

## **Appendix - Briefing Note – Part 1 – November Update - on the 'Vetting and Barring Scheme'**

### **1. Guidance for Churches and Circuits in the Methodist Church (England and Wales)**

Further clarification is shown in *Blue in the electronic format*.

#### **Stage 1: From 12 October 2009**

From this date working with *children or vulnerable adults* becomes known as *Regulated Activity*. Those people responsible for work with *children or vulnerable adults*, whether paid or volunteer, will continue to need Criminal Records Bureau checks, as at present, if they work on behalf of an organization. Private and family arrangements are unaffected.

There are some 'helper' or 'assistant' roles where we have previously requested Standard checks. Standard CRB checks are no longer available for roles with *children and vulnerable adults*. They **may** be eligible, where working in a *Regulated Activity* for an Enhanced check and subsequently ISA registration from next year. This eligibility will need assessing at a local level.

Those who have a rank and file (membership) role in mixed-age activities such as choirs, drama groups, music bands and drama groups, **will not** be able to get Criminal Records Bureau checks (or ISA registration). They will be covered by '*Peer Supervision*' which in the new guidance means there is someone who is responsible for the *Regulated Activity* who will supervise helpers/assistants and who will be CRB checked. Those who are occasional (or 'one off') helpers are not required and not eligible for CRB checks either unless they meet the *frequency* and *intensity* criteria and work in *Regulated Activity*. The same applies to ISA registration in future.

If the Church Council, Circuit meeting or District Synod or Council has to remove someone from work with children or vulnerable adults (or they resign pending a formal procedure) it is likely to have a legal *duty to refer information* to the *Independent Safeguarding Authority* (ISA). There is also a duty to consult the local authority (Local Authority Designated officer). You should consult the District Safeguarding/ Taking Care coordinator if this situation appears to be arising.

There are some changes to the operation of the current *barred lists* (previously POCA and POVA).

**The application form and process for Criminal Records Bureau checks remain unchanged till June and July 2010. See details in the March Newsletter.**

**[The new indicative table of Roles is attached below in Appendix 1](#)**

## **2. An Indicative Table of Roles (– England and Wales *only*)**

This has yet to be tested out, confirmed with the DCSF and ratified by Methodist Council but we must comply with the law.

**Please refer to the notes below. The criteria for eligibility must be considered carefully for each role.**

<b>Role description (paid <u>or</u> voluntary)</b>  <i>with some roles there will be a footnote regarding the law you must read this</i>	<b>Previously required CRB</b>  <i>According to Methodist Church policy and guidance.</i>	<b>Now requires CRB</b>  <b>N.B. Enhanced only available from 12<sup>th</sup> October 2009</b>	<b>and ISA registration</b>  <i>Including New posts from July 2010 and those who have never had a CRB check.</i>
Children and youth workers (with under 18s)	Yes	<b>Yes</b>	<b>Yes</b>
Junior church/ Sunday school teachers	Yes	<b>Yes</b>	<b>Yes</b>
<b>Leaders</b> of groups with children or vulnerable adults #	Yes	<b>Yes</b>	<b>Yes</b>
	No policy	<b>Yes</b>	<b>Yes</b>
Leaders of holiday clubs or weekends away #	Yes	<b>Yes</b>	<b>Yes</b>
Officers of youth organisations – <i>including the Brigades, see c) below</i>	Yes	<b>Yes</b>	<b>Yes</b>
Workers with under 5s - including crèches	Yes	<b>Yes</b>	<b>Yes</b>
Lay employees - working with children, young people and vulnerable adults, family workers.	Yes	<b>Yes</b>	<b>Yes</b>
Presbyters * in the active work or active retirement	Yes	<b>Yes * normally</b>	<b>Yes * normally</b>
Deacons *	Yes	<b>Yes * normally</b>	<b>Yes * normally</b>
<b>Below are roles <i>previously unspecified/ role assessed/ were Standard CRB only</i></b>			
Managers, supervisors and trainers of those who work with children, young people and vulnerable adults.	Yes	<b>Yes</b>	<b>Yes</b>
Caretakers and cleaners	Sometimes Standard CRB	<b>Sometimes *</b>	<b>Sometimes *</b>
Reception staff and administrators	Sometimes	<b>Sometimes *</b>	<b>Sometimes *</b>
Regular helpers * – serving refreshments in a regulated activity	Standard CRB only	<b>Normally</b>	<b>Normally</b>
Regular, supervised ‘assistants’ * [including those 16 years plus] in a regulated activity	Standard CRB only	<b>Normally</b>	<b>Normally</b>
‘One off’ or occasional helpers/ session leaders – always supervised	No	<b>No</b>	<b>No</b>
Leaders <i>and</i> teachers in music groups, drama groups etc.	Yes	<b>Yes</b>	<b>Yes</b>
Parents helping in above activities *	Not unless regular helpers	Not unless regularly responsible for other children <i>and</i> unsupervised	Not unless regularly responsible for other children <i>and</i> unsupervised
Those transporting children or vulnerable adults – see d)	Sometimes, if frequent or regular	<b>Yes</b>	<b>Yes</b>

