Out with the Bathwater?

Towards a *rational* vetting and barring system.

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CONTENTS

1. Introduction
2. Vetting is part of overall Child Protection Good Practice
3. Child Protection is part of ensuring children's well-being
4. A History of Vetting and Barring
5. Criminal Records Checks
6. Criminal records checks Dunblane – a Turning Point
7. The Soham Tragedy and the Bichard Report
8. A case history – David Lawrence
9. Frequency of Activity – a sensible measure to guide vetting?
10. Rehabilitation of Offenders
11. Employer Guide or Barring Lists?
12. A Voice for the Child
13. A Disincentive to Volunteering?
14. Local Police Intelligence – the False Accusers' Charter?
15. Who Pays? Exposing burdens on employers, and employees
16. Towards a scheme that puts children first and is proportionate
17. Recommendations

Author profile

Appendix: Flow charts of proposed application system

Link to Online Consultation Process

1 Introduction

This Report is published in response to the announcement in June 2010 that the Vetting and Barring Scheme (VBS), enabled by the ***Protection of Vulnerable Groups Act 2006***, would be reviewed.

Already, in the final days of the previous Government, the Secretary of State had announced that the scheme would be scaled back to remove approximately 2 million workers from the need to register under the scheme from previous estimates of 11 million working in the UK with children and vulnerable adults.

In submitting this Report for government and public consideration, Fair Play for Children is conscious of the damage done so far to confidence in the VBS by constant questioning, misinformation and hostility from some quarters. Our criticisms embrace two Governments and their Ministers, Members of Parliament, lobby groups and the media:

- It is unprecedented for the provisions of an enacted legislation to be modified and set aside without proper evidence or experience of its effects - these changes and hesitations have been rushed through even before a single application for a VBS check has been received, let alone processed, although the creation of the scheme post-Bichard was carefully thought-through and executed.

- The review conducted by Sir Roger Singleton took place in the context of media frenzy and sheer misinformation such that the onus was to find a way of reducing the number of people to be checked as well as safeguarding the vulnerable, two aims which may not have been compatible.

- The media took up issues which, had they researched them properly, they would have discovered that the claims being made were inaccurate – for example, much focus was placed upon the complaints of some prominent authors that they would be required to register even to speak in schools under strictly supervised conditions. The fact is that authors are freelance and thus are exempted from compulsory registration with VBS under the 2006 Act, although they can register voluntarily. This would have meant that schools would have made the check against the Children Barring List at ISA (Independent safeguarding Authority) – being on this List is not dependent on registration with VBS (see later). The alleged concern was spurious. Why were ISA and CRB so silent during all this?

- No regard appears to have been paid to the fact that for an author with a relevant conviction to enter a school would b e a criminal offence as s/he would be in breach of the existing law barring him/her from access to such premises – the views of parents etc that we have polled suggest considerable opposition to such people entering schools attended by their children, a not unreasonable viewpoint. Also the large majority polled that schools should have to consult the barring list on such occasions.

- The views of the original members of the working groups who worked with DfES officials on the VBS after the Bichard Report were not and have not been sought by Government

Ministers ahead of the decisions to modify and then to review the VBS. These were people drawn from the statutory, commercial and third sectors, invited by the DfES, encompassing a huge range of skills, knowledge and experience which we feel should have been consulted prior to any changes and announcements. Likewise, the Consultative Groups from various sectors which have advised CRB and latterly ISA were not only not consulted but remain at this stage largely in the dark. This is poor use of valuable human resource, freely given.

- The handling of this matter has created huge confusion and uncertainty and both administrations perhaps could ponder that this could and should have been handled differently. For example, we responded to the scaling-back proposals from the last Government by suggesting that they could better have followed the experience of the pilot schemes set up in various parts of the country to test release of information about prospective partners – known as "Sarah's Law" after the campaign by Sarah Payne's mother for such information disclosure. Those year-long pilots were undertaken because there was huge controversy when this scheme was suggested and the Government, wisely adopted the pilot approach. Had such doubts existed about VBS, we can see every reason why the Government could have adopted this approach, and why it should do so even now. How can a scheme be described as over-reaction, or oppressive etc and changed even before it has been in operation at the application stage?

- The 2006 Act received broad support on an all-party basis in both Houses of Parliament. In our view it is time for the politicking that has marked the history to date of this scheme to be curbed and disregarded. Whilst we as a third sector organisation are wholly sympathetic to the need to encourage volunteering, we are also quite clear that this must in no way impinge on the primary responsibility to safeguard children from real threats to their personal safety. If, for example, we believed that any relaxation of the scheme towards volunteers tipped the balance away from that primacy, we would be placed in the position that we would find it hard to support volunteering within children's play and leisure projects.

- Very clearly, CRB's research suggests that, for all that is claimed to the contrary, CRB checks have not discouraged volunteering.

- Our findings are that, contrary to claims that such checks lull employers into a sense of false security re child protection, in fact a majority of employers said that they had improved their child protection good practice since starting to require CRB certificates, and a large minority had not decreased such good practice.

This Report will be available on the Fair Play for Children website: www.fairplayforchildren.org for download, no charge, and will be emailed to all Members of Parliament, relevant Government Departments, the Media etc. A response Survey will also be put online via our web site and responses compiled into a subsidiary report. [Online Link at end of Report]

2 Vetting is part of overall Child Protection Good Practice

Fair Play wishes to stress very strongly its belief that such vetting procedures as exist at any time can only be part of a robust and balanced child protection good practice by any organisation working with the young. **Vetting procedures on their own are no substitute for such good practice.** This is true whether it be, e.g. CRB, VBS checks, former employer references, personal referees etc

We also believe that a balanced system which does not impose *unnecessary* restrictions and practices is in the best interest of the child. So, can a child climb onto a playworker's lap for a cuddle after a fall? Of course, if this is in view of other adults on a scheme. A one liner report in the accident/incident book. Can a plaster be stuck on by a volunteer? Yes and a one-liner put in the accident book. Can photos be taken? Yes, but ask kids first, some don't want to be in the picture. We do not want kids or their images locked away to protect them. Should playworkers note changed behaviour in children and share that with colleagues? Yes and record this simply in case there are other issues which arise later.

Should children's activities be restricted because of unfounded fears? No, this is not good for their development. Should people who are known dangers to children be screened out to remove any access they should not have by law? Yes, surely an easy answer.

Can vetting remove those not yet known? Of course not. But nor should activities be restricted simply because of a fear there *might* be someone who has not yet been detected present. Such a person is not barred because they have not come before the scrutiny of the law. The author worked once at GCHQ, activity area not able to be published. His first job, in 1963. The principle could be summarised as "The person you work with, despite our best endeavours to screen, may be a serious security risk we have not detected, who may have been compromised since starting work with GCHQ. Therefore, the area of work you are responsible for must be protected by your actions. That would include not leaving material on your desk unattended, locking material away overnight, not disclosing material or codes to your cupboards to anyone else who is not authorised. Assume the person you are with is compromised and act accordingly." That was not an invitation to paranoia, it was common-sense advice because no one could guarantee otherwise, even if checked.

One cannot lock children away at scheme close (though many playworkers on a bad day have had unworthy thoughts about locking little ratbag in a cupboard .... it's only human!) This means acting to prevent *opportunity*, a key issue to which we will return. Each worker takes on that responsibility re the children they are working with, there is no published formula, it is something that needs to become second nature and good practice. But it does not remove the need to check to screen out people known to be a danger.

We are also now working on a report to be published which will be a resource for those working in play and informal leisure settings. We intend it to be free, online and aimed at providing a sensible risk-assessment based system of Child Protection Auditing.

3 Child Protection is part of ensuring children's well-being

We live in an age where there is great concern and emphasis concerning children's well-being and safety, a situation we cannot criticise when we examine the lessons of the past.

However, despite good intentions and much good practice, it is also clear that there is concern that sometimes those two objectives, well-being and safety, may not be aligned so as to ensure a proportionate and balanced approach to what constitutes the child's best interest.

Fair Play for Children's object is to support the achievement of the Child's Right to Play which is itself one of a range of rights set out in the United Nations Convention on the Rights of the Child, to which the UK, along with most other nations, is a signatory.

Those rights are not separate, mutually exclusive entities, they are interdependent – for example, the right to play is curtailed if there is no exercise of right of free assembly, nor if children are subjected to abusive child labour practices or sexual exploitation etc. Issues of safety and of well-being may often coincide but they may not and then it is always a question of balance.

We oppose unnecessary and unfair restrictions on people, children and adults. So we find the notion of blanket youth curfews troubling, the use of the Mosquito Anti-Teen device wholly unacceptable etc. In proposing changes to the VBS/CRB system, Fair Play has adopted principles where we believe safety and well-being are balanced and where the civil rights of those working with children would be better protected.

Our overall approach to the issues of risk can be found in our publication 'Not a risk-averse society' which exists as a guide for practitioners and can be viewed at:

http://www.fairplayforchildren.org/pdf/1215649914.pdf

This approach is typified by the following extract:

'Stranger Danger'

One of the areas where parents are accused of being risk averse is when they no longer let their children play out, go on errands, walk to school unaccompanied, etc. This is often thought to be associated with illogical fears of 'Stranger Danger'.

All experts agree that there has been no or no significant increase in Stranger Danger. We increasingly know that it is not strangers who pose a threat to children but those the children know. Therefore logically the fear of Stranger Danger should have gone down making us feel safer; instead the fear is rising exponentially. Reality and fear are going in opposite directions.

My observations in residential areas in many parts of the country have shown that where vehicles cannot go through at speed, typically short cul-de-sacs or heavily traffic-calmed roads, or where there are wide verges or communal green space between the houses and the roads, their parents are happy to let their children play out.

Typically they let children as young as two and half or three years of age play on the front step with the door open and gradually as they grow older the children progress to playing next door, then in the road where they can be seen and then travel further afield.

What is interesting is that on the same housing estates where traffic can go through fast, the parents keep the children in. We can therefore discount social class, local rumours of Stranger Danger, the media, advice from schools, or the police, as these are constants. It is therefore the car rather than the fear of Stranger Danger which is forcing parents to keep their children in. Blaming parents whilst doing nothing about the car is futile.

