



Newsbrief...

SUMMER 2009

News, updates and resources in Education, Safeguarding Trust and Children's Ministry

Vetting and Barring Scheme for Northern Ireland

The Vetting and Barring Scheme (VBS) for NI established under the Safeguarding Vulnerable Groups (NI) Order 2007 has commenced and will be implemented in stages. It will have significant impact upon all who work closely with children and vulnerable adults including churches and other voluntary and community groups.

The purpose of this Newsbrief is to raise awareness of new requirements which will have an effect on recruitment and referral procedures within Safeguarding Trust. The article on page 2 has been provided by the DHSSPSNI and gives

a basic introduction to the scheme. A further article on page 4 gives some detail of new definitions of regulated activities and new information about working with vulnerable adults.

Detailed guidance on how it will impact the Church of Ireland Safeguarding Trust policy will be issued from the Board of Education NI later this year. In order to help prepare for the changes we ask all parish panels to reflect on the work currently undertaken with children and vulnerable adults and submit a response to the questionnaire enclosed with the clergy mailing from this office.

Guidance and training...

Panel training in the VBS as it affects Safeguarding Trust guidelines is being planned and we hope to make it available over the next 6 months in order to prepare for the full implementation of the scheme.



Cost of Building Blocks conferences in 2009 reduced!

This year, thanks to new venues, it has been possible to reduce the price of both conferences. The cost is £25 for the Belfast conference and €35 for the Dublin conference (Tea/coffee & lunch are included). Don't miss out - please pass on this information to all leaders in your parish's children's ministry.

Building Blocks brochure and booking form enclosed with this mailing and available on the conferences website.



Saturday 14th November 09

All Hallows College, Drumcondra, Dublin (New Venue)

Saturday 28th November 09

Orangefield Presbyterian Church (New Venue)

Keynote speaker:

Kathryn Copsey

Project leader of CURBS (Children in URban Situations)

www.buildingblocks.ie



Information for Employers and Volunteer Managers...

A new Vetting and Barring Scheme, the VBS, is being introduced in Northern Ireland, with the aim of improving protection for children and vulnerable adults. A new decision making body, the Independent Safeguarding Authority (ISA) has been created as part of this process to make legally binding decisions as to who should not be allowed to work with vulnerable groups.

About the VBS

The VBS is being introduced by Government in England, Wales and Northern Ireland following the Soham murders and the subsequent inquiry by Sir Michael Bichard into the events surrounding the tragedy. Similar arrangements will apply in Scotland. The Scheme seeks to strengthen and build on existing vetting arrangements, which are well established in Northern Ireland, for posts that involve work with children or vulnerable adults. It introduces a range of new features and requirements. In vetting and barring terms, it is the most radical and innovative undertaking of its kind in the world. It will impact on those working or volunteering with children and vulnerable adults and those who offer them work or volunteering opportunities.

When it is fully phased in, it is expected that around 600,000 individuals in Northern Ireland will be impacted by the VBS by being required to become Scheme members.

The new VBS will have implications for employers and organisations who use volunteers across a wide range of sectors, including employers in the health, social care, education [including further and higher education], housing and transport sectors. Likewise, the VBS will have far-reaching impacts on voluntary, community, faith and private sector organisations all of which will be subject to the new legal requirements introduced by the VBS.

What is meant by work with children or vulnerable adults?

Under the VBS, work with children or vulnerable adults is expressed in terms of 'regulated activity' or 'controlled activity'. Regulated activity includes activities like teaching, training, instructing, caring, supervising, offering advice and guidance and transporting. It also includes any work, which provides the opportunity for contact with a child or vulnerable adult in places like schools, children's hospitals, childcare facilities, young offenders' centres, children's homes, nursing homes or residential care homes. Certain positions of responsibility are also considered to be regulated activity, such as the Commissioner for Children and Young People or a school governor. It does not matter whether the individual is paid or unpaid for the activity he takes part in, as the VBS applies equally to volunteers and paid employees.

Controlled activity includes ancillary support work in the health, further education and adult social care sectors. Controlled activity also includes those who have access to health and personal social services relating to children and vulnerable adults and educational records relating to children, who work in places like a Health and Social Care Trust or an Education and Library Board.