## Notes:

- \* The role must include activity of a **specified nature** – see Regulated Activity definition – below, *and* be **frequent or intensive** – see this definition below.
- # See **vulnerable adult** definition below. This must be an activity which is solely or mainly for children or vulnerable adults.
  - a) Those who work on a rota basis need to be included – where applicable above.
  - b) Ofsted requirements apply to all children's groups with under 8s meeting for 2 hours and 6 or more occasions per year
  - c) Scouts and Guides have similar requirements but are not appointees of the Church.
  - d) BB/ GB officers and helpers should CRB/ ISA register – where they are new to the Church/ the role, unless they are seeking officer accreditation *via* BB/GB, when this will be done by the GB/ BB head office. Information of concern will be shared between BB and GB and the Methodist Church at Connexional level, as is the case currently.
  - e) Only as part of an organised Church activity/ scheme aimed *solely or mainly* at children or vulnerable adults, private arrangements between parents or friends are not covered.

**Those not eligible** - Choir/ music group members, door stewards, key holders and people in the church welcome team for services should *not normally* be eligible for ISA registration and CRB checks unless they hold another relevant role which falls within the definition of a regulated activity or there are *specified* aspects of their role which mean this person will be responsible for children, young people under 18 years or vulnerable adults.

## 3. VBS scheme eligibility and definitions

### Children

- Those under the age of 18. However, not all the requirements apply in the case of 16 and 17 year olds.
- 16 and 17 year olds can also be vulnerable adults according to the new scheme definitions. Consult your District Safeguarding Coordinator if this is an issue for you.

### Regulated activity:

- 1 Any activity of a **specified nature** that involves contact with children or vulnerable adults *frequently, intensively or overnight*.  
  
*specified nature*: teaching, training, care, supervision, advice, treatment and transportation.  
  
*frequently*: regularly once a week or more often  
  
*intensively*: 4 days or more in a 30 day period  
*overnight*: any time between 2 a.m. and 6 a.m.  
  
(Note – these are the new definitions for mandatory ISA registration)
- 2 Any activity allowing contact with children or vulnerable adults that is in a *specified place* frequently or intensively.  
  
*specified place*: schools, children's homes, hospitals, juvenile detention facilities, adult care homes.
- 3 Any activity that involves people in certain *defined positions* of responsibility.  
*defined position*: such positions include school governor and trustee of certain charities.

4. Activity which involves on a *regular* basis the *day to day management or supervision* of people carrying out activity of a specified nature or in a specified place.

### Vulnerable adult

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 probation services;
- is receiving a welfare service of a description to be prescribed in regulations;
- is receiving a service or participating in an activity which is specifically targeted at people with age-related needs, disabilities or prescribed physical 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/HSS body in lieu of social care services;
- requires assistance in the conduct of his or her own affairs.

The definition is context based – i.e. a person is classified as vulnerable when they are receiving the specified services, but not necessarily in other contexts. So someone who is (for example) receiving health care will be classified as a vulnerable adult when they are visiting their GP or hospital, but not when they are shopping or worshipping at church.

### Examples:

- Those regularly visiting people living in care homes will need CRB Disclosures (and registration from July 2010) regardless of the frequency of their visits.
- **People who are responsible** for the work in a church run day centre or luncheon club such as those aimed at elderly or those with moderate-severe learning disabilities will *probably* need to be CRB checked and ISA-registered. [A local assessment of whether this activity is **solely or mainly** for vulnerable adults as defined above will need to be made. This should not be an intrusive assessment but simply a reasonable common sense assessment.]
- Those visiting people in their own homes where they are providing a service as part of an activity which is **solely or mainly** for those fulfilling the vulnerable adult criteria will also need to be registered. This is likely to include visiting schemes organised by the church, which are **solely or mainly** for those who are housebound as they will be classed as vulnerable. (This **will not** include Pastoral Visiting schemes for the whole congregation or church community.)
- A visiting scheme which is for the wider community or the church community (pastoral visiting) **is not** likely to be eligible. Private arrangements (where people visit one another as friends rather than as part of a formal visiting scheme) are excluded.
- The activity does not need to be with the same child or vulnerable adult for frequent, intensive and overnight to apply. For example, someone who cares for children in a crèche once a month may not have contact with the same children but they are still engaging in the activity frequently and must register with the ISA.
- Those whose role is limited to assisting on *an occasional* or *one off* basis in a regulated activity where others are leading or in charge, as well as those who have a rank and file (membership) role in mixed-age activities such as choirs, music bands and drama groups, **will not** be eligible to get Criminal Records Bureau checks/ ISA registration.
- Caretakers or receptionists in churches/ church community centres will not normally be required to register unless their duties bring them into a position where they are likely to be responsible for

vulnerable groups (as defined) or where are as *part of their role* (job description) required to be on the premises when it becomes a **specified place**, such as a day nursery or a pre-school.