4 A History of Vetting and Barring

The practice of barring stretches back over several decades: for example, the *1933 Children and Young People Act* specified a set of convictions which would bar those affected from working with children on release, such a bar being capable of being lifted only by a decision of a Court at an appropriate level. These have become known as 'Schedule One' offences, and remain relevant in one form or another to this day. The bar is automatic.

During this same period, a procedure was brought into place to enable the Education department to maintain a register of people who were barred for this and other reasons, and this has been known as 'List 99'. This List was administrative in nature – that is, it was run by the Education department, it was 'administrative' not 'quasi-judicial' in nature, decisions were made at departmental level authorised by a Minister advised by advisors who had relevant experience.

Those submitted to the Minister for consideration for placement on List 99, apart from those 'auto-barred' would have been accused of some form of gross misconduct professionally involving a child, the protection afforded to those reported after 1950 by Article 6.1 of the European Convention on Human Rights (due process and independent adjudication) were wholly absent . It is difficult to know what exactly happened during the List 99 period but there are anecdotal stories in earlier times of people being barred for being an unmarried mother (akin to the stories of women being sectioned on similar grounds of 'moral deviance' etc). Clearly, accountability was not at all certain, there was no transparency, and, no doubt despite good intention and high standards, List 99 fell short of an ideal of independent and visible juridicial practice.

A major turning point in the consideration of all child protection practice in the UK was the enactment of the Children Act 1989 – regulation of under fives care was transferred to the Act and a new age category was added, 5-7 year olds with its own standards for regulation. The whole operation put under the control of local authority social services departments, later transferred to Ofsted.

In 1999, a private Member's bill was enacted as The Protection of Children Act 1999, introducing requirements on child care providers to check prospective employees and volunteers against a new list, Protection of Children Act List – POCAL – with the added requirement that they must report to the Secretary of State for Health where workers have placed children at serious risk by their actions or negligence to such an extent that they cannot be employed in such a role any longer. This was mandatory on this category of employer (child care) and thus extensive. The Act allowed for other employers working with children to submit their workers voluntarily for a check against POCAL and to submit reports to the Secretary of State as above. The scheme was integrated with CRB as was List 99 on the launch of CRB in 2002 and checks against both Lists were made automatically. Again, like List 99, POCAL was administrative, thus run by the Minister. The two lists were co-ordinated from the outset.

There were also national variants of these lists so that, by 2002, there were in fact seven barring lists applicable to work with children in the UK. Of course, other lists concerning fitness to work with children exist, often maintained by professional bodies in medicine, social work, care etc. The issue of coordination of such information, of sharing, remains always a major challenge.

5 Criminal records checks

The concept of checking prospective workers with children and young people against criminal records held by local police forces has been in place for many years – for example, the Nursery and Childminder Regulations 1948 made such checks a requirement where the person worked in what we now term child care settings, that is where the children were aged under 5 years. [Note: throughout this Report, the term 'worker' is used to describe people paid and unpaid, and '[employee' applies to paid staff, and 'volunteer' unpaid people. Various Home Office Circulars were issued to control and regulate the use of such checks by local authorities as applied to their workers.

The third sector, barring the under-5's child care settings covered by the 1948 Regulations above where it was mandatory, were not eligible to obtain such disclosures in any circumstances. It is not surprising that there are many anecdotal reports of 'back-door' "clearances" where someone 'called in a favour' etc to obtain unauthorised access to records, including 'soft intelligence' held by the police. That it did happen is certain, as is the fact that this was both illegal and grossly unfair, but there will never be any measure of the extent of this bad practice.

An example of what could and did happen in the Third Sector: apart from alleged 'cosy' and unlawful arrangements for 'back-door sneaks' at police records by friendly officers, there was no lawful means for such bodies to access criminal records information. This meant that all that could be done was to ask the person nicely if they had a record, maybe get them to sign a piece of paper to that effect, and then – no means of checking. An organisation founded by the writer in 1983 to deliver play with a mobile play centre (double decker bus) and set up as a registered charity, started its operations with a team funded by the Job Creation Programme or similar. In the first year, 1983-4, money paid to the charity direct, and people were asked the relevant questions. In the next year, the government decided it would be more efficient (we sppose) if all such grants to local third sector bodies were administered via their County Council. New workers had to be recruited (one year maximum) and so a new team was brought in, including Christopher Bell.

We had the choice to see the candidates County sent to us, and people were duly asked the requisite question, verbally. There is some dispute as to whether Mr Bell was asked. But this is irrelevant for, if an applicant knows we cannot check, anything can be said. Mr Bell was duly appointed, and we had the 're-assurance' of the fact that the County Council *could* access criminal records, which they did, of course, for their own education, social services and youth work jobs. Mr Bell also gave references that he worked as a volunteer with a children's charity which took disadvantaged children away e.g. for camping weekends, and Mr Bell would help with this work, staying with children on-site.

Six weeks into his employment, I came out of a liaison meeting attended by the Area Manager of Social Services who also was the Keeper of the County Child Protection Register. He advised me privately that we had 'a problem' which if unresolved would mean there could be no future dealings between County and the charity. He advised me to get every employee to sign a declaration about previous convictions, which we did next day – and Mr Bell was unable to do so. It then came to light that he had a conviction for assault on a ten year-old boy from four years before in another County

and thus was unable to work with children because he was statutorily barred from doing so. I cannot reveal all about this case known to me, but we did suspend the man at once so we could investigate the situation, he appeared to co-operate but said it had all been a misunderstanding and that he only confessed to the allegations because of difficult circumstances domestically etc.

What I learned alarmed me for many reasons. It's worth recalling the general climate of trust that existed in those days, and if since we have learned to be more sceptical, then it is situations like this, repeated too many times, that have led us to take a less trusting stance – and rightly so.

Bell's offence was opportunist (a crucial thing to understand about paedophilia) – driving a car during business, it was hit by stones being thrown by a group of boys, he stopped, got out, went to one of them, pulled out a photo ID card and said that he was a policeman. The card was provided so he could enter military establishments in the course of his work as a carpet salesman, yet he had the presence of mind to use a spontaneous event to bring a child into a situation where he could assault the boy. My facts are taken from his statement to the police at the time of the offence which he made available to me.

He was aware that to apply for a job as he did was an offence, as was not to reveal the offence to an employer in such a circumstance even if not asked. The key issues here were that there was no system of sharing, that there was no means for an employer to check and no means to consult information on barred status, and no obligation on the employer to do so.

There are other matters which arise and are important general child protection issues – for example, staff and volunteers after the matter came to light shared information they had come across in their dealings with Bell, which might have given cause for concern had they been shared earlier. The details are the part one cannot disclose, but I can say that after this event and post-analysis, many strands were created which foreshadowed the subsequent debate on child protection good practice within the charity and beyond.

One other issue came to light –the County Council had the means to check people in such work, and did so for similar permanent jobs of their own. However, despite the nature of this work with children, the Council sent Mr Bell and others to us as if manual workers, with no checks.

An aftermath – it will be recalled that Bell told us of his previous 'good works' with a charity. He had given me the name but in line with employment records practice, the details were erased after a while and when it occurred to me to think about this, we had no means to trace them – until, that is, 4 years later when a fortuitous search for information about Fair Play in a charities directory brought up the details of the organisation, let us call it "Nice Trees for Poor Children" and a contact address for its Honorary Secretary, "Mrs Nations". I phoned this good lady, asked if such a gent had been a volunteer with them. "Oh yes, Mr Bell. ***Yes, he's still with us.*** Much appreciated volunteer. " etc.

There is that marvellous Australian expression "about as welcome as a rattlesnake in a lucky dip" and I have never encountered before or since a better example of its appropriateness, because "we are all very nice people here". Did they run background checks on people? No, there was a level of trust with volunteers .... So, the response, what would they do about it? "The Trustees will have to speak with our Solicitor" – of course, they could afford one ...

This story is given to remind us of various issues, such as what could happen before there was access to criminal records information, that Bell was opportunist. I will also repeat what colleagues agreed after his offences came to light – he was a most plausible, charming, child-orientated, almost child-magnetic person, no dirty mac in sight.

We can trace Fair Play's commitment to safe play embracing not just playground safety surfaces *et al* but also what is now known as child protection from that time, and we soon found enough similar experiences and concerns with other Fair Play members to decide that there should be a Fair Play Child Protection in Children's Play and Leisure Programme as one of our main projects from that time onwards. Such is the culture change that we have all had to embrace that in subsequent membership surveys, this aspect of our work has been given the highest rating of priority every time.

In the early 1990s, discussions were held with third sector organisations and as a result, the Home Office sanctioned three pilot schemes, one at local level (Dudley), one at County (Lancashire) and one at national level, called the Voluntary Organisations Consultancy Service (VOCS) administered by a unit based with the National Voluntary Council of Child Care Organisations, NVCCO (now known as Children England). VOCS was governed by a specific Home Office Circular and, in the main, the participating bodies, including member organisations of NVCCO, checked only their own workers (e.g. Barnardos)..

[Fair Play focus] *During the period leading up to the creation of VOCS, member organisations of Fair Play for Children had been raising issues and concerns re the need to obtain criminal records checks with the national organisation, in some cases following serious incidents, including Christopher Bell.*

This convinced Fair Play that every effort had to be made to raise this issue with government and to develop model policies and good practice advice to member and other groups. It was recognised from an early point that (a) such checks were of huge importance to prevent convicted and barred people from gaining further access to children and (b) that such checks could only a part of an overall good child protection practice.

It was at this stage that we negotiated entry into the VOCS scheme, which was not easy given the 'umbrella' nature of our organisation, and given the obvious fear at VOCS that we might overwhelm the service. In that sense, Fair Play for Children may well have been the pioneer Umbrella Body later a feature of the CRB system. In order to run the scheme with our member groups who wanted this service, each had to (a) sign a specific agreement with Fair Play and (b) appoint a Responsible Officer who would handle all matters at the group such as maintaining secure and confidential systems, 'need to know' and checking of applicant identities.

In the period from 1994 to 2002 Fair Play undertook several thousand such checks through VOCS for a large number of groups, almost certainly 7,500+ applications which would have constituted a fair proportion of all VOCS checks undertaken. The experience gained from participation in VOCS meant that when CRB was introduced, we were well-equipped to undertake this work and our system of agreement-Responsible Officer-database has continued with minor modification since. Our last VOCS application was received on 27th February 2002 and we received our first CRB application on 27th June that year.

