



Central Council of Church Bell Ringers

"Registered Charity number 270036"

Tower Stewardship Committee

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will recall the House of Bishops initiative of 2004 regarding Child Protection within the Church of England which has been replaced by a new version document "Protecting All God's Children" issued in November 2010. You should also be aware of the new legislation of 2006 which was due to be phased in from October 2009. The latter has been subject of Government Review and further proposals for legislation under the Protection of Freedoms Bill. This document outlines the **current** provisions of the 2006 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 extends the scope of work, both paid **and voluntary**. It is a **legal requirement** for employers or users of voluntary workers to ensure that they do not knowingly use barred persons. This requirement is fulfilled through Criminal Records Bureau (CRB) checks. Where an activity involving young persons requires CRB checked adults then there will also be a **legal duty** for those employing or, in the case of volunteers, using such adults to report to the ISA any worker who has, because of incident or behaviour, been taken off duties with young people or who are seen to pose a risk.

The CRB 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 is **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 is reviewing 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 is 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 includes activities which involve close contact or supervision or involves overnight residence as being regulated. The activities 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. The details will be passed to the CRB and, provided there are no records dictating otherwise, the CRB will issue a certificate for 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.

Portability of Registration

Unlike existing CRB checks which have to be renewed periodically, it is the **intention** that certification for working in a regulated position with children may be portable between activities of a similar nature. So a person CRB checked through their profession as a teacher would be able to use the same for church work in choir, bellringing or other activity. It should be noted that each employer or organiser is still **legally required** to check on the CRB clearance status when an individual **first takes up** a new regulated activity. The full portability will not be achieved until further primary legislation has been enacted.

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. Specific frequency is not a criteria since someone carrying out activities on a rota basis might still be considered to have regular contact although one-off assistance or deputising to cover sickness is considered exempt. The exception is where an **overnight residential stay is involved** which would always necessitate a CRB check. . Adults transporting children to and from a teaching activity **as a formal arrangement** on behalf of church or Guild will also require drivers to be so checked. It is the intention that legislation will eventually exempt the teaching of 16 and 17 year olds from the above requirements

Unless undertaking face to face physical teaching as outlined above 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 their responsibility (as now) to supervise other helpers who are exempted as being a peer group.

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.

November 2011 Revisions of the 2006 Act and new provisions **may** be introduced under the Protection of Freedoms Bill if it becomes law.

2011 –2013 New legal provisions phased in.

Way forward

Interim definitions and guidance materials have been issued and are the basis of the above advice. However, Government revisions of legal requirements will be made known as they become available.

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 and the Guidelines issued by the House of Bishops in November, 2010 to Dioceses and Parishes.

Tower Stewardship Committee, Central Council of Church Bellringers

10th March 2011

SVGsocsummary V2 March 2011

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Other **Guidance Notes** produced by the Tower Stewardship Committee are:-

GN1 - Insurance

GN2 - Tower Management

GN3 - Child Protection In Towers

GN4 – Tower Safety and Risk Assessment

GN5 - Church Law

GN6 - Fire Risk Assessment and Protection

GN7 – Noise, the Law, and the Environmental Health Officer

These Guidance Notes can be downloaded free of charge from the Tower Stewardship Committee section of the Central Council of Church Bell Ringers website:

www.cccbr.org.uk/towerstewardship