

DEPARTMENT FOR CHILDREN, SCHOOLS AND FAMILIES

VETTING AND BARRING SCHEME

The Secretary of State for Children, Schools and Families (Ed Balls):

I am today publishing Sir Roger Singleton's report on the Vetting and Barring Scheme, "*Drawing the Line*", together with the Government's response. I am placing copies of both in the House library.

Parliament legislated for the new scheme in the 2006 Safeguarding Vulnerable Groups Act and it received overwhelming support. We recognised then, as we do now, that it is essential to ensure that children and vulnerable adults are properly safeguarded and that we do everything we reasonably can to protect them from those who seek to do them harm.

Our aim throughout has been to develop an approach which is proportionate, balanced and effective, with the scheme operating in a way which is neither burdensome nor bureaucratic, or off-putting to potential volunteers in children's settings - while still meeting the concerns of parents.

We have found much support for the scheme as we have taken this work forward through a process of extensive consultation with those who run services and activities for children.

It has always been our intention that mutually agreed and responsible arrangements made between parents and friends for the care of their children should be excluded from the Vetting and Barring Scheme. That principle is central to the 2006 Act.

However, some significant concerns have been expressed about the interpretation of one particular aspect of the scheme; the degree of contact with children which should trigger the requirement to register with the Independent Safeguarding Authority (ISA). Striking the right balance on where to draw the line that separates those situations that should be covered from those that should be excluded has undoubtedly been a difficult judgement.

In my letter of 14 September to the hon member for Huddersfield (Mr Sheerman), chair of the Children, Schools and Families Select Committee, I said that Baroness Morgan and I had asked Sir Roger Singleton to check that the Government has drawn the line in the right place on this issue.

We are very grateful to Sir Roger for his very thorough work on this over the last three months, during which he has consulted a wide range of key individuals and organisations, including relevant unions, inspectorates, voluntary organisations, faith groups and local charities and clubs. His work was also informed by a survey of some 1800 parents carried out by the National Confederation of Parent Teacher Associations.

I am therefore pleased to confirm that the Government welcomes and accepts all 10 of Sir Roger's recommendations to make sure that the Vetting and Barring Scheme draws the line in the right place, protecting children without getting involved in private arrangements between parents and friends.

Taken together, we believe these recommendations strike the right balance between the need to protect the vulnerable on the one hand, and the importance of having a scheme which is proportionate and which is based on some fundamental guiding principles, consistently applied, on the other.

Sir Roger's report is based on two fundamental guiding principles which underpin both his overall approach and all his specific recommendations and which also underpin the Safeguarding Vulnerable Groups Act 2006 .

The first principle is that where parents exercise their own judgement about who should care for their children that is entirely a private matter in which the scheme should not interfere. But where parents give that choice to an organisation, such as a school, club or group and cease to be able to make a personal decision about which adult provides the care or teaching etc, then registration should be required, subject to how often the contact takes place between the adults and the children.

The second principle is that the statutory requirements laid down should go no further than is necessary for the safety and protection of children, At the same time, it is also necessary, and appropriate, to recognise that some organisations will choose to require registration in situations of exceptional vulnerability, whether or not the frequency test is met; for example, if the person will be expected to provide intimate personal care for a severely disabled child. This allows for a degree of local flexibility and recognises everyone's responsibility for safeguarding.

As Sir Roger notes in his report, public misunderstanding has led to concerns that the scheme risks intruding inappropriately into family life. It is not and it never will be this Government's policy that this should happen. We therefore strongly welcome the recommendations in Sir Roger's report, which make this absolutely and unambiguously clear.

The Government welcomes Sir Roger's recommended adjustments to the scheme's requirements which include:

- 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 VBS 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). This covers regular repetitive activity;
- The intensive contact test should be met if the work takes place on 4 days in one month or more or overnight. This change will make the scheme easier to understand and put into practice, since at present the test is 3 times in every 30

days or overnight. This covers the circumstances where there is contact over a short space of time which is not necessarily repeated;

- 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;
- The minimum age of registration for young people who engage in regulated activity as part of their continuing education will be reviewed. The Government will change 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 the children or vulnerable adults they have brought to the UK; and
- 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.

We believe that these adjustments to the scheme are proportionate and that they will be supported by parents, employers and by those who work or volunteer with children and vulnerable adults. The changes they will bring about are faithful to the two fundamental principles of allowing parents to make their own private arrangements without interference, and ensuring that requirements set by the state do the minimum necessary to protect children and the vulnerable

Sir Roger's report also invites the Government to undertake further work in three areas:

- To review the registration requirements for self-employed private health practitioners. As the law currently stands, when a patient attends one of these practitioners it will be a private arrangement and therefore although the practitioners may register with the scheme, there will be no requirement for them to do so. However, the intimate nature of medical treatment may suggest that these practitioners should be registered. The Department of Health will lead on this review in collaboration with my Department and the health care regulators;
- To review whether there is a continuing need for the separate class of work with different requirements, defined in the Safeguarding Vulnerable Groups Act 2006 as "controlled activity". Controlled activity refers to certain tightly defined ancillary and support activities, mainly in FE colleges, NHS settings and Local Authorities. Far fewer people are potentially covered by "controlled activity" than by "regulated activity". Sir Roger invites the Government to take stock of whether controlled activity is a necessary part of the scheme. My Department and the Department of Health will take this review forward together, in collaboration with the Department for Business, Innovation and Skills;

- To review the statutory requirements, and the Government's advice, for CRB disclosures on those who work with vulnerable groups when they are already registered with the ISA. We had already undertaken to carry out this work once the scheme had settled in.

The Government will take forward these three reviews in the New Year.

The changes recommended by Sir Roger will impact on the numbers of people who will have to register. Initial estimates by the Home Office indicate that Sir Roger's recommendations will lead to approximately 2 million fewer individuals needing to register with the Vetting and Barring Scheme. This suggests that the new figure of those who will have to register with the Scheme lies in the range of 9 to 9.5 million. The Government will publish a revised impact assessment shortly.

Sir Roger rightly underlines in his report the need for renewed efforts to communicate the details and safeguarding benefits of the scheme. The Government will therefore commission further communications activity to help explain the scheme. We will also act swiftly to dispel any myths and misunderstandings about the scheme with updates to the briefing notes that are on our website and which I have sent to hon Members. The Government will also reflect all of Sir Roger's recommendations in the full guidance on the scheme that we intend to publish in the New Year.