- The church organises a regular children's trip to a local swimming pool and asks parents to transport the children. These drivers would not normally require registration, but if this role met the frequency threshold or if the responsibility required intimate contact e.g. supervising the changing rooms, this should be reassessed as requiring an ISA registration even if it does not meet frequency test.

**N.B.** Both the CRB definitions and the ISA definitions are narrower than the definitions of vulnerable adults in church policies and therefore this is likely to be the case with any future Methodist policy for safeguarding adults. For a wider definition of vulnerability, which may be used in the wider Pastoral settings of the church please look on the Methodist web site, under Church Life, Safeguarding and Vulnerable Adults.

## **Registered and Umbrella Bodies**

A Registered Body is an organization which is or acts as an employer and which is registered with the Criminal Records Bureau to obtain checks on those working with children or vulnerable adults. An Umbrella Body performs this function on behalf of small employers, e.g. multiple local churches. Churches' Agency for Safeguarding remains the Registered Body for the Methodist Church/ Methodist Connexion. This is funded centrally. CRB and Disclosure Scotland Application forms are still available from the Methodist Publishing.

## **Independent Safeguarding Authority**

The organization which maintains the lists of people barred from work with children and with vulnerable adults. It works closely with the Criminal Records Bureau.

## **Registration**

The process of confirming with the ISA that there is no known reason, usually criminal or disciplinary, why an individual should not work with children or vulnerable adults. Note that it does not confirm suitability and does not replace normal recruitment processes. Those on the barred lists are withdrawn from the register.

## **Barred lists**

The statutory lists, maintained by the ISA, of those not permitted to work with children or vulnerable adults. These are mostly people who have committed relevant serious offences or been dismissed by employers for gross misconduct involving harm or risk of harm to children or vulnerable adults. There is an appeal system against barring, where representations may be made on barring.

## **Peer exemption**

The scheme does not affect members of a group who are simply assisting another person who is doing regulated activity within that group. This 'peer exemption' can apply to regulated activity relating to either children or vulnerable adults. The example given concerns a group of bell-ringers, comprising a mix of adults and children, meets once a month. Ordinarily, they are instructed by a group leader, who must be registered with the ISA. From time to time, practice sessions are run by other members of the group on behalf of **and** under the direction of the group leader. They are not engaged in regulated activity. *More clarification is being sought on this.*

## **4. The roll out programme for VBS.**

### **Stage 2: 26<sup>th</sup> July 2010**

Individuals will be able, via the *Registered* or *Umbrella Body* for the Methodist Church (the Churches' Agency for Safeguarding), to apply to the Criminal Records Bureau for *registration* with the Independent Safeguarding Authority if they are applying to work with children or *vulnerable*

*adults.* Registration confirms that the individual is not barred. Initially, this will apply to those in new roles or moving between employers.

The Criminal Records Bureau will introduce a new application form to allow applications for ISA registration and CRB Disclosures to be made on the same form from July 2010. There will be no other way to register with ISA. There will be a changeover time between the old and the new form \*.

**The renewal programme for CRB checks (5 yearly) continues until May 2010. All those whose disclosures were obtained 5 years or more ago (before December 2005) should apply before May. Others will have to wait till 2011 or beyond.**

There will be a five year phased roll out for ISA-registration of those individuals who currently work with children or with vulnerable adults and currently have a CRB check. So this will initially affect only those who are working with children or vulnerable adults for the first time or who are applying for new positions *or* changing jobs. The details of the five year phased roll out have not yet been confirmed.

Employers will be able to express an interest in a person's ISA-registration which will enable them to be informed of any changes to that person's ISA-registration status. We are not sure where this is to be handled, but it may be by the Registered Body on behalf of churches and circuits. The church, circuit or other church body may be the main employer, or it may be a secondary employer, as in the case of volunteers with other paid or voluntary work with children or vulnerable adults. Employers will be able to carry out free, online checks of a person's ISA-registration status.

The result is that ISA-registration will be fully portable and will not need to be repeated. However, Criminal Records Bureau Disclosures will only be portable if as a matter of policy we agree to accept them. So they may need to be repeated for certain roles, while ISA registration will not.

### **Stage 3: November 2010**

It will be a legal requirement (subject to the five year phased roll-out described above) for individuals to register with the ISA if they intend to work or currently work (but have no previous CRB check) with children or vulnerable adults.

### **Stage 4: April 2011**

From this date those with the oldest CRB checks must apply for registration and renewal of CRB check as part of a phased programme.

#### ***Prepared by:***

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12<sup>th</sup> March 2010

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\* ***Draft schedule for phasing out old forms*** - Old CRB forms will not be issued by Methodist Publishing after end of April 2010. They will not be accepted by Churches' Agency for Safeguarding after 31<sup>st</sup> May 2010. New forms will be issued from May 2010, or as soon as they are available at Methodist Publishing, and accepted at CAS after 30<sup>th</sup> June 2010, but will not be processed by the CRB until later in July.