VOCS enabled participating bodies to send in completed/signed applications from prospective workers, these were sent from the participating bodies to the VOCS unit which then checked them and sent them onto the relevant local police force which would then look at its records re convictions and also consult intelligence, if any, on the applicant in question. A VOCS certificate would then be issued by the police force, sent to VOCS which would send it onto the scheme body, in our case, Fair Play. We had options as to whether we would advise the member organisation of the result or send it to them to consider. As we were not the employer, it was not considered to be our role to make such Go-NoGo decisions, as selection and appointment of non-Fair Play workers were not within our purview. We considered the VOCS system to be background information for employers to help them make employment decisions.

VOCS did not provide copies for workers themselves, and there was little in the way of guidance re the use of 'soft intelligence'. (Our practice was to advise groups to show applicants the resulting certificate so they could raise any objections re accuracy etc along with other references.) The service made a charge for employees (?£10 as the author recalls) and no charge for volunteers. *Fair Play, as an umbrella-style body, made an administrative charge, £3.* We are not certain as to how many cases there were of soft intelligence being released, but Fair Play certainly experienced a major example where there were many important ramifications for the future operation of such systems in such circumstances. [More of this later].

The three pilots had a limited existence and evaluations were held. The local and county pilots were not continued and the evaluation of VOCS by an academic was not very favourable, stating that it was doubtful voluntary bodies could use it properly because of poor internal procedures. Fair Play disagreed profoundly with the logic and evidence, taking the view that, if such practices were so poor, all the more reason for a VOCS-style system.

6 Dunblane – a Turning Point

"The **Dunblane massacre** was a multiple murder-suicide which occurred at Dunblane Primary School in the Scottish town of Dunblane on 13 March 1996. Sixteen children and one adult were killed by Thomas Watt Hamilton, before he committed suicide." [Taken from article at http://en.wikipedia.org/wiki/Dunblane_massacre which covers various aspects of the tragedy]

Dunblane is a key moment in the understanding of the challenges relating to vetting of those who work with children. The Government commissioned an independent enquiry under Lord Cullen and the subsequent report included sections relating to the regulation of firearms and to the regulation of work with children. The full report can be read at: http://www.archive.official-documents.co.uk/document/scottish/dunblane/duncntnt.htm and the relevant section on such work: http://www.archive.official-documents.co.uk/document/scottish/dunblane/dun11a.htm

In his recommendations, Lord Cullen concluded***: There should be a system for the accreditation to a national body of clubs and groups voluntarily attended by children and young persons under 16 years of age for their recreation, education or development, the main purpose of which would be to ensure that there are adequate checks on the suitability of the leaders and workers who have substantial unsupervised access to them*** (paras 11.21 and 11.29-11.39).

Acting on Cullen's recommendation, the Government set about creating an appropriate system to meet the specification set out by him, and there was a considerable degree of consultation over what was a radical development. The result was the Criminal Records Bureau (CRB) which was established to create a system of checks at various levels whose purpose was *not* to bar people from such work but to **provide information to employers which would assist them in making recruitment decisions.**

Three levels of CRB Disclosure were to have been created:

- **Basic** – containing only past convictions as revealed according to the Rehabilitation of Offenders Act 1974, a key item of legislation in this context as will be seen. Thus 'spent' convictions would not be shown.

- **Standard** – containing all convictions, including those otherwise 'spent'.

- **Enhanced** – as Standard but also including local police intelligence released by the relevant police force where this was regarded as appropriate in the circumstances.

The Standard and Enhanced levels were brought into existence with the launch of CRB in May 2002. The Basic level has never been introduced and it seems unlikely that this will happen. Instead, the former system of Subject Access Check has continued and even developed. This enabled anyone to ask their local police force to provide them with such a check outlining their convictions (but not 'spent' ones). Nor would it contain the perhaps all-important local police intelligence.

From the outset, bodies like Fair Play advised their members that Enhanced checks were the only acceptable level for those with substantial access to children and in recent times CRB itself has stopped accepting applications for Standard Disclosures for those working directly with children.

A key feature of the CRB system was the creation, for the first time in the UK, of a National Criminal Records system, housed on computer and accessible by the CRB. All convictions were to be recorded on the system and any applications for Standard and Enhanced disclosures would be checked against this system. In the former case, the CRB would disclose what was on the system, in the case of the latter, they also would seek from each police area where the person had lived in the previous five years any local police intelligence held and which a duly authorised officer felt was appropriate.

Another key feature was the requirement on bodies seeking checks, for themselves and/or other bodies, to adhere to the *CRB Code of Conduct*, and to specifications about security and keeping of confidential records and also concerning employment of ex-offenders – this latter issue was regarded as of significance so that there would be fair consideration of ex-offenders wishing to work with children especially in the light of there being access to 'spent' conviction records and local police intelligence.

The CRB system also was able to access various barring lists such as List 99 and POCAL in the case of children and a Disclosure Certificate would contain information about all convictions, barred status and local intel (which might be the subject of a separate letter whose information would be subject to the strictest controls).

The system is governed by the 1997 Police Act and there is detailed guidance for police forces: "**Criminal Records Bureau: local checks by police forces**" issued as a Home Office Circular [http://www.homeoffice.gov.uk/about-us/home-office-circulars/circulars-2005/005-2005/]

There were and are other important features about CRB disclosures:

- They are a record provided at a certain date, a snapshot, and the disclosures are not updated by CRB. Instead CRB has recommended they are renewed once every three years, which provides a further burden to employers of administration and cost. [There has been talk by CRB of introducing a form of updating service but this remains at this time a development issue so far as the field is concerned.]

- No charge is made by CRB for checks made on volunteers (though bodies processing checks for employers will add their own administration fee). However, there is no government grant to CRB to cover the cost of these and in fact the cost is borne by all employers in the fees they pay for staff checks. Fair Play estimates this may be as much as 25% of the cost of an enhanced check as charged by CRB. Our estimate is that the value of this free element annually, via the CRB fee structure, is around £31 million and that employers pick it up in charges for paid staff. From the outset, the Government made it clear CRB should not make cost demands on it, and that has remained its position.

- There is funding from Ofsted to cover the CRB costs of child care and other groups required to register under Children Act provisions and whether this is paid for in the registration

charges made by Ofsted, we are not sure.

- The CRB has published impressive figures concerning the number of people blocked from access to children and vulnerable adults since its creation. All of those blocked were viewed as posing some level of threat if they had access, some were barred by statute, others were on the various barring lists, and a few were the subject of local police intelligence. Opponents have attempted to discredit these results but they are robust, and it is reasonable to conclude that children have been kept much safer in such environments as are subject to these checks .

- The advent of CRB and its services has created the basis for an entire, and very healthy, new attitude towards child protection in such settings. Gradually, the sense of using the Disclosure Service has spread so that what was not so long ago novel in the Third Sector is now, for many organisations, 'second nature'. In that regard, the criticisms voiced re VOCS above concerning the Third Sector have proven unfounded**. But it has to be remembered that, in most situations, the use by employers of CRB Disclosures is their choice, and that it is, at root, a tool for employers in the employment appointment process.**

- Mention in the unsympathetic media has been made recently of the cost to Third Sector bodies of CRB disclosures. There is a cost where employment is concerned, these costs are born by employers and also those Umbrella Bodies and Registered Bodies providing checks for others make their administrative charges on top. However, similar moans were heard in the early days of fire precaution and health and safety legislation. No one now expects to be exempted from such requirements nor from resultant expenditure, this is now taken as axiomatic, another cultural shift over recent decades.

7 The Soham Tragedy and the Bichard Report

The success or otherwise of CRB has always been dependent on the key issue arising from Cullen, the need to share information appropriately. The creation of a national computerised criminal records service, the referral for local intelligence for enhanced level checks, the linking with POCAL and LIST 99, all this created a new safeguarding potential. With over 40 Police forces in the UK, such co-ordination was critical, and a great deal depended on the operation of the unit in each force set up to deal with checks – this included attitudes to the work as well as funding and priority.

That there are better and worse performers is obvious, how big the gap is not published even if known, although there are CRB statistics which are relevant, and we also know that conditions vary immensely between forces. This writer is aware of the situation in a child protection unit in a force, some years prior to CRB, where the officer in charge described to me frankly what status the work had had prior to a shake-up. It had been staffed by officers who couldn't do the job of a police officer was his view, a 'cop-out' (if that is an appropriate term ....). Low status, seen as a nuisance requirement, not 'real' police work. Which all changed as that force emerged, thanks to the changes wrought by that officer and his colleagues, as an early and very creditable 'force' for child protection and the concomitant requirement to work with others across sectors was part of this.

The murders of two girls, Holly Wells and Jessica Chapman, by Ian Huntley in August 2002 prompted, just a few months after CRB's inception and six years after Dunblane, an urgent public concern that such an event could have occurred so soon. [Summary of story: http://en.wikipedia.org/wiki/Soham_murders] The Inquiry by **Sir Richard Bichard** came to serious conclusions about failures by two police forces to share and supply information and to keep crucial information on file. Huntley was not checked against the CRB system in his job as a school caretaker, it was clear there was substantial local police intelligence re very serious and repeated allegations about rape, attempted rape etc and that these were not shared, or picked up by the school because of the failure to seek a CRB check. [The Bichard Report is available at: www.bichardinquiry.org.uk/10663/report.pdf&pli=1 in PDF downloadable format.]

Bichard made a key recommendation re vetting which is reproduced in full:

New arrangements should be introduced requiring those who wish to work with children, or vulnerable adults, to be registered. This register – perhaps supported by a card or licence – would confirm that there is no known reason why an individual should not work with these client groups.

The Bichard Inquiry – Recommendations for action. The new register would be administered by a central body, which would take the decision, subject to published criteria, to approve or refuse registration on the basis of all the information made available to them by the police and other agencies. ***The responsibility for judging the relevance of police intelligence in deciding a person's suitability would lie with the central body.*** *The police, as now, would be able to identify intelligence which on no account should be disclosed to the applicant..*

Employers should still decide, based on good selection procedures, whether or not the job required the postholder to be registered and should retain the ultimate decision as to whether or not to employ.

