



Campaign Against Vetting

Briefing Document, April 2008

www.manifestoclub.com

The Safeguarding Vulnerable Groups Act, passed in November 2006, will mean a compulsory criminal records bureau (CRB) check and database registration for all adults who work with children – from the boards of charities, to volunteer football coaches and playgroup helpers. Those who do not go on this database will be committing a crime, and both they and their organisation could be fined £5000. The Manifesto Club has been campaigning against the Act since October 2006 – launching a petition, signed by over 1000 parents, teachers and volunteers, as well as individuals including Johnny Ball and Fay Weldon.¹

This briefing document is in response to the government's announcement of a new timetable for the implementation of the Act, and for the formation of the Independent Safeguarding Authority (ISA), the body that will run the vetting and barring scheme.

- **In outline...**

On 1 April 2008, the UK government announced a new timetable for the implementation of the Safeguarding Vulnerable Groups Act; new costs; and new logistical arrangements for the ISA.² It also recently ran a consultation, in which it provided detailed case studies illustrating the way in which the Act will be applied.³

These new documents suggest that the impact of this legislation will be even worse than expected. The new Independent Safeguarding Authority will be bigger, more expensive, and will affect a greater number of people than previously estimated, and the law will be more confusing for the millions of people who will have to abide by it.

¹ A summary of the Campaign Against Vetting's work is at:

<http://www.manifestoclub.com/hubs/vetting>

² See announcements from the Home Office: <http://www.homeoffice.gov.uk/about-us/news/independent-safeguarding-date>; and the Independent Safeguarding Authority: <http://www.isa.gov.org.uk/Default.aspx?page=353>; <http://www.isa.gov.org.uk/Default.aspx?page=354>

³ Safeguarding Vulnerable Groups Policy consultation document

http://www.dh.gov.uk/en/Consultations/Liveconsultations/DH_080437

It is likely, therefore, to have a more corrosive effect on community organisations, volunteers, and other child professionals, making people less likely to want to teach or work with children. The vetting and barring scheme claims good intentions – but in reality it drains scarce resources away from individuals and organisations that work with children, to fund a rambling and costly official bureaucracy.

- **The new Act will affect two million more people than expected.**

Early government estimates of the number of adults who would have to register for the vetting database have been steadily rising.

A Department for Education and Skills (DfES) report in January 2006 estimated that between 8.5 and 9.5 million adults would be affected.⁴ In subsequent months, some government officials used the estimate of 10 million or 10.5 million adults.⁵ Now the government estimates that there will be 11.3 million adults who will have to comply with this law.⁶

The government's recent consultation document also suggested an expansion of the areas of work that would fall under the Act, including: supervisor of a teenager for a Saturday job; a Taxi or bus driver employed by a school to transport children, while children are under the supervision of teachers; driving instructors instructing 17-year-olds.⁷

- **The new scheme will cost four times more than expected.**

The costs of the scheme have escalated way beyond initial estimates. A research paper published in June 2006 estimated that the new vetting and barring scheme would have additional set-up costs of £16.6 million, and annual running costs of between £12 million and £15 million (a total cost over five years of £91.6 million).⁸

The government's 1 April announcement said that the operational costs for the scheme over its first five years are estimated at £246 million – that is, £49.2 million a year, around four times the early estimate. The government now says that the scheme will cost £84 million to set up – over five times the original estimate.⁹

The cost to volunteers and child workers has also increased. Currently a CRB check costs £36 pounds. The government originally proposed an additional cost to join the

⁴ The Vetting and Barring Scheme Policy Briefing Paper, January 2006. Downloadable from <http://www.newcastle.gov.uk/ssacpc.nsf/a/Vettingandbarring?Opendocument>

⁵ See, for example, the notes at the bottom of this Home Office press release, 1 May 2007 <http://www.egovmonitor.com/node/10571>

⁶ Go-live date announced for the Independent Safeguarding Authority, ISA Press Notice, 1 April

⁷ Safeguarding Vulnerable Groups Policy consultation document http://www.dh.gov.uk/en/Consultations/Liveconsultations/DH_080437

⁸ Safeguarding Vulnerable Groups Research Paper, p40 <http://www.parliament.uk/commons/lib/research/rp2006/rp06-035.pdf>

⁹ Home Office, Independent Safeguarding Authority, 1 April 2008

online vetting scheme of £20 – meaning a total cost of £56. Now the government says that joining the online vetting scheme will cost £28 – a total cost of £64, nearly double the current cost of a CRB check.

- **The scheme is launching one year behind schedule – and has encountered data security problems.**

The scheme was supposed to launch in autumn 2008. The new launch date is 12 October 2009 – one year behind schedule.