What does it mean if I am proposing to offer work or volunteering opportunities with children or vulnerable adults?

From 26 July 2010, if you are proposing to offer work or volunteering opportunities with children or vulnerable adults, you will be required to check whether the individual concerned is a Scheme member. To be a Scheme member, the individual will have to register with the ISA by completing a registration application form. If the individual indicates that they are already registered with the ISA, you will be able to verify this by carrying out a free on-line check with the individual's consent.

If the individual is not already registered, you may take them through the process by countersigning the ISA-registration application form. For the majority, who will be required to join the Scheme, this will be done as part of the recruitment process when the individual has been identified as the preferred candidate. In Northern Ireland, all applications for ISA registration will be submitted to and processed by AccessNI. Further information on the application form and the application process will be made available to employers and volunteer managers in advance of 26 July 2010.

If employees or volunteers live in the Republic of Ireland and work in Northern Ireland do they still have to register with the ISA?

Yes. The requirement to become a Scheme member, by registering with the ISA, applies to everyone involved in relevant work or volunteering activity in Northern Ireland. Where the individual is resident is irrelevant.

Is there a charge for ISA-registration?

Yes. It will cost £58 per person applying. Volunteer applicants, who are currently not charged for disclosure certificates from AccessNI, will not be charged for ISA registration. The cost of applying can be met by either the employee or the employer. This will be a matter for individual employers to determine.

How does the ISA make registration decisions?

The ISA will make registration decisions on an individual based on information which it will obtain when the individual applies to join the Scheme. The ISA will have access to previous criminal convictions and cautions and relevant information held by the police, social services and professional regulation and inspection bodies.

Will I have to check that all new and existing employees are Scheme members from 26 July 2010?

No. Only **new** employees and job movers will be able to apply to become Scheme members from 26 July 2010. Existing employees will be **phased into** the VBS over a period of five years. Further information on phasing is provided on page 4.

What will it mean if I don't check whether a prospective employee or volunteer is registered with the ISA from 26 July 2010?

From the 26 July 2010, if you are proposing to offer employment or a volunteering opportunity with children or vulnerable adults to someone new to your organisation or moving jobs within your organisation you will have the ability to check. From the 1 November 2010, if you do not check ISA registration before employing an individual in a regulated activity you will be committing a criminal offence. The offence for failure to check will carry a punishment of a fine. The offence for failure to check an existing employee

or volunteer will apply from the end of the five-year phasing period, in approximately 2015.

What is meant by phasing of the existing workforce?

It is intended that existing employees or volunteers will be phased into the Scheme over a period of around five years, starting in November 2010. A phasing strategy is being developed that will determine when existing employees and volunteers will join the Scheme. The aim is to make the process as manageable as possible for employers and organisations. Work is underway to agree phasing arrangements with key employers across Northern Ireland.

Is there anything else I should know?

Yes. The Scheme creates other requirements for employers, which you should be aware of. Firstly, it creates a duty to refer to the ISA if your concerns about an individual are such that they satisfy the mandatory referral benchmark. A failure to refer and provide information to the ISA is a criminal offence, which will be punishable by a fine. Further information on what, when and how to refer to the ISA will be available in more detailed guidance. Secondly, if an individual is placed on a barred list by the ISA, you cannot employ that individual or offer him volunteering opportunities with children and/or vulnerable adults. If you employ or offer volunteering opportunities to an individual who is barred by the ISA, you will be committing a criminal offence, punishable by a fine and/or imprisonment.

Can an individual only become barred as a result of a referral from an employer to the ISA?

No. An individual can also be barred if he is convicted or cautioned for one of a number of specified offences, which are set out in legislation. In some cases, an individual can be automatically placed on a barred list by the ISA if he is convicted of or cautioned for the most

serious offences either against a child or vulnerable adult. Other bodies such as the police and regulatory bodies have duties under the legislation to inform the ISA if certain information about an individual comes to light. This may be unrelated to their work or position.

How will I know if an individual is on a barred list?

You may find out that an individual is on a barred list in a number of ways.