The central body would have the discretion to ignore any conviction information judged not to be relevant to the position in question.

Individuals should have a right to appeal against any refusal to place them on the register and that right should be exercised before any information is made available to a third party.

The register should be continuously updated and available to prospective employers for checking online or by telephone.

The register should be introduced in a phased way, over a period of years, to avoid the problems associated with the introduction of the Criminal Records Bureau (CRB).

The DfES, in consultation with other government departments, should decide whether the registration scheme should be evidenced by a licence or card (page 154).

Responsibility: The DfES, the Department of Health and the Home Office

HMIC should develop, with ACPO and the CRB, the standards to be observed by police forces in carrying out vetting checks. These should cover the intelligence databases to be searched, the robustness of procedures, guidance, training, supervision and audit.

Thus, it is quite clear that Sir Richard recommended the establishment of a body, to take on the task of registering those who wanted to work with children, and vulnerable adults. **The Government accepted this in full, no equivocation, and the basis for a post-Inquiry process to establish this system was put into gear.**

This writer served on a departmental working party along with colleagues from the statutory, commercial and third sectors, tasked with establishing the Bichard mechanism which ultimately resulted in the **Independent Safeguarding Authority** and the **Vetting and Barring Scheme.**

Initial thinking also covered the idea that such a scheme could be integrated with a national identity card scheme (which would have been consistent with Bichard's recommendation), so that one's ability to work with children would be recorded on that medium. The idea was soon sidelined. One of the first and major realisations was that the task recommended by Sir Richard was immense and unprecedented – estimates climbed as to the number of people who might have to be registered and the figure of 7 million grew, added to by the number of people working with vulnerable adults.

Frankly, DfES officials and working group alike were appalled at the prospect of the active registration of so many people. Allegations have been made by politicians that the scheme was not well thought-through. In this writer's view, that remark is far better applied to the person who made such a statement, obviously in sheer ignorance of what was done to put Sir Richard's clear recommendation into effect and law, on the basis of the Government's full acceptance of Bichard. If Sir Richard has since been quoted as saying it all went too far, then we should look back at what he recommended.

In my view, it was a tremendous insight to realise that, instead of creating a list of 11 million plus registered to work with children and vulnerable adults, it would make more sense to create lists of those who could not work with them, a vastly smaller register of some thousands, and that, in fact, is what was developed, and is not what Bichard recommended which was a herculean task.

The basis for the new VBS became the existing Lists and the statutory bars to employment created by e.g. conviction status. Many aspects of Bichard's recommendations are directly covered by the VBS scheme, and sound work was carried out to ensure the CRB and VBS schemes worked in tandem and on a one-stop-shop basis – e.g. there is to be a single form for CRB and VBS application, run by CRB and run through the existing network of Registered and Umbrella Bodies. [It actually is simpler than the existing CRB form in my view!]

So, there has been established two new Lists, the Children and Vulnerable Adult lists, and those on the existing POCAL and List 99 have been 'migrated' to the two new lists. I understand that those on the old Lists were to have been contacted to ask whether they wished their inclusion on the new Lists to be reviewed. As to whether, when and how this occurred I have been unable as yet to discover, also re the results.

The VBS is run by CRB, ISA maintains the Barring Lists, and so the relationship is that applications are to be made to CRB, and an VBS check is ticked if required, as well as an Enhanced CRB Disclosure.

The whole process was legislated as the ***Protection of Vulnerable Groups Act 2006*** and this Act was fully supported, carefully debated and overwhelmingly supported in both Houses of Parliament. The scheme has some key and important features, apart from integration with the CRB system:

- It is being introduced in phases as recommended by Bichard, up to 2015 (but this is now in doubt due to recent government moves)

- In one regard, it departs from Bichard: "*Employers should still decide, based on good selection procedures, whether or not the job required the postholder to be registered and should retain the ultimate decision as to whether or not to employ."* VBS goes against that, the decision is removed from the employer, and it is a sound idea because the VBS is based on the system of barring, as opposed to fitness to undertake work. Only after such a check about barring has been made should an employer consider an applicant, and, of course, only if they are shown not to be barred. This is simple and common sense, the employer has no legal discretion to consider a barred person and the applicant no business to apply if barred.

- The **Vetting and Barring Board** of the **Independent Safeguarding Authority** is a quasi-judicial body, its decisions can be appealed in the higher courts on points of law and of fact, and thus it constitutes an entirely different basis for handling of barring than the old administrative POCAL and List 99.

- One of ISA's functions is to update the Lists which are added to/modified by statutory barring situations (auto-barring) such as relevant convictions, and by referrals such as from employers who now have a mandatory duty of report to ISA actions by employees that made impossible their continued employment working with children.

- The quasi-judicial nature of ISA requires that its work observes the demands of 'due process'. The previous schemes of List 99 and POCAL would have had difficulty in being squared to such demands. These are expressed clearly in Article 6.1 of the *European Convention on Human Rights* which is generally quoted as right to a fair trial in criminal

cases. But it goes further: the determination of the civil rights and obligations of people are also covered. In this crucial and important regard the ISA system represents a major advance, so that those who are being considered to be added to the Barred Lists have an independent quasi-judicial framework which was not present with List 99 and POCAL etc.

- **The Vetting and Barring Scheme is NOT a resource to aid employers in making safe recruitment decisions (the nature of the CRB), it is a system for preventing, by statute, barred persons from working with children and vulnerable adults.**

- All work with those groups is now covered by the 2006 Act and not just education and child care as with List 99 and POCAL. Where it applies, the employer has no choice as to whether or not to check the appropriate Barred List, it is mandatory. And a Barred Person commits an offence even to apply for a post involving the category from which s/he is barred. The exceptions for the employer are based on frequency of the activity in which the person will be participating. The recent changes under the last Government reduced the frequency requirement to once a week or more. Fair Play has argued this is a flawed decision and that it places children at risk.

- The Act applies to employees, but, unlike CRB where free-lance people could not obtain CRB checks, the VBS has provision for free-lancers to obtain registration on a voluntary basis. This is an improvement but Fair Play can find no logic in excluding them from the mandatory process especially as the VBS is about barring as opposed to being a resource to help employers make safer recruitment decisions.

  If we take the much-vaunted issue of outraged authors visiting schools we find that (a) they do not have to register mandatorily in order to work in schools (b) but if they do not and are Barred then they commit an offence so (c) it is a professional decision to be made by authors. However, Fair Play takes the view that schools ought to have to run a check via VBS online, a matter of minutes and no charge. [From the outraged protests of those authors which helped , with other things, lead to recent changes, one would think this was a class of person somehow naturally exempt from having 'nasty types' in their ranks. The following link may suggest otherwise:
  http://www.fairplayforchildren.org/index.php?page=HTML_News&story_id=4743]

The often-overlooked point is that Bichard reported a relatively short time after Cullen, and both reports have as a common central them e the overriding importance of the collation and sharing of information. CRB aims to achieve this, and is an improvement over what went before so far as information available to employers in all sectors is concerned. But Bichard, in effect, identified a flaw i n the CRB system and his recommendations, which were translated into 2006 legislation and the subsequent implementation of this, attempted to deal with the shortcoming.**That is, a register which has MANDATORY implications for employers and employees.**

With CRB, unless there is some other regulatory requirement (such as with child care) or perhaps sector good practice (e.g. sports bodies requiring affiliate bodies to undertake CRB disclosures on workers), it is a choice for the employer to make. Recently the Charity Commission has criticised a

board of trustees who knowingly chose not to get a CRB enhanced check on a colleague, although his record was known. We come across the "but we all know each other here, we are all respectable people" less often than we used, but it's still there to some degree. This is all well and fine – until it goes wrong and children are hurt. That is the lesson of Soham.

Perhaps the introduction of the VBS could have been better handled from the outset in terms of promotion. Certainly, in our view, the CRB and ISA could have been more pro-active especially in tackling the ill-informed criticism which ultimately has affected the thinking and decisions maybe of Ministers and senior politicians. The implementation has so far followed Bichard's phasing approach, but with such a radical development, we have put it to Ministers that, had they had doubts, they could and should have used area pilots. The VOCS era did so, and many lessons were learned there re CRB. More recently, and better known, were the 'Sarah's Law' pilots to test a programme where prospective marital/other partners could check records concerning their intendeds as regards child protection. This idea drew many organisations etc to express doubts about its propriety, fairness, that it could be run without vigilante activity as a result of leaking of information etc. The several pilots showed that these doubts etc have not been well founded and that there has been child protection benefit.

Fair Play would argue that, if there remains such doubt about VBS, and if a modified scheme is approved, it should be subject to pilot status so that eventual national roll-out is secure and soundly-based. The current situation permits such a pause.

8 A case history – David Lawrence

In the period since Fair Play has been undertaking disclosure work on behalf of member organisations, under VOCS and CRB regimes, we have amassed much experience. We had a pilot project attached to one of our member organisations in West Sussex. Prior to VOCS they pioneered a system with the keeper of the Child Protection Register so that prospective workers could complete and submit a form and the pilot would receive a written Go/No Go notification based on the keeper's consultation of the register. This was effective but not rolled out as it would have involved separate discussions with every local authority social services with no guarantee of consistency and uniformity.

Additionally, other information might come their way – tellingly, for example, a GP asked about the health capacity of a prospective worker phoned 'off the record' to tell this author that the person was known to him, but not the police, as a paedophile. Breach of confidentiality – yes. 'Soft intelligence' certainly.

Both with CRB and VBS, the issue of the use of local police ('soft') intelligence (LPI hereafter) has been one of the most controversial issues. Claims of people writing anonymous letters and getting people persecuted or even sacked because of one letter to the police have been made about VBS (even though it was not operating!), and we will see later that this is far less likely to happen than feared or claimed.

LPI features both in the CRB Enhanced Disclosure and in VBS. On receipt of application, local police forces appropriate to the applicant in the previous 5 years are contacted by CRB and asked to forward any LPI. It is then for an authorised Officer to release, as appropriate, such LPI as is judged to be relevant. Collection and treatment of LPI by police forces is subject to published ACPO guidance.

