

Service users: safe and sound?



Adam Knight-Markiegi on the Government's changes to vetting and barring.

Enabling vulnerable people to “stay safe” has always been one of the key objectives of housing related support. But the Coalition Government, having halted the introduction of the new Vetting and Barring Scheme last June¹, has now announced its plans to overhaul how organisations ensure their staff and volunteers are safe to work with vulnerable people. Some of the changes are welcome, but will employers' recruitment practices be secure enough and will vulnerable people be adequately safeguarded?

Scaling back

Both the Conservatives and the Liberal Democrats were determined to scale back what they saw as intrusions on our “civil liberties” when they came into power and pledged as much in their Coalition Agreement. Labour's emerging Vetting and Barring Scheme was an obvious target for this initiative. The Government has now published two reports², which have informed the Protection of Freedoms Bill. Here are the key plans from the Bill on Vetting and Barring are:

Overall fewer people will have to be vetted thoroughly – only those working closely and regularly with children and vulnerable adults

- There will be no Vetting and Barring Scheme to register with
- Criminal Records Bureau (CRB) checks will become portable with continuous online updates, and the CRB and Independent Safeguarding Authority (ISA) will merge

- Employers will have greater responsibility to decide safe recruitment processes
- Barring decisions will remain
- It will still be an offence for a barred person to work in regulated activity (that is, activity which involves contact with children or vulnerable adults, in paid or voluntary work) and for an organisation knowingly to employ a barred person in such a role
- Volunteers will not be discouraged from their work because of unnecessary checks.

The Bill currently going through Parliament, so the details may well change over the coming months. It is expected to receive Royal Assent by the end of the current session, which should draw to a close around Easter 2012.

The Bill includes a number of sound suggestions. Making CRB checks portable is one of the most significant for housing

support and care. Once the Bill is enacted, people should need just one CRB check followed by live updates online once employers pay an annual subscription fee. This is very similar to both what the original Vetting and Barring Scheme proposed around continuous monitoring and to the Scottish model³, so would provide greater monitoring than currently exists. We welcome this move, which we endorsed in our response⁴ to the Government consultations.

Another big change is that fewer people will need to have enhanced CRB checks in the first place. But, for now, the system continues, so providers should seek enhanced CRB checks as before. And remember that commissioners and the Quality Assessment Framework (QAF) could require such checks in any case.

It is also right that an appropriate body decides which people should be barred from working with vulnerable groups. This rests

with the ISA for now, though this body will merge with the CRB under the new plans. While the Government wants to remove unnecessary scrutiny of law-abiding individuals, it also wants to limit abuse on children and vulnerable adults. As such, two offences will remain – closely working with vulnerable people while barred from doing so or knowingly employing somebody in this position.

Employers will still have a duty to report to the ISA (or its successor) when they've sacked somebody (or would have done so) because of abuse or significant harm to a vulnerable person. Sitra supported this in our consultation response.

Risks to service users

But the proposals open up some loopholes that might put vulnerable groups at risk. The intention is to shift responsibility over safeguarding onto employers and individuals, rather than the state deciding on our behalf. This may be a laudable aim – and something we should all be working towards, for example, by empowering clients and offering plenty of scope for employees, volunteers and clients to raise the alarm. But giving employers greater responsibility over how they vet applicants could leave clients at risk in under-resourced or inexperienced organisations.

Although we don't know exactly which posts will be eligible for an enhanced CRB check in future, many housing support and care

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providers routinely use such checks in the recruitment process. It would be a great shame if housing support roles were not subject to such checks. But we know that they are not enough by themselves. Employers must also adopt safer recruitment. Some organisations do, some don't.

Many organisations help safeguard vulnerable clients by seeking and probing references before employing applicants, asking for full accounts of absences from work and past offences, and having probationary periods where staff or volunteers are supervised. We need to make sure that these and other safer recruitment practices are widely used. Sitra will continue to promote all such work.

Easier volunteering

This Government has also been concerned that people would be deterred from volunteering because of “bureaucratic” and “intimidating” checks. As Tim Loughton MP, Parliamentary Under-Secretary of State for Children and Families, said: “it's also important that well-meaning adults are not put off working or volunteering with children.” You could read ‘adults’ here too.

This is one of the main reasons for abolishing the Vetting and Barring Scheme – so volunteers won't have to register before starting to work with vulnerable groups. However, if volunteers are carrying out regulated activity unsupervised then the same vetting arrangements apply (for example, the duty on organisation to check barred status). Sitra support this, as there are the same risks that volunteers might abuse people as there are for paid staff. On the other hand, if a volunteer is working in close contact with vulnerable groups but under supervision, then this falls outside the scope of regulated activity and won't need such stringent vetting.

We had concerns that ex-clients would be put off, or barred from, volunteering and working in housing support because of a past criminal record, especially for drug offences. But it is precisely these ex-clients who have turned their lives around and can become great role models, helping to steer others away from chaotic lives. We're

pleased to see that the proposals allow the ISA (or its replacement) to be able to review a barring decision at any time. This compares well with the rigidly fixed timescales for reviews under the existing scheme.

How should vulnerable people be protected?

This all poses a fundamental question about how vulnerable people should best be protected. The ideology underpinning this has been articulated by the Coalition many times, in a number of different contexts, namely that it wants individuals to take greater responsibility.

Sitra thinks it is right that vulnerable adults are empowered to strengthen their independence. In our consultation response,

we stressed the need to take a positive approach to risk, rather than services being risk averse with clients. In this way, vulnerable people can understand where to draw the line with risks, so understand boundaries better.

But we also recognise that a small minority of people will try to find positions of trust where they can abuse vulnerable people. This is why we need a balanced system that provides statutory safeguards but also empowers individuals and employers to take the lead. Housing support and care organisations must continue to train staff to look out for signs of abuse and report concerns.

Our statutory partners, especially social services, must play their part too. With shrinking budgets in town halls across the land, we worry that already overstretched social workers will be pushed even more to their limits. In these situations it will take even longer for allegations of abuse to be investigated, leaving vulnerable people at risk. This puts even more pressure on housing support and care services to safeguard their clients themselves.

Find out more

Read more about the changes to safeguarding in our briefing at www.sitra.org/safeguarding

1. See Adam Knight-Markiegi, 2010, “Safeguarding update”, *Sitra bulletin*, June 2010, issue 235, page 15 and Adam-Knight-Markiegi, 2010, “The Government's review of safeguarding”, *Sitra bulletin*, November 2010, issue 239, page 9.
2. Department for Education, Department of Health and Home Office, February 2011, *Vetting and Barring Scheme remodelling review: Report and recommendations*; Sunita Mason (Feb 2011) A common sense approach: A review of the criminal records regime in England and Wales. Both reports are available at www.homeoffice.gov.uk/crime/vetting-barring-scheme/
3. Adam Knight-Markiegi, 2010, “Taking the high road”, *Sitra bulletin*, October 2010, issue 238, page 15.
4. Sitra, November 2010, *Submission to the reviews of the Vetting and Barring Scheme and criminal records regime*. Available to download at www.sitra.org/vbs_and_crb_response

Sitra training

We are running a half day course on **Safeguarding young people and vulnerable adults** on **4 May 2011** in **London**. See our current training guide for more information or visit www.sitra.org/training

It can also be run as inhouse training. Email inhouse@sitra.org or call our Inhouse Training Officer on 020 7793 4713.

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