system hackers' could either purge an employees record or add malicious entries to other records.

51 (19%) respondents were concerned about confidentiality of data believing that if there were insufficient restrictions on those accessing the system then it could be used by people for reasons other than it was intended. It was said that although it might be possible to have a secure site the security of passwords used by customers could never be guaranteed. Respondents

were concerned that the information could be used to victimise people or might result in vigilante action.

30 (11%) respondents questioned whether the data that would be held on the system would be accurate. Respondents asked the following:

- Would the list be up to date?
- What systems were in place to quality assure the data?
- What happened during system failures?
- What system was in place to correct mistakes?

**Q13 How much per person per year would you be willing to pay for a comprehensive updated system which will reduce the need for repeat CRB checks and provide notification of change of barred status? Please comment on preferred funding arrangements.**

There were 221 responses to this question.

£5.00	34 (15%)
£10.00	27 (12%)
£20.00	12 (5%)
£30.00	13 (6%)
Other	135 (62%)

The majority of respondents for this question chose other as their response and their suggestions were either free of charge, subsidised or as an annual registration fee and are detailed below.

67 (30%) respondents were concerned about the costs of the system noting:

- Funding was always an issue in schools and additional costs were not welcomed
- Within three years of the CRB's operation, costs trebled. Will the new system be similarly affected?
- Unsure what 'charge per person' means; needs further explanation.

41 (19%) respondents felt that the service should be provided free of charge. It was thought that if the government believed in protecting children and vulnerable adults this service should be provided free of charge. Voluntary

organisations and employers, it was noted, should not be charged.

22 (10%) respondents wanted the new system to be subsidised. Respondents felt that it was in the interests of society that children and vulnerable adults were as well protected as possible and therefore central funding (i.e. from the public purse) would prevent financial decisions affecting the safety choices made. It was thought legitimate that public funds were used to ensure public protection.

17 (8%) respondents suggested an annual registration fee linked to the number of people checked. It was suggested that payments could be set in bands with a maximum or capped payment for those who checked large numbers of applicants. An annual registration fee it was said would allow organisations to budget more effectively.

16 (7%) respondents said that the cost of the system might discourage its use.

**Q 14 Do you agree with the proposal not to impose a requirement on employers of children to check other members of their workforce who have contact with them, but to enable them to do so if they wish?**

There were 254 responses to this question.

15 (6%) Strongly agree	131 (52%) Agree
29 (11%) Neither agree nor disagree	
51 (20%) Disagree	28 (11%) Strongly disagree

The majority of respondents agreed with the proposal not to impose a requirement on employers of children to check other members of their workforce, but enable them to do so if they wanted. Respondents welcomed the option for employers to check their employees if they wanted to. Respondents also asked for further guidance on when it would be appropriate to undertake checks and clarity on the responsibilities of employers offering work experience.

There were a number of respondents who did not agree that the requirement on employers of children to check other members of their workforce who have contact with them should be an option, stating that it should be necessary to check all adults. It was suggested that if other avenues such as volunteering or youth groups were closed to them, those who wished to harm children might try to gain employment at workplaces where children were present.

**Q 15 Do you agree with the proposal not to impose a requirement on employers of vulnerable adults to check other members of their workforce who have contact with them, but to enable them to do so if they wish?**

There were 206 responses to this question.

13 (6%) Strongly agree	107 (52%) Agree
21 (10%) Neither agree nor disagree	
43 (21%) Disagree	22 (11%) Strongly disagree

The majority of respondents agreed with the proposal not to impose a requirement on employers of vulnerable adults to check other members of their workforce but enable them to do so if they wanted.

**Q16 Do you agree with the intention to keep the existing penalties for non-compliance?**

There were 269 responses to this question.

98 (37%) Strongly agree	161 (60%) Agree
6 (2%) Neither agree nor disagree	
3 (1%) Disagree	1 (0%) Strongly disagree

There was overwhelming support for the intention to keep the existing penalties for non-compliance as they were. Respondents raised the following points:

- Currently employers could find ways out of accountability and leave practitioners to take the blame
- It was unclear who was responsible within an organisation
- There should be a penalty for barred individuals who applied for a post that they were barred from taking.

17 (6%) respondents felt that the existing penalties needed further publicity to make people aware of the existing provisions of the law. It was also felt that by publicising more it could deter people who were barred from applying for posts.

**Q 17 Do you agree that the same penalties (see above) should apply to private employers (such as parents) as to larger employers, where they knowingly employ a barred individual to work with children or vulnerable adults?**

There were 267 responses to this question.

83 (31%) Strongly agree	145 (54%) Agree
22 (8%) Neither agree nor disagree	
16 (6%) Disagree	3 (1%) Strongly disagree

The majority of respondents agreed that the penalties for non-compliance should apply to private employers as they did to larger employers. There was concern that the person had 'knowingly' employed a barred person and that there should be evidence that they had done so.

23 (9%) respondents stated that they thought that all employers regardless of size should be subject to the same penalties.

16 (6%) respondents thought that the levels of penalties should be proportional noting that individuals should not be subject to the same financial penalties as larger organisations.

Those respondents who did not agree that the penalties should be the same were concerned that individuals had sufficient information and that there was work to do to ensure that private employers such as parents understood their responsibilities under the new scheme.

**Q 18 Do you think that there should be a high barring threshold whereby only the most serious offences lead to barring meaning a quicker and cheaper system with fewer people barred; or a low barring threshold meaning that more offences and allegations are considered, more people are barred and the system is more expensive?**

There were 268 responses to this question.