With CRB, that release is to the Umbrella or Registered Body and its handling thereafter has to be as directed by the police. So far as we understand, with VBS, LPI will be looked at in terms of consideration of barring which takes the matter away from employer decision. This change is important and will form the basis for a recommendation re the future of both systems.

At this stage, we want to look at a single case which for us illustrated the strengths and weaknesses of systems in place at various times.

We came across the case of David Lawrence in 1997, when a youth soccer league in Bristol asked if they could join Fair Play. One of their Officers had connection with us via a Bristol play organisation for whom we undertook VOCS checks. He felt strongly that such good practice ought to be in place within his league. But at that time, there was no CRB (5 years away), no legal access to any checks at all by the voluntary sector anywhere (bar VOCS).

One of the factors encouraging his drive was a landmark TV exposure of the dangers faced by young people in football. Channel 4's documentary on youth coach Barry Bennell was an eye-opener. All the classic issues – non-sharing of information and concerns, and an 'image' re football (as the Chairman of Manchester City said when matters were revealed to him: "Well who'd have thought it,

football is such a manly game" ....). Bennell's regime of seducing boys (often using boys already seduced and with promises of advancement etc) was exposed on a trip to the US, and he served 3 out of 4 years. When he returned, he faced 45 charges and was convicted on 23 for which he received a custodial sentence of several years.

http://www.independent.co.uk/news/boy-soccer-players-being-put-at-risk-1284592.html

http://books.google.com/books?id=LztXVyygQBoC&pg=PA56&lpg=PA56&dq=barry+bennell+football&source=bl&ots=lnWKA1A0_2&sig=dQOCu8FTq9zarCS7fG3QURtZce0&hl=en&ei=jqJDTOrVLon-0gSq85GkDw&sa=X&oi=book_result&ct=result&resnum=10&ved=0CEYQ6AEwCQ#v=onepage&q=barry%20bennell%20football&f=false

http://archive.thisischeshire.co.uk/1998/2/26/242189.html

At Fair Play, we took a decision that, as sport is part of children's recreation and thus covered by Article 31 of the UN Convention on the Rights of the Child, we should agree to the league joining Fair Play. Their first batch of VOCS applications was for 50 referees and coaches in the league. Many of these were long-standing servants of the league, all peer-trusted and with substantial access to children, and active for several years, in some cases over one or even two decades.

As with the vast majority of checks with CRB and VOCS, 49 came back as 'not known' and no LPI. But one, David Lawrence, proved quite another case. The frequency of release of LPI under VOCS is not known to us, but we suspect there were few such instances. In Lawrence's case, VOCS contacted me as Fair Play's Responsible Officer under that scheme to tell me a letter was on its way from the Deputy Chief Constable of Avon and Somerset Police and that it concerned LPI and that I had to observe carefully instructions about its forward disclosure.

It contents concerned David Lawrence, connected with the said youth league and expressed deep concerns about his access to young people. There had been numerous complaints and reports but none had been able to be processed to trial and conviction. Lawrence had vigorously maintained his innocence (and later I was told informally he had even taken civil action against the force for harassment etc).

This experience throws up a deep concern about LPI as used with VOCS and CRB, that it is given to employers ultimately to evaluate it and make employment decisions. The ethical, practical and legal ramifications are enormous, the scope for injustice and denial of rights also very considerable. In this case, without precedent or help I had to convey this information, as permitted, to the league and it may be guessed that this came for them like a thunderbolt. A trusted colleague of several years, and they have to make a decision about his status with the league.

I took the view that their first duty was re the welfare of the child, and, however regrettable, other issues took second place. When I told our league contact, I had to say I could not pass on the letter and that I could only convey that there was a serious problem following receipt of a letter from Avon & Somerset. My advice was that they might adopt a policy of suspension until both Lawrence and the Police could show agreement re the matters in the Deputy Chief Constable's letter. One factor

which encouraged this was the fact that the police had copied the letter to me directly to Mr Lawrence. The league officers took my advice and he was suspended.

18 months later, David Lawrence was convicted on 9 out of 12 specimen charges of offences against boys.

I found out the following:

- The offences took place over several years
- They occurred in league settings and also in the shop he ran
- 3 of the charges were dropped because the boys concerned could not go through the ordeal
- He had been "shielded" by a 13 year old boy with whom he was living ('rent boy' is not a term I want to use with a child of that age, but so he was described to me).

So, in this case at least, we can look at LPI and say that, when shared, it was both accurate and effective. Later we'll be describing the control of LPI in the present time, of the standards employed. But at that time, a valuable lesson was learned, backed by Cullen and by the Channel 4 revelations re Bennell.

Lawrence served a custodial sentence and was released in November 2002. At that time, the Football Association had not implemented its CRB scheme which indeed took until the following autumn to come into effect, and by the following March Lawrence was involved with another local youth league, affiliated to the FA but not in membership of Fair Play. It took the FA and others a Court Order to restrain Lawrence.

At around that time, I was contacted by the brother of a man who had been abused as a nine year old by Lawrence on a trip to the Isle of Man in 1975, offences Lawrence did not disclose and for which he was tried and convicted. It was a harrowing letter.

I want here to dwell on the damage such a man can, and has done – the contact I had with the victim's brother was that his brother's life, his confidence, his relationships, were blighted by this man to a terrible extent. It is, in my view, lame for anyone to try to undermine the work that is being done in preventing people like Lawrence gaining access to children on the basis, as is constantly claimed in some quarters, that this is all 'over the top' with regard to the tiny numbers of children affected. Such excuses are simply unsustainable. Who says that about fire safety and children?

But I also want at this stage to indulge in a numbers game: how many serial paedophiles and what constitutes 'serial'?

With David Lawrence, we know of there being several over the years, Bennell 23 out of 45 charges proven (but charges can also be serial offences involving one or two victims). Other cases, some in other countries such as the US and Australia

Name	children	period/venues
Anthony Barron	89	1995-2006
Peter Lander-Jones	50	9 countries

Raymond Horne	14	+ more	
Robert Dunn	9	?	
Paul Goldsmith	20	1976-1987	
Jason Hoyte		20 years	
Barry Bennell		1970-1992	soccer school convicted 23 offences
Lawrence Murphy	200	1950-1974	
Clarence Osborne	2500	20 years	

Without support risk is 60% of re-offending after release

The periods over which offences may be committed is worth careful note. I do not think it too fanciful in the least to speculate that there will be e.g. 200 serial paedophiles who have committed offences against 50 children each over 20 years. That is 10,000 children. Where these people become known, then barring is an effective measure. Of course, even with known paedophiles, we are never sure as to whether or not they have disclosed all their victims, and the victim tally, known and unknown, surely runs much higher.

As to why victims do not come forward, especially whilst still children, enough has been written on this, suffice it to say that there is sound evidence as to why.

Much is made in some quarters of false allegations against e.g. teachers, and, for sure, this does happen and is distressing and damaging to people's lives. But it is no justification to undermine and downplay the need for a barring system which is fair and balanced.

The case of David Lawrence has been instructive, and since 1997, many organisations have changed their culture. We do feel that some, like the Football Association, could have been quicker off the mark. We attempted to make contact with the FA on this matter in the late 1990's, following Lawrence and Bannell, but we regret to say that they were unresponsive, then suspicious and finally, obstructive. For example, when we offered access to VOCS, this was ignored. When we planned a conference for junior leagues, we were informed by a long-standing Fair Play member also on a regional FA body that he had been surprised to receive a letter from the FA disparaging Fair Play and advising them not to attend our Conference – indeed a meeting was called which somehow clashed with the date of our conference. Eventually, we held our conference at Leicester City's ground, it was well attended but such corner-hogging and dog-in-the-manger was wholly out of keeping with the need to share and work collaboratively.

Our protests to the FA fell on deaf ears. They are a large body, we are a small one. Since that time, the FA has gone on to work with the NSPCC and other sports governing bodies , and to run their CRB scheme. So there has been improvement, but it could have come much earlier.

9 Frequency of Activity – a sensible measure to guide vetting?

During the recent controversy and the previous Government decision to change the frequency of activity requirements, the change was made to cover only activities of once a week or more frequency. This removed, it is claimed, 2 million people from the requirement to be checked under VBS, from 11 to 9 million. Not what the antis wanted (scrapping of the whole scheme) but a sop the Secretary of State felt able to offer Parliament.

The issues have become clouded by other matters – the reputation of authors, the burden on voluntary bodies seeking volunteers, schools fearful of damage to exchanges. But all this thinking is not based on the priority claim, that of the welfare of children. Instead, the proponents of relaxation make claims about small numbers of paedophiles and offences, and even that most paedophiles remain unknown, an extraordinary argument for not taking measures re those who are known to constitute a danger to children, which includes people who are not paedophiles of course.

Our online survey, answered by around 1250 people, tells Fair Play that, when asked to view things from a parental standpoint:

- Most wanted to see VBS checks undertaken where the activity is monthly or more
- Most wanted to see authors required to register if they wanted to enter schools or to agree to register voluntarily
- Most wanted VBS checks to cover school exchanges
- Most did not want unchecked people to enter their children's schools
- And most would object to a barred person being in the school unchecked regardless of supervision.

This flies in the face of the decisions to alter frequency of activity guidelines.

What is the key issue re frequency as regards access to children? Simply put, it is the building of trust between adult and child, and the opportunity to breach that trust. How frequent must activities be to create that trust? Our answer is radically at odds with the decision made re frequency. An activity occurring monthly can and does enable, mainly for the good, such trust to be built and maintained, 2-3 times a month certainly so. Many activities take place on such a basis.

We want to stress two issues here which are neglected/over-looked:

1. Those wishing to gain access to children for unlawful purposes **seek opportunity** and we are clear that this includes their recognition of failure to undertake checks to an adequate level – Lawrence on release, again, goes to a league where checks are not done, and other cases have demonstrated the validity of that view time and again.

2. The actual venue of activity is only the start of the issue. At Fair Play, we recognise the importance of understanding the concept of **secondary access**. When the youth club closes, children and workers are not filed away, they live often in the same community and the trust between them is not left behind in the youth centre. This author knows over 30 years how much that trust extends, often based on activities which were fortnightly. Being jumped in

the street by louts of 15 bounding around like Great Dane puppies, kids you've known since they were 7 when you had more, and less grey, hair. That trust, kept, repays magic dividends which will come back in years ahead because we keep faith with kids when they need us. It is a fact that secondary access has lead e.g. to workers being frequent guests in homes and to serious abuse occurring where parents have seen and been persuaded by that trust.

