

Safeguarding Vulnerable Groups Act 2006 Legislation Affecting Church Activities

Background

You will recall the House of Bishops initiative of 2004 regarding Child Protection within the Church of England and you may also be aware of the new legislation of 2006 which is due to be phased in from October 2009. This document outlines the provisions of the new Act as it affects Faith groups, with particular reference to church bellringers.

Provisions of the 2006 Act

In response to the Bichard Report following the Soham murders, the Act seeks to extend the scope of work, both paid **and voluntary** which will, as a **legal requirement**, need Criminal Records Bureau (CRB) checks. In addition, workers and volunteers so identified will eventually require to be **registered** with a new agency, the Independent Safeguarding Authority (ISA).

Where an activity involving young persons requires CRB checked adults then there will be a **legal duty** for those employing or, in the case of volunteers, using such adults to make a CRB check and check on ISA registration. It will also be a **legal duty** to report to the ISA any worker who has, because of incident or behaviour, been taken off duties with young people.

The ISA will carry a list of persons who, because of conviction or other reason are considered not suitable to work with young people. Such persons are "barred" from these defined activities. It will be **illegal** for a barred person to seek employment with young people and **illegal** for employers/organisers to knowingly employ barred persons in these posts.

Regulated Activities

The Government will shortly be issuing formal advice as to those activities with young people which will be defined as "**regulated**". Such activities will trigger the legal requirements on adults as outlined above. The general criteria are being drawn up with a view to covering contact with young people which is close, frequent and of a nature that trust could be built up and leave young persons open to grooming and abuse. The criteria view activities which take place three or more days per month, involve close contact or supervision or involve overnight residence as being regulated. The activities will include many which already have some adult personnel CRB checked such as choir, Sunday school, youth clubs, scouts, guides and bellringing. However, the **legal** requirements do **not** necessarily apply to all adults involved.

CRB Check and Registration

New workers and volunteers in the Faith sector requiring to be checked under the new legislation will follow a very similar process to that currently used for CRB checks. An application will be made by the employer/organiser for a CRB disclosure which in future will always be an enhanced disclosure. Provided there are no records dictating otherwise, the details will be passed to the ISA who will Register the individual and advise the applicant. In all cases applications will need the **consent of the individual** and must confirm proof of identity to prevent fraud. Registration of **paid workers** will attract a **one-off fee of £64**, all **volunteer workers** will be processed **free of charge**.

Existing workers and volunteers will, in most cases, be covered for the time being by existing completed CRB checks although their Registration will be phased in over a number of years.

Continuous Update and Portability of Registration

Unlike existing CRB checks which have to be renewed periodically, ISA Registration will be continually reviewed through police, social services and other government agency records. Any change in the status of a registered person as to their suitability to work with children will be reviewed by the ISA and the individual may become "barred". Where requested at time of application, employers and organisers will be automatically notified of any such changes in status this being a **free service**.

Once an individual has been Registered with the ISA for "regulated" type activities with young people, in whatever capacity, they may use that Registration in any other activity.

So a person Registered through their profession as a teacher will be able to use the same for church work in choir, bellringing or other activity. Each individual will be issued with a unique ID number which, notwithstanding changes in work or breaks in activity will remain with them for life. It should be noted that each employer or organiser is still **legally required** to check on the registration status when an individual *first takes up* a new regulated activity.

Bellringing Activities Requiring CRB Check /Registration

The legal requirement for such checks is limited to those adults undertaking **regular face to face teaching** of young people which applies both to local church and Guild organised activity. Adults **transporting children to and from a teaching activity** will also require drivers to be so checked. As a special case juniors 16 or 17 years of age who are themselves carrying out teaching **will need to be checked**.

Unless undertaking face to face physical teaching the following adults will **not legally require to be checked:-**

Helpers, those standing by or giving informal advice, those taking part in general ringing or ringing meetings and outings (even where juniors are present), teaching own children (considered a domestic arrangement), visitors.

Responsibilities for Checking and Supervision

In normal circumstances it will be the responsibility of the Parochial Church Council to ensure that legal requirements are complied with for regulated activities organised for young people within their sphere of jurisdiction. It should be specially noted that **it is , and will remain illegal to require persons to checked where this is not a prerequisite of the law**.

Where only leaders are required to be checked, it will be their responsibility (as now) to supervise other helpers.

Relationship with Existing Guidelines

The foregoing paragraphs outline the **legal** requirements which will parallel existing sensible practices. The House of Bishops initiatives and the Central Council of Church Bellringers guidelines "Protecting Young Ringers" remain valid advice for those dealing with young people.

Timescales and Phasing of Legal Requirements

12th October 2009 From this date, it will be illegal to use barred persons on regulated work (initially existing CRB checked persons fulfil need to check).

Persons **newly** taking up regulated work must be checked.

Duty to refer to ISA persons perceived as a risk to vulnerable groups.

July 2010 Phased applications for ISA Registration will start.

On line electronic checks of Registration status become available to worker employers and organisers (subject to individual's consent).

November 2010 **All new workers on regulated activities must be ISA Registered.**

2010 –2015 Existing workers and volunteers will have registration with ISA phased in over this period, oldest CRB checks likely to be phased in first. The CRB will be working with CRB registered body network to manage this process.

Way forward

Final definitions and guidance materials are expected from Government by June 2009 and these notes have been prepared after close consultation with the departments involved. In the meantime individual towers, respective Parochial Church Councils and others involved need to be prepared, as far as is possible, to comply with the legal requirements starting from October, 2009.

COVENTRY DIOCESAN GUILD OF CHURCH BELLRINGERS

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