Firstly, you will be informed by obtaining an enhanced disclosure certificate from AccessNI. The certificate will indicate that the individual is on a barred list and provide a brief explanation of the reason why he was barred by the ISA. This would normally happen when an employer is applying for an enhanced disclosure certificate as part of the recruitment process or [from 26 July 2010] applying for ISA registration for a prospective employee or volunteer.

Secondly, after 26 July 2010 when ISA registration starts, employers will also be informed by the ISA if it places an employee or volunteer on a barred list. For the latter process to work, employers and volunteer managers will have to register an interest in those they employ or use for volunteering purposes with children or vulnerable adults. Employers and volunteer managers who register an interest in an employee or volunteer will be informed by the ISA when it is considering barring an individual and when it finally places the individual on a barred list or lists.

Where can I get further information?

Access the ISA website at:
www.isa-gov.org.uk/

Further information on AccessNI
Contact the AccessNI website at:
www.accessni.gov.uk/



What's new?

How the new legislation will affect Safeguarding Trust...

New definitions of regulated activities

Anyone who is engaged in a regulated activity with children or vulnerable adults (and meets the frequency or period criteria) will be required to be registered with the ISA.

Coverage:

- Teaching, training, or instruction, care or supervision of children or vulnerable adults
- Advice or guidance to children
- Advice, guidance or assistance to vulnerable adults
- Any form of treatment or therapy provided to a child or vulnerable adult
- Driving a vehicle used only for the purpose of transporting children or vulnerable adults
- Moderating a chat-room used by children or vulnerable adults
- Manager of a person engaging in regulated activity.

Definition of frequently and the period condition

Activities are regulated if carried out frequently or if the period condition is satisfied. Frequently means carried out at least once a month on an ongoing basis (ongoing basis may be established the third time the activity is carried out at least once a month). The period condition is defined as overnight or on more than 2 days in any 30 day period. The principle hinges on the opportunity to develop a relationship of trust.

Working with Children

A child is defined as a person who has not attained the age of 18.

It is envisaged that all of the children's ministry activities provided by churches currently deemed as regulated positions and checked under AccessNI will require workers to be ISA registered. Registration will begin with new workers and job movers; then over a period of 5 years existing workers will be phased into the scheme. Please note that the facility to register new workers and job movers will not commence until 26th July 2010. In the interim parishes must continue to seek enhanced disclosure checks from AccessNI for those applying to work with children in regulated positions.

Working with Vulnerable Adults

The definition of a vulnerable adult is quite wide and will capture some activities provided by churches.

A vulnerable adult is a person who is aged 18 years or older and:

- is living in residential accommodation, such as a care home or a residential special school
- is living in sheltered housing
- is receiving domiciliary care in his or her own home
- is receiving any form of health care
- is detained in a prison, remand centre, young offender institution, secure training centre or attendance centre or under the powers of the Immigration and Asylum Act 1999
- is in contact with the probation services
- is receiving a welfare service of a description to be prescribed in regulations (supported people will be the only welfare service prescribed)
- is receiving a service or participating in an activity which is specifically

targeted at people with age-related needs, disabilities or prescribed or mental health conditions or expectant or nursing mothers living in residential care

(age-related needs includes needs associated with frailty, illness, disability or mental capacity)

- is receiving direct payments from a local authority / health and Social Care Trust in lieu of social care services
- requires assistance in the conduct of his or her own affairs

From the 12th October 2009 the above definitions become operable and anyone employing a worker in a regulated position with vulnerable adults in any of the above settings or providing any of the services will be able to seek an enhanced disclosure check from AccessNI. **It will not be possible to register with the ISA until 26th July 2010 however organisations will legally be able to obtain an AccessNI enhanced disclosure check.** From 12th October, all new workers in Church of Ireland parishes in NI recruited for regulated positions with vulnerable adults will require an AccessNI enhanced disclosure check before commencing duties. All such checks will be administered for Church of Ireland parishes by Mrs Claire Geoghegan at the Board of Education NI.

Duty to refer information to the ISA

The new legislation will also bring a duty to refer relevant information to the ISA. Guidance on the duty to refer to the ISA is available from the Board of Education - please contact the CPO NI if you require any further information.

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Church of Ireland
Board of Education (NI)