We do not subscribe to the "guard your backs" approach where we have nonsenses that people cannot put a plaster on a child, or a child cannot sit on an adult's lap at a playscheme, as we have seen 'regulated', or photographs not allowed. Or the BBC habit of showing children's feet on TV news coverage about e.g. child protection. These are not genuine child protection measures. So we recognise the value of such trust having a community extension, this can and does help build good neighbourhoods and help work with some of the most difficult and vulnerable young people.

In recognising this, we then say that there is all the more reason to have a scheme which takes those circumstances of secondary access realistically on board.

People like David Lawrence may not have access once or week or more, the fact they can use less frequent access to gain substantial access to children.

But the one issue I believe we have which concerns the review of VBS (and CRB) involvement with LPI is what is done with it re release into the vetting and barring arena. I expressed the view as a lead countersignatory that I felt uneasy at being asked to make a judgement, in effect, and then advise employers. The reason for that unease is simple – neither I nor an employer can really have the judgement and background other than to say "cannot employ", unless we take the risk of employing someone about whom serious concerns have been expressed by the Police.

We must ask the fundamental question, is an employer able to make a fair decision, to evaluate that information with a view to employing someone? We would argue that the best destination for LPI would now be ISA and that the quasi-judicial Vetting and Barring Board is the fair and proper arena for decisions based in part on LPI. **The removal of the discretion to Police Forces to disclose LPI to employers is thus a recommendation of Fair Play, and we would want to see detailed and rigorous discussion and then regulation/guidance for Police and ISA.**

Our conclusion re frequency of activity is that the main issue is the extent to which trust can be built and then abused and that that is the proper determinant for checking, that numbers of sessions a month etc is a poor basis for guidance, and that secondary access is a major issue.

10 Rehabilitation of Offenders

A major aim of the Criminal Records Bureau system has been to ensure that release of information to employers has not prejudiced unfairly the opportunities for those with criminal records to obtain employment, and this is enshrined in the Code of Conduct on this matter to which users of the CRB service have to subscribe.

The 1974 Rehabilitation of Offenders Act provides for a specified range of offences to be 'spent' after stated periods, that is not required to be declared e.g. when seeking employment. However, given the sensitivities when employing people to work with children, the 1997 Police Act provides for exemptions to the 1974 Act, in particular that where such a situation exists, exempted information under the 1974 Act can be disclosed.

This has always provided an area for contention and ongoing discussion as to what is relevant to be disclosed to an employer. Our experience with VOCS and CRB is that the majority of exempted information supplied has no bearing on the safety of children aspect and that employers are thus being provided with unnecessary information under the CRB system where Standard and Enhanced Disclosures provide all exempted information if the work involves front-line access to children. Is the fact that someone committed benefit fraud necessary to be disclosed, or that s/he committed theft 10-15 years before?

The blanket release of all conviction information appears to us to be at odds with the 1974 Act and of questionable validity under the 1997 Act. A better balance has to be found but after enough years to weigh the issues, and we question the extent of exemption. We would hope that e.g. employer surveys might be used, together with research into the range and number of convictions disclosed as exempted since CRB started work in 2002.

A long-serving worker at Fair Play has told me that her view is that the vast majority of information provided over several thousand disclosures has had no child safety value, an observation my own experience supports. As an example, a woman applies for a volunteer home visitor post, the exempted criminal records information from the national computer shows a record 12 years before re prostitution. Is it conducive to child protection and fairly balanced with employment of ex-offenders that this is released as part of a CRB Enhanced Disclosure? My colleague speculates this would be an odd reflection on the concept of 'home visitor' ....

Also we agree that this is the area of greatest volunteer and employee concern at the recruitment stage, that embarrassing and often very old or not relevant matters will be disclosed.

This does not remove the need to disclose relevant information in situations – for example, trustees are required to be checked if the organisation works with children, and in such a situation where management issues are relevant, we would see the sense of disclosure of information about e.g. persistent fraud. Such concerns extend, of course, where the interests of vulnerable adults are concerned so that a record of persistent fraud could be of relevance.

That some exempted information should be released may be justified. However, we think this can be reduced to a necessary minimum without damage to child protection good practice if all

exempted information goes to ISA not the employer and that CRB releases only the non-spent conviction information unless there is information on otherwise ‘spent’ convictions that is adjudged by ISA to have relevance to the application in hand.

11 Employer Guide or Barring Lists?

The Cullen Report's aftermath, the development of the CRB system, kept the focus on decisions to be made by employers and there is clearly a case for some information to be made available to enable employers to make safe decisions. On the other hand, the CRB system does have known features which cause problems both to employers and re children's safety:

- The need for every employer to undertake a disclosure check – in some cases where e.g. a worker may work with several organisations, this situation requires the various employers to obtain several separate CRB checks about the same worker.

- The CRB system does not update disclosure information to employers, this has to be the subject of rechecks, CRB recommending a three year pattern.

- In the end, except where other statutes require CRBs to be obtained, it is for the employer to decide whether to seek disclosures and what the decision will be, to employ or not.

The VBS is differently based, deliberately so in terms of Bichard's recommendations.:

- Once a check has been made, the person concerned receives a certification which requires no further re-applications, ISA updates information on barred status and this is conveyed to employers when they make their mandatory check as to barred status.

- Employers have no decision to make re a VBS decision to bar, it is unlawful for them to employ such a person on work covered by the relevant barring lists.

- The current legislation requires that employers check the barred lists, an online procedure, and also the CRB Enhanced Certificate will carry information about the barred status.

- The requirement for checking is mandatory, employer choice on this is removed.

The employer wants to know, is this person known for any relevant child safety reason. The key words should be "necessary" and "proportionate" in terms of the likely risk to children and not blanket disclosure where exempted information is concerned. This decision seems to us logically and properly taken at the ISA-level.

12 A Voice for the Child

It is recognised that it is crucial where a child is suffering abuse, is being drawn into a situation is a crucial one, that there is opportunity for the child to extricate itself, to prevent further abuse. The reasons why this process is so difficult and all-too-infrequent are well-understood. What this section examines is the need for those institutions working with children to develop channels where a child can feel safe and supported when making a disclosure. Our long experience is that, whatever the formal machinery, it is the relationships the child has with good people within that setting . This is aided where the positive contact is prolonged over years.

Can and should there be formally-organised channels for children to seek help within or associated with an organisation they attend? This may sound good in theory but it is hard to achieve. Maybe a study is needed to look at the range of practice, and also we need to understand that children 'speak' in many ways and to be observant about children's behaviour, and especially changes in behaviour.

I have seen children speak about their concerns through ... art. A painting about a house on fire revealed an incident in 5 year-old Spike's life, not child protection in that case but important in working with him. Or the little girl who told my colleague that her daddy made her drink chicken blood – at the height of the ritual satanic abuse scare – she asked the girl what was its colour? The same as tomato soup ... But then three teenagers with who we had worked since they were 7-ish turning up at my home one Sunday afternoon (secondary access?) to tell me of their concerns that one of their younger brothers had been told by his 9 year old friend that his older brother was abusing him. Or our playworker who, when sweeping up after a busy Saturday Club, picked up a card from a girl to her father which caused him concern.

Was it abuse, was it a death, was he in jail, was it a marriage/partnership situation? The first issue was the sharing of this concern with colleagues soon after the session, the contributions from others revealing recognition of changed behaviour by not only the girl in the previous weeks but also her 2 younger siblings who attended with her. The report that was sent to social services resulted in action, in the form of contact with parents and it soon emerged there was a bitter divorce and the children were 'tug-of-war' material. Appropriate intervention was made, our role was not disclosed at our request as we had a continuing and positive role to play in their lives. The proof of the validity of that approach was that we had a card made for us by the girl the next Christmas thanking us for 'being there' during a difficult time in her life, although she was unaware of our role in alerting the appropriate agency. On that level, the mutual respect and understanding between third sector local play project and statutory social services was crucial

In any code of practice re a new scheme as we are proposing, we would like to see employers make a formal commitment to such channels for disclosure by children and to effective sharing with statutory agencies tasked with preventing and detecting abuse, intended or otherwise.

13 A Disincentive to Volunteering?

In this discussion, we cannot avoid consideration of the argument re checking and the development of community activities. It is claimed volunteers are put off – CRB's substantial survey considerably undermines this claim. We also know that our member groups tell us that this does not happen, the reason for any drop in volunteers is more to do with e.g. employment rates and unemployment regimes where people feel intimidated by signing-on regulations and poor practices from offering their time. Government should perhaps look more closely at the atmosphere its ever-increasing regulation on this issue has created, and its effect upon volunteering , a matter for discussion elsewhere.

We also surveyed member organisations about their child protection practices since the advent of CRB. Contrary to claims made often enough as to what 'might' happen, it is clear to us that a majority replied they had increased good practice since CRB started, the remaining large minority reported no diminution, and only one said matters had declined.

Is there a case to remove a requirement to check barring lists because the worker is voluntary, on the basis it deters volunteering? That argument forgets the overriding claim re putting the welfare of the child first. It is very possible to create an atmosphere in any organisation where the management makes the most positive virtue of such matters – for example "we are all checked, of course, it's very reassuring we all know this about one another". In 30 years I have not seen a problem with volunteers on this basis bar one above, because the approach has been sensitive and supportive, making the volunteers feel they are valued and trusted.

The most destructive moment I have seen for a small voluntary organisation is where checks were not done (because it was not legally possible 25 years ago) and to wake up one morning to read in the local paper that a man with a paedophile record had been working in that body. It did not wreck that body, but it could have done.

One also has seen press stories of arrests and convictions of trusted people in e.g. uniformed youth organisations, and where the response has been "but we knew that person over so many years and never a suspicion"

There is no logical basis whatsoever for the idea that there is any less likelihood of risk because the postholder is unpaid. David Lawrence was such a person, and such a man is attracted, and re-attracted, to unguarded situations as his behaviour demonstrated only too clearly.