Very High	11 (4%)	High	30 (11%)
Medium	70 (26%)		
Low	120 (45%)	Very Low	37 (14%)

The majority of respondents wanted the barring threshold set at low or very low. Respondents were concerned that if it was set higher then those with multiple low or very low offences might lead to some unsuitable applicants not being barred and therefore offered employment for which they were unsuitable.

Those who chose 'Very high' or 'High' were concerned that barring was a serious step and that only convictions or cautions should lead to barring. It was thought that mistakes would occur without hard evidence and that there would be 'soft' evidence against people who had been the subject of false allegations.

33 (12%) respondents felt that the system should be more concerned with the safety of children and vulnerable adults rather than worrying about costs.

30 (11%) of respondents were concerned about the criteria and how it was applied, noting that:

- Differences between the criteria were difficult to see without further information. More guidance was needed on what offences constitute High, Medium and Low.
- Criteria acceptable to one organisation might not be acceptable to another.
- Members of the central expert team needed to have proper rigorous training to enable them to apply the criteria fairly and consistently.

**Q 19 Should an individual with relevant offences or allegations be 'under review' and therefore able to work with children pending the barring decision or should they be 'provisionally listed' ? If they are under review, please state what interim safeguards could be put in place?**

There were 242 responses to this question.

Under Review	46 (19%)
Provisionally Listed	187 (77%)
No Opinion	9 (4%)

The majority of respondents wanted individuals with relevant offences or allegations to be provisionally listed. This was seen as the best way overall of protecting vulnerable children. There was concern that there should be a very quick resolution for those who were deemed to be 'Under Review' so that employees were out of employment for the shortest possible time.

Those respondents who suggested that individuals should be 'Under Review' mentioned the fact that only 1 in 3 of referrals resulted in barring and that it would be unfair to provisionally list everyone. It was also suggested that offences and allegations were entirely different and without definite proof it would be wrong to provisionally list people.

27 (11%) respondents thought that those individuals with relevant offences or allegations should not be allowed to work with children until all checks were

cleared. One respondent asked if they were allowed to work with children and if the worst was to happen, who would be accountable?

26 (11%) respondents thought that those individuals with relevant offences or allegations should be under review. Respondents suggested that employers of those under review should put in place procedures such as monitoring, supervision and support.

**Q20 Should an individual with relevant offences or allegations be 'under review' and therefore able to work with vulnerable adults pending the barring decision or should they be 'provisionally listed' ? If they are under review, please state what interim safeguards could be put in place?**

There were 187 responses to this question.

Under Review	29 (16%)
Provisionally Listed	147 (79%)
No Opinion	11 (6%)

The majority of respondents felt that an individual with relevant offences or allegations should be provisionally listed. As with the protection of children, provisionally listing people was seen as the best way to protect vulnerable adults. Respondents also noted the following:

- Legislation should apply to both children and adults
- It was recognised that provisional listing might bar people who were subsequently cleared, but system improvements should keep these to a minimum.

**Q21 Do you agree that the new scheme should take into account information from professional and regulatory bodies in considering an individual's suitability to work with children or vulnerable adults, even if it delays the process?**

There were 273 responses to this question.

125 (46%) Strongly agree	129 (47%) Agree
12 (5%) Neither agree nor disagree	
3 (1%) Disagree	4 (1%) Strongly disagree

There was overwhelming support for information from professional and regulatory bodies in considering an individual's suitability to work with children



or vulnerable adults being taken into account. Respondents also made the following comments:

- Information-sharing is key to the system working properly and for informed decisions to be made
- All incidents needed reporting as although they might not raise concerns in isolation they might form part of a bigger picture
- Would individuals know that information has been passed on about them and would they have the opportunity to challenge it?
- Any delays in the system could lead to employers employing someone before the checks are complete
- How will employees from overseas be checked? Would the professional and regulatory bodies from their own countries be consulted?

**Q22 Do you agree that the new scheme should take into account referrals from social services in considering an individual's suitability to work with children or vulnerable adults?**

There were 266 responses to this question.

114 (43%) Strongly agree	127 (47%) Agree
19 (7%) Neither agree nor disagree	
4 (2%) Disagree	2 (1%) Strongly disagree

There was widespread support for referrals from social services being taken into account when considering individuals' suitability to work with children or vulnerable adults. It was felt that Social Services could have relevant information on an individual that is not held elsewhere. Respondents also noted the following:

- There needed to be clear guidance issued on what was relevant information.
- Individuals needed to have some redress if they thought information that had been passed on was incorrect
- Were incidents that happened during adolescence always relevant, given that people changed as they got older?
- Were people deemed unfit to look after their own children or relatives suitable to look after other children or vulnerable adults?

**Q 23 What other consequences do you think the scheme might have for the children's workforce?**

There were 86 responses to this question

29 (34%) respondents felt that delays in applications might have an effect on the children's workforce. It was noted that there could be potential service implications, subject to the extent of any additional delays in the appointment of employees into post.

29 (34%) respondents were concerned about costs, believing that the cost implications could be significant regarding recruiting staff and updating records. It was noted that even voluntary groups who did not currently pay for CRB checks had large overheads to administer the checks carried out on their volunteers and a system that continuously updated would be an additional cost.

26 (30%) respondents felt that the scheme would lead to a safer children's workforce as it would:

- Take unsuitable people out of the workforce
- Discourage unsuitable people from applying for posts.

21 (24%) respondents were concerned that the process would discourage people from undertaking voluntary work.

13 (15%) respondents said that the scheme would lead to people having more confidence in the children's workforce and this would, in turn, lead to better morale.

**Q24 What other consequences do you think the scheme might have for the vulnerable adults' workforce?**

There were 31 responses to this question

There were few issues raised in this question apart from 20 (65%) respondents who raised concerns about costs and 17(55%) respondents who raised concerns about delays in applications.