

Guidance Notes

Safeguarding & Protection Issues

All Voluntary groups and organisations need to be aware and comply with policy and procedures regarding the safeguarding and protection of children and young people when they are in care of people other than their parents and family. There are similar policies and procedures regarding safeguarding vulnerable adults (e.g. elderly people and those suffering from a disability or mental illness) when in the care of others.

Safeguarding and protection

Safeguarding is a broader concept that includes child protection. Safeguarding is the process of protecting all children from abuse or neglect, preventing harm of their health or development and ensuring that they have safe and effective care, so that they have optimum life chances and enter childhood successfully.

As stated, Child Protection is part of safeguarding and promoting welfare. Child Protection refers to the activity that is undertaken to protect specific/individual children who are suffering, or are at risk of suffering, significant harm.

A complete definition of 'safeguarding and promoting the welfare of children' can be found in the document '*Working Together to Safeguard Children*', 2006 (listed under Further Reading in page 2).

The law

Under the **Protection of Children Act 1999** childcare organisations are required to carry out background checks (i.e. police checks) on potential employees/volunteers for a childcare capacity (i.e. a position requiring direct and regular contact with children).

A child care organisation includes those organisations that provide accommodation, social services or health care services and whose activities are regulated by legislation. These organisations are obliged to refer names of people considered unsuitable to work with children to the Secretary of State.

The background checks are made through the Criminal Records Bureau (CRB) to ensure that the person has not been listed as being unsuitable to work with children.

Organisations need to register with the CRB to be entitled to request criminal record checks. This process involves expensive registration costs, plus the fees for the criminal

records (standard or enhanced). Checks on volunteers are free but they still have to be done through a registered organisation. To overcome the registration hurdle, organisations can group together and register under an Umbrella Body. To find an Umbrella Body near you, you can use the Criminal Records Bureau website search, Umbrella Bodies Search, <http://www.crb.gov.uk/default.aspx?page=349>.

Many organisations that work with children do not fall under this 'regulated' sector, e.g. small voluntary organisations, youth clubs and religious organisations providing leisure and sport activities. However, the Act encourages these organisations to apply the provisions of the Act.

The **Children Act 2004** places a new duty on local authorities and other statutory bodies to safeguard and promote the welfare of children. The Government guidance, '**Working Together to Safeguard Children**' 2006, states that '*Safeguarding children is everyone's responsibility*'. It also states that voluntary and community organisations that work with children need to have arrangements in place in the same way as organisations in the public sector, and need to work effectively with Local Safeguarding Children's Boards. Paid and volunteer staff need to be aware of their responsibilities for safeguarding and promoting the welfare of children, and of how they should respond to child protection concerns in line with the guidance given summarised in 'What To Do If You're Worried A Child is Being Abused'

From the 26th July 2004 all registered care providers are required to check if a care worker (paid or unpaid) is included on the **Protection of Vulnerable Adults (POVA)** list. This statutory requirement covers care homes and domiciliary care. POVA schemes are requested from the Criminal Records Bureau and are known as an Enhanced CRB check.

The **Safeguarding Vulnerable Groups Act 2006**, which came into force in November 2006, replaces many of the current requirements under the Protection of Children Act 1999, the Care Standards Act 2000 and related legislation, and will be implemented over 2 or 3 years.

This Act includes the new **Vetting and Barring Scheme**, which started operating in October 2009. Under this scheme, individuals working in regulated (i.e. any activity, paid or voluntary, that involves contact with children or vulnerable adults) or controlled activities with children or vulnerable adults, whether paid or unpaid, will have to apply to be registered with the ISA (Independent Safeguarding Authority), before they can start the work. Registration will be through the Criminal Records Bureau. It will be an offence for an employer to employ a person, whether paid or unpaid, to work with children or vulnerable adults who is not registered with the ISA, or to fail to check the system. From **November 2010** any paid worker or volunteer applying to work with children or vulnerable adults must register with the Independent Safeguarding Authority (ISA) and organisations must check that prospective employees or volunteers are registered.

New vetting and Barring Scheme:

From 12 October 2009 the current lists of barred individuals will be integrated in two lists, one for children and the other for vulnerable adults. From this date, there will be a new legal obligation on organisations to notify the ISA of relevant information about current or past employees or volunteers who pose a threat to children or vulnerable adults.

From **November 2010** it will be a legal requirement that all new employees and volunteers applying to work with children or vulnerable adults are ISA registered and employers and organisations involving volunteers are legally obliged to check either or not new employees and volunteers are registered.

This scheme will not replace the need for CRB checks, but will enhance the current service provided to employers by the Criminal Records Bureau (CRB). An ISA check will reveal if the person is registered and able to work with children and/or vulnerable adults. A CRB check will reveal if the person has a criminal record.



Please note that the full implementation of the Vetting and Barring Scheme (VBS) has been put on hold in May 2010 and is currently under review. Therefore, ISA registration requirements have been suspended for the time being.