Much is being said at this time about the obstacles to volunteering, of relaxing requirements re vetting of potential volunteers. We believe sufficient argument is made in this report to prove there is no sound child protection basis for such a view. The proponents of this take the view, it seems, that 'spontaneous' community/voluntary activities are discouraged and prevented by excessive regulation. This may be true – so remove the need to obtain planning permission when a group wants to build a community centre, or tell such ventures "you won't need a fire extinguisher" as having to do so would mean they'd have to raise the money ....

Here is an illustration given to the author in the late 1990s. Speaking with a social worker in a West Country city, he was told that the worker had noticed, whilst using a phone box, a card announcing that a new junior soccer team was being launched at 11am the following Saturday at a local playing field , inviting parents to send their children. The phone number appeared familiar to her, and checking at her office, it was that of a sex offender with offences against children who thus was barred and a known risk.

She informed the police and they arranged to be at the site at the stated time. She observed many parents bringing their children, mainly not even going to meet the man but encouraging their children to 'run along' and no doubt 'behave yourself'. The police intervened and the man was taken into custody whilst she and officers explained to parents what was happening.

I asked her what was their reaction – this can be imagined. She was angry, she said, and when a dad asked how could parents have known, she reminded him that he had sent his son out of the car without finding out anything about the man, and she then said to him "Give me your car keys" and when he asked why he should she responded: "Well at least you asked why, unlike the way you handed over your son".

Parents will often be very trusting about anyone who wants to run something like this. That is in some ways almost commendable, except .... the world is not like that, such men do exist and they do seek opportunity. Now one might hear the argument that parents should check .... but in such a spontaneous setting – "just what the community needs", "keeps them off the streets" etc – with WHOM do they check? The Council? It may know nothing. The Football Association – there is no law requiring such affiliation to a governing sports body. Regulations covering e.g. registration of children's playschemes do not cover such junior sports activity. So, in fact, parents have no means of finding out, for example, that such a person is barred, as he was.

What is the use of a barring system which cannot be used to prevent a barred person from running and working in such activities? The case for inclusion of developing community activities in the vetting and barring scheme is not in any way diluted, indeed it is strengthened. There may well be a case for community access to the barring lists where parents are seeking to do what it is they are always being encouraged to do – to check the suitability of those to whom they entrust the care of their children. Why, when a man commits an offence by doing just what that man did, should parents be denied opportunity to find out his status?

The fact of an activity being run by a volunteer has no bearing at all on whether a check should be undertaken which must have the safety of children, not the supply of volunteers, as its primary aim.

14 Local Police Intelligence – the False Accusers' Charter?

A small proportion of disclosures issued by CRB have been affected by what is often known as 'soft intelligence' or better termed 'Local Police Intelligence' (referred to already as LPI). Clearly this is always going to be a controversial area and as it includes information gathered which may well seriously affect the employment, life and civil rights of any person of whom such details are collected and recorded by Police Forces, its release has to be very carefully regulated and fully accountable.

Certainly in 1997 when this writer encountered and had to deal with a disclosure of such intelligence, it caused him considerable thought as to how this might be dealt with. The fact that this information proved in the outcome to have been fully justified in its concern should not disguise the potential for injustice.

Many claims have been made during the recent debate about the VBS that such LPI can mean that a single anonymous unfounded complaint to the police can destroy someone's life and reputation. This, of course, is simply not founded and even since 1997, a good deal of thought and guidance has been built up by ACPO and issued to Police Forces. Even at the time of David Lawrence above, the Force there built up a sustained picture of concern, numerous complaints and reports, but, as with many such cases, despite persistence, the unwillingness of victims to come forward meant that, until 1998, they could not sustain a case in the courts.

But the point on this case is that they did in the end, so the question has to be raised, was it right to release such LPI about him prior to the situation where he could be arrested? This is for the Wisdom of Solomon, as the rule of law and due process are bedrock issues. There is a long and slippery road if such usage is casually and 'conveniently' justified. Given the circumstances in that case, I felt, with some reluctance, that the release of this information was justified, a balancing of the rights and safety of children against his undoubted rights to due process.

By this time, 2010, a very detailed and rigorous framework for the handling of LPI has been developed by ACPO and is adhered to by all UK Police Forces. The guidance can be viewed at

www.acpo.police.uk/asp/policies/Data/Intelligence_led_policing_17x08x2007.pdf&pli=1

Study of this document demonstrates that a consistent basis has been developed for the gathering, collation, analysis and application of LPI and that the dangers re casual and abusive misuse of such sources are carefully monitored.

But the one issue I believe we have which concerns the review of VBS (and CRB) involvement with LPI is what is done with it re release into the vetting and barring arena. I expressed the view as a lead countersignatory that I felt uneasy at being asked to make a judgement, in effect, and then advise employers. The reason for that unease is simple – neither I nor an employer can really have the judgement and background other than to say "cannot employ", unless we take the risk of employing someone about whom serious concerns have been expressed by the Police.

We must ask the fundamental question, is an employer able to make a fair decision, to evaluate that information with a view to employing someone? **We would argue that the best destination for LPI**

would now be ISA and that the quasi-judicial Vetting and Barring Board is the fair and proper arena for decisions based in part on LPI.

The removal of the discretion to Police Forces to disclose LPI to employers and the routing of all LPI to ISA when an application is made is thus a recommendation of Fair Play, and we would want to see detailed and rigorous discussion and then regulation/guidance.

There may be a case that ISA would not in general release LPI to employers but we can envisage a limited number of situations where this may not hold. ISA would thus review all LPI primarily to make a decision on barring. If, after that part of the process, ISA on review feels there are sound grounds to release relevant parts of the LPI to an employer, this might occur. However, we would want to ensure that this was truly information an employer ought to have.

It has been put to us that there might be bodies having high moral standards, religious beliefs etc where release of some LPI might be vital to making an employment decision. However, this is not a function connected with barring and we would suggest that it could hamper the proper fulfilment of Rehabilitation of Offenders legislation. We would ask, is it the function of a child protection measure to provide sensitive information which might be used not foe child protection purposes but to impose an organisation's ethics and beliefs on the appointment process?

There are, we would argue, perfectly sound and proper means for an employer to determine such matters otherwise. Such a use of information feels to us inconsistent with the right to respect for privacy and we see also no child protection grounds re Article 8 of the European Convention to justify any derogation from that position if the purpose of the employer seeking such information is not strictly connected with child protection.

15 Who Pays? Exposing burdens on employers, and employees

It comes as a surprise to many that the 1997 Police Act puts the onus for payment for certificates on the employee. Often it is borne by the employer, but we are aware of persistent allegations of e.g. some employment agencies requiring people to pay at the recruitment stage. We have had reports that people have not then received certificates. As this applies mainly to agency work, this reveals scope for abuse of the system – firstly, the agency/employer should not require people to sign CRB application forms until and unless there is an actual offer of employment; secondly, agencies/employers should be prevented from abusing people's trust for what is, after all, a form of misrepresentation and fraud.

We would want to see a change so that the requirement is now that, where paid employment is concerned, the onus to pay rests with the employer.

The second issue in this part is with the no-charge for volunteers. At the outset, employers from the Third Sector made a considerable case for there to be no charge for volunteers. We are sympathetic to this because of the disincentive and cost there would be if volunteer checks were the subject of charging. There is, howeve, no government grant to cover the cost to CRB of the processing of CRB checks on volunteers. The CRB has to generate the income to cover this from other sources, mainly through the charges on checks on paid staff.

Our Freedom of Information questions on this recently revealed that, in effect, every paid employee check charge is top-loaded by 25% to cover volunteer costs. Does that not amount to a hidden tax on employers who have to get checks on paid staff done? Or, probably worse, in situations where employees have to pay their own CRB cost, £9 of the £36 for the Enhanced Disclosure is subsidy for the volunteer charges! The total cost to employers/employees annually was revealed to be £31 million, the cost of CRB checks for volunteers.

The question has to be posed, is this fair and equitable? Our conclusion is that it is simply cannot be justified, and we believe the Government must look at this again, and quickly. **There are a number of options for change:**

1. **The voluntary sector has to accept this is a legitimate charge which must be paid for volunteers – in this case, we would suggest a change to the 1997 Police Act requiring the employer to pay with an option where a volunteer could agree in writing to bear the cost.**

2. **The Government makes financial provision to cover the cost by annual grant to CRB. This would be a commitment to supporting safe volunteering.**

3. **The Government makes grants to registered bodies and umbrella bodies to cover the costs or to the third sector organisations using their services.**

4. **Use is made of Lottery funding to cover the cost.**

5. **Local authorities are encouraged, perhaps through the annual settlement, to assist third sector bodies, though this would create different regimes across the country**.

It would seem to us that options 1 and 2 would require the least administrative support from central or local government. We also would observe that the Government seems to have been having its cake and eating it. Repeated assurances from successive governments about a) the importance of ensuring children's safety and b) wanting to encourage volunteers but no willingness to bear the cost of this service where volunteers are concerned....

16 Towards a scheme that puts children first and is proportionate

The foregoing sections suggest to Fair Play a recast of the existing schemes as follows:

A. The scheme focuses on barring, using both VBS Lists.

B. Checking against the Lists to be mandatory on employers (paid and voluntary workers covered) and is achieved online – employers are given passwords to access information. Employers might be asked to provide verification details such as:

   i. PAYE reference numbers
   ii. Charity registration/ FSA registration (co-ops etc)
   iii. Company registration/limited partnership details etc
   iv. The employer may have to pay a one-off registration fee.

C. The worker gives consent by providing a key obtained from CRB at the point at which an offer of employment has been made.

D. When applying for the online check, the employer would provide their own reference code provided by CRB. The online page(s) would also require the employer to enter details concerning ID and residence and a statement that originals of documentation had been seen by the person countersigning the form online for the employer.

E. The applicant would apply separately for a secure code applicable only to that application. On receipt of the online check, CRB would send the number/reference generated and provided to the applicant by CRB (which would act as their signature/consent a fact which would be drawn to their attention when the reference is sent to them, either by post and/or email) and the applicant would use the code to verify the application.

F. Payment would be required online at this point, debit/credit card or an online code for subsequent monthly invoicing etc.

G. On receipt the CRB would send notification to relevant police forces seeking any LPI and would also prepare an extract from the national computer system. On receipt of a response from the local police that there was either no LPI or that this existed and was being sent either direct to ISA or via CRB for ISA, the national record information would be sent to ISA.