The primary reason for this delay is concern about data security of the IT system, and the system is currently being tested and redesigned.¹⁰ In an interview with the *TES*, Adrian McAllister, the chief executive of the ISA, said that the delay was a result of the extra work needed to ensure its database was ‘robust’, following ‘concerns about data security’.¹¹

- **There is official uncertainty about who exactly will have to go on the database.**

There seems to be some official uncertainty about exactly what kind of activity will fall under the Act. At a briefing in March 2007, the lead Home Office and DfES officials could not answer the question of whether a lifeguard counted as a ‘regulated activity’, and would therefore need to be on the vetting database.¹²

Other distinctions between those who will, and will not have to go on the database, are apparently irrational or downright unintelligible. People must be vetted if they carried out an activity with children ‘intensively’, defined as three or more days in a 30-day period¹³; ‘frequently’, defined as once a month; or ‘overnight’, defined as occurring between 2am and 6am. These dividing lines are somewhat arbitrary: a two-day activity would not fall under the law, but a school trip with a 5.30am start would.

The recent government consultation document includes case studies that show the legal hair-splitting that will be involved in the implementation of this law. For example, consider the situation of ‘Mr F’:

‘A 15 year old boy has a Saturday job at the local store. The store is owned by Mr F. Mr F has several employees and arrangements exist that one of these employees has, as part of his job, the role of frequently supervising and instructing the 15 year old. Under the SVG Act and the Order the employee who is supervising the 15 year old is carrying out regulated activity and would

¹⁰ Interview with Lucy Chakaodza, communications team, Independent Safeguarding Authority

¹¹ Published in *TES*, interview by Jonathan Milne with Adrian McAllister

¹² Reported in *Daily Telegraph*, 4 March 2007:

<http://www.telegraph.co.uk/opinion/main.jhtml?xml=/opinion/2007/03/04/do0406.xml>

¹³ See the government’s Vetting and Barring Scheme Fact Sheet, downloadable from http://www.whac.co.uk/download/Controlled_Activities.pdf

be required to become ISA-registered. Mr F would be required to check that the employee who is supervising the 15 year old is ISA-registered. In addition any activity which involves on a regular basis the day to day management or supervision of a person carrying out regulated activity is also treated as regulated activity. This means that Mr F is also engaged in regulated activity. If Mr F does not have an individual who permits him to engage in the regulated activity, i.e. an employer, then he is not required to become ISA-registered.’¹⁴

Or ‘Mrs E’:

‘A 15 year girl attends a one week work experience placement in a bank. During the placement, the girl spends an hour with a staff member who teaches the girl how they deal with customer enquiries and complaints. The staff member’s job is dealing with customers and there are no specific arrangements in place for his job to include teaching the girl or other work experience placements how to deal with customer enquires and complaints or supervising them. The staff member is not required to be ISA-registered... However, the girl also spends a week being supervised by a staff member, Mrs E. Mrs E works in the bank HR department and there are arrangements in place that part of her job is to supervise work experience placements at the bank. Mrs E will therefore be required to become ISA-registered.’¹⁵

Such distinctions might (just) be understandable government lawyers, but the government will have trouble communicating them to millions of busy adults who are expected to abide by the law.

- **The organisation in charge of the vetting and barring scheme is bigger and more unwieldy than expected.**

The government’s original title for the vetting authority was the ‘Independent Barring Board’. Now it has assumed the vaguer and more Orwellian badge, the ‘Independent Safeguarding Authority’.

Original estimates were that the organisation would have 200 employees.¹⁶ Now estimates are at least 250 employees.¹⁷

- **In summary....**

¹⁴Safeguarding Vulnerable Groups Policy consultation document
http://www.dh.gov.uk/en/Consultations/Liveconsultations/DH_080437 p13

¹⁵Safeguarding Vulnerable Groups Policy consultation document
http://www.dh.gov.uk/en/Consultations/Liveconsultations/DH_080437 p12

¹⁶ **INDEPENDENT BARRING BOARD CHAIR APPOINTED TO INCREASE PROTECTION OF CHILDREN AND VULNERABLE ADULTS, HOME OFFICE PRESS RELEASE, 30 APRIL 2007:** Home Office press release, 1 May 2007: <http://www.egovmonitor.com/node/10571>

¹⁷ Interview with Lucy Chakaodza, communications team, Independent Safeguarding Authority

The Safeguarding Vulnerable Groups Act will create an unwieldy, expensive child protection bureaucracy. This will do little to protect children, but will instead merely drain the energy and resources of community groups and individuals who want to teach or take care of children.

The escalating costs, scope and size of the government's vetting scheme are a sign that the scheme has no clear rationale. Costs and coverage could well inflate still further. The Act's boundaries are irrational and confusing, and are likely to prove difficult to communicate and enforce.

At this stage, it is necessary to ask again whether this legislation is really in the public interest; and whether there are not more efficient and humane ways of ensuring the welfare of children.

- **Contact:**

Josie Appleton, convenor of the Manifesto Club: Josie.Appleton@manifestoclub.com

The Manifesto Club's Campaign Against Vetting:
<http://www.manifestoclub.com/hubs/vetting>