More information about the Independent Safeguarding Authority and the new scheme can be found at, www.isa.gov.org.uk or www.crb.homeoffice.gov.uk

Further Reading

- The Protection of Children Act 1999, A Practical Guide to the Act for all Organisations Working with Children,
<http://publications.teachernet.gov.uk/eOrderingDownload/PoCA.doc>
- Statutory guidance on making arrangements to safeguard and promote the welfare of children under section 11 of the Children Act 2004,
www.everychildmatters.gov.uk/strategy/guidance/
- Working Together to Safeguard Children, 2006
<http://www.everychildmatters.gov.uk/resources-and-practice/IG00060/>
- What To Do If You're Worried A Child is Being Abused,
<http://www.everychildmatters.gov.uk/resources-and-practice/IG00182/>
- Protection of Vulnerable Adults (POVA) scheme in England and Wales for care homes and domiciliary care agencies: a practical guide,
www.dh.gov.uk/en/Publicationsandstatistics/Publications/

- The Safeguarding Vulnerable Groups Act 2006, setting out the legislative framework for the scheme, www.opsi.gov.uk/acts/acts2006/20060047.htm.
- The Vetting and Barring Scheme, <http://www.isa-gov.org.uk/Default.aspx?page=2>

Good practice

Any voluntary and community group providing services or activities for children (e.g. after school clubs, sports and leisure clubs, arts, music and drama activities, youth clubs) should have in place procedures to prevent and deal with child abuse or neglect. A **Safeguarding and Child Protection policy**, as well as child protection procedures to deal with concerns about child welfare are now a requirement by most funders.

A safeguarding and child protection policy should include things such as, a named person(s) to deal with allegations or suspicions of abuse in the organisation, recruitment and selection process both for paid staff and volunteers working with children, as well as a training plan and opportunities to train those in contact with children.

Voluntary organisations should also have a written code of conduct and good practice for working with children, which should reflect the organisation's values in relation to working with children. Children, young people, their parents/carers and workers, should be aware of this code.

Voluntary organisations providing any type of care for vulnerable adults (e.g. elderly people, people with disabilities) should have in place measures to protect and safeguard vulnerable adults when they are under the care of others. A protection policy, a code of conduct and good practice for staff, should be in place and implemented.

Getting a CRB check

The Wandsworth Voluntary Sector Development Agency (WVSDA) is now a registered umbrella organisation with the CRB and can undertake your organisation's criminal record checks. WVSDA runs a clear process where training for your designated staff on CRB disclosures is carried out. We also offer a safeguarding policy and procedures check for organisations based in Wandsworth. For further information contact Clare Chamberlain on 020 88752846, info@wvsda.org.uk. Detailed information will also be placed on our website, www.wvsda.org.uk.

To find other organisations through which you can get your CRB checks done check the Criminal Records Bureau website <http://www.crb.gov.uk/default.aspx?page=349>.

Please note that the CRB does not support portability, under which an organisation accepts a disclosure previously issued to an individual for a post in a different organisation. The CRB states that where a person changes jobs frequently, or needs a disclosure for two separate purposes at more or less the same time, an organisation may choose to use a previously issued disclosure — and it is free to do so at their own risk —

but the CRB does not support it. More detailed information is available on the CRB website at www.crb.gov.uk.

Getting ISA registered

From November 2010, those people who are applying to work or volunteer with children or vulnerable adults will have to apply for ISA registration via a registered or umbrella body, (similarly to what is already in use to obtain CRB checks). For individuals undertaking paid employment, there will be a registration fee of £64 per person - a one off payment which will cover an applicant for the duration of their career in regulated activity. Volunteers will have to apply in the same way as an employee however, will not be charged for registering. Arrangements for those already working or volunteering with these groups will be published nearer the ISA launch.



Please note that the full implementation of the Vetting and Barring Scheme (VBS) has been put on hold in May 2010 and is currently under review. Therefore, ISA registration requirements have been suspended for the time being.

For updates about the implementation of this scheme, check the ISA website, www.isa.gov.org.uk or the CRB website, www.crb.gov.uk.

Where you can find help

The Wandsworth Voluntary Sector Development Agency (WVSDA) can help you to develop a child and/or vulnerable adults safeguarding policy and to identify suitable training for your organisation. You can call the Small Groups Adviser on 020 88752844 or email smallgroups@wvsda.org.uk.

The Wandsworth Safeguarding Children Board also offers advice and training. For more details contact Linde Webber, on 020 8871 8610 or by Email: wscb@wscb.org.uk.

Training

Training on safeguarding children for voluntary organisations is available from:

- Wandsworth Safeguarding Children and Young People, Tel: 028871 7787, <http://www.wandsworth.gov.uk/Home/Safeguarding/Training/default.htm>

Training on safeguarding vulnerable adults:

- A half day Basic Awareness Training in Safeguarding Vulnerable Adults is available free of charge from Wandsworth Adults Social Services, Learning & Development Team, call Elaine Bennett on 0208-871-7788.

Other Training:

- Free Educare training is available for not-for-profit organisations - A four module distance learning programme designed for anyone who comes into contact with children during their work, voluntary or leisure activities. For more information visit, http://www.safenetwork.org.uk/training_and_awareness/Pages/free_educare_training.aspx

The Wandsworth Voluntary Development Agency would like to thank the contribution of Linde Webber, Development Manager at the Wandsworth Safeguarding Children Board and Mick Haggar, Senior Safeguarding Vulnerable Adults Coordinator at the Wandsworth Adult Social Services, for their contribution in the preparation of this 'Guidance Notes'.

If you would like further information or advice on any of the issues in this Guidance Notes, contact the Wandsworth Voluntary Sector Development Agency (WVSDA) on 020 8875 2844/5/6 or Email: smallgroups@wvsda.org.uk, info@wvsda.org.uk.

More Guidance Notes can be found on our website, www.wvsda.org.uk.

The Wandsworth Voluntary Sector Development Agency (WVSDA) provides information, advice and training to assist voluntary and community groups with issues relating to setting up and managing effective organisations. Whilst every effort is taken to ensure the information, advice and support we offer is current, relevant and accurate, it does not constitute legal advice.