H. ISA on receipt would match the information to any Barring status, LPI information not already possessed by ISA would be fed into the ISA system as would the national computer records information.

I. In the vast majority of cases, where it was apparent that no barring status existed and there was no justification for investigation re national computer record information and LPI, ISA would inform the CRB that no bar existed, and CRB would issue a clearance to the employer.

This could be done by email telling the employer to log on to the site with password and with employee reference. Followed by printed form in the post.

J. Where a bar existed already, CRB would issue a statutory notification to the employer to this effect. It would pass such a notification to the appropriate authority to review in case the applicant had breached the law by applying for the post.

K. In some cases, where the material supplied by the national computer and LPI resulted in a decision at ISA to investigate, CRB would issue a statutory notice to the effect that the application was subject to a delay in determination and thus employment could not be confirmed or otherwise until the process was completed.

L. Employers would not be provided with LPI as regards children or vulnerable adult unless ISA took a decision that it would be proportionate to release such LPI after it had been reviewed and rejected as grounds for barring. Its relevance to be tested against ISA's procedures and guidelines. This would ensure uniform treatment of cases and would take place within ISA's quasi-judicial framework. Each such decision would be made on the merits of the case and be fully accountable and could involve release of some of the LPI – that deemed to be relevant to the employment – rather than all the LPI.

M. Self-employed persons to be subject to this procedure. The best way for this would be to enable umbrella bodies (UB) to be treated for this purpose as an "employer-substitute". Verification procedures re ID etc to be settled with each UB and could include their own verifiers and/or a scheme akin to passport ID verification .

N. Access for parents to vetting status information re freelancers could be gained by the self-employed person providing their disclosure number which the parent could key in online. Parents would have to sign a suitable declaration that they were not registered employers and give a reason for the request – e.g. birthday party. Though the parent could choose whether or not to check, freelancers would have to register with UBs. Parents would then have an option as to whether to contact a UB for 'peace of mind', small charge suggested.

O. We would suggest a thorough review of the exemptions re Rehabilitation of Offenders to reduce to a reasonable and necessary minimum the information supplied to employers. The exempted information would go to ISA in any case, and if relevant to a barring situation, it would be included there. Much unnecessary disclosure of exempted information as occurs now would be avoided. We would suggest that there be some scope for limited release of exempted information where it could be shown to have relevance to the duties and responsibilities of the post applied for.

P. Where employers wished to undertake such checks via a third party body this could be considered apropos the current range of registered and umbrella bodies but we suspect the system we propose will be managed by many employers without such third party support.

Q. It would be worth considering to support some organisations who could bid to provide training and support to employers, possibly by sector, e.g. to help them set up in-house systems that would meet CRB/ISA specifications. This could be a future role for some umbrella bodies within CRB as well as the employer-substitute roles for self-employed persons checks.

R. Employers would have to sign up to required codes of practice re storage of information, need-to-know disclosure etc.

Fair Play proposes this revised CRB/VBS system as being easily accessible, less-intrusive, better re employment of ex-offenders and as moving the onus from employer decision to barred status.

17 Recommendations

i. That the future system concentrate on barring and that all LPI be sent to ISA for consideration at the point at which the LPI subject 's employer applies for clearance.

ii. That frequency of activity be disregarded and the existing lawful requirements on barred persons, aimed at safeguarding children and vulnerable groups, provide the sole basis for requiring someone to be checked.

iii. That the current CRB system of providing all exempted Rehabilitation of Offenders conviction information and Local Police Intelligence be revised to be specific to the employment situation and that in many cases this will not require the conveying of non-relevant but sensitive information to employers. With regard to LPI, this will mean consideration of release of LPI which has not already contributed to a decision to bar, as to whether it is proportionate to release the LPI to the employer.

iv. That the scheme, to replace the current dual CRB/ISA system will be to ensure barred people are identified and mandatorily notified to prospective employers if they should attempt to gain employment rather than attempt to provide blanket information to employers to aid safer recruitment.

v. That current charging practices and anomalies be addressed and the government considers the options outlined for financing of the revised disclosure scheme.

vi. That any new scheme is the subject of widest consultation, that this is fact-based and not run by unproven assertion.

vii. That prior to general consultation, the multi-sector/disciplinary working parties created to work with the former DfES to create the ISA system are reconvened to consider proposals and also the sector Consultative Groups run by CRB/ISA are consulted at all stages.

viii. That after consultation, any new scheme be the subject of pilots if this is seen to be advisable to monitor concerns etc.

ix. That CRB and ISA continue as separate bodies having distinctive roles. CRB also would retain other disclosure roles not connected with protection of vulnerable groups as provided by the 1997 Act.

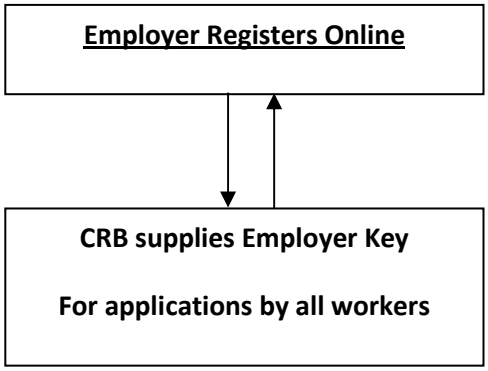
Author

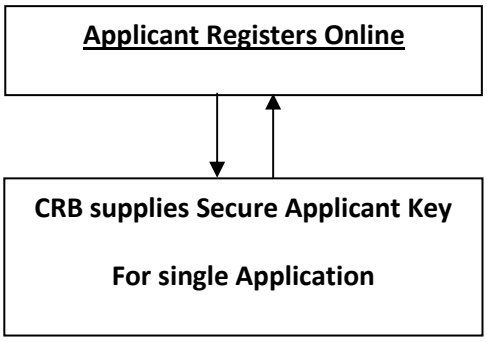
Jan Cosgrove, 65. National Secretary of Fair Play for Children. Jan has been involved directly with Fair Play since 1979 and as its Secretary since 1992. He also has worked in the national voluntary sector, bar a short spell in local government, since 1969, mainly in play and youth work. He has been Director of HAPA (now part of KIDS), chief executive of the National Elfrida Rathbone Society (now Rathbone) and freelance working for a number of charities. He served as Fair Play's National Organiser from 2002 to 2009. It was his proposal in Fair Play that led to the setting up of the National Voluntary Council for Children's Play in 1986, now the Play England Council.

He also has undertaken direct face-to-face playwork as a Trustee and Chair of, and as an ordinary volunteer on The Bognor Fun Bus Company Limited over many yeas. He served on DfES working parties which created the Vetting and Barring Scheme post-Bichard and is a member of one of the CRB Sector Consultative Groups. He edits PlayAction OnLine and has written many articles on play and playwork for Fair Play. Jan was involved with the initiation and development of Fair Play's work in child protection and its involvement in VOCS and CRB, and he is Fair Play's Lead-Countersignatory in the CRB scheme. He has written many of the Fair Play online guides and *Child Protection in a Playwork Setting* published by Fair Play.

He currently is working on Fair Play's child protection audit system.

THE REGISTRATION PROCESS





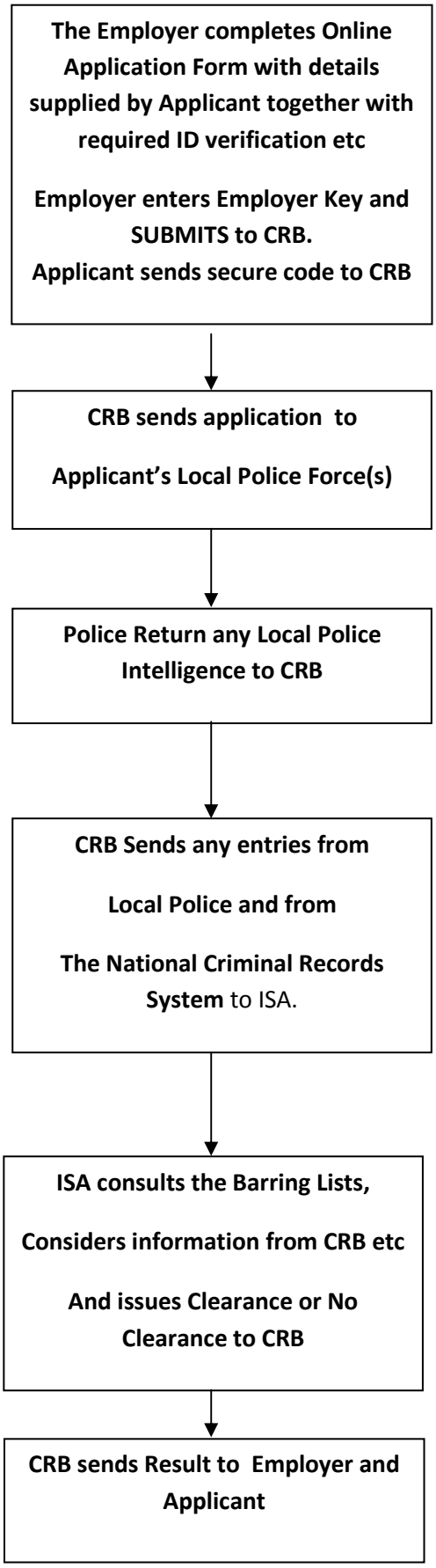
LINK TO 'WHAT IF' ONLINE APPLICATION:

Imagine you are applying for a post

Click Here

https://spreadsheets.google.com/viewform?hl=en&formkey=dE5EZ0ppRDFzVkhPd0Vyb2JSOXYybEE6MQ#gid=0

The Single Worker Application



Fair Play Consultation on this Report

We invite you to access the link below to give your views on the proposals in this Report and to add general comments.

Fair Play intends to make these comments (less names and contact details) available to the Home Office as an aid in the current review process of VBS.

If the Home Office wishes to contact all or any of those responding, we will contact each person for their consent to pass on their contact details.

Please access the Online Survey at:

https://spreadsheets.google.com/viewform?hl=en&formkey=dC1qUV9EVXhtZ2tBcVJzMGZDSEM5TGc6MQ#gid=0

It would be helpful to have comments by 31st August 2010.

Thank you for your interest.

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