

ISSUE AREA 1: WHO TO SCREEN

Government has committed to establishing a centralised screening and risk assessment system for people working with children. Do you agree that people working with other vulnerable people should also be included?

No

People working with VP should be screened, but checks system for children/young people checks needs to be separated from checks for VP

The two categories fall into distinctly differing environments, Government departments, legal frameworks, organisational structures and services, and, given the very diverse definitions of “vulnerable people”, there is a very high risk that a specialised child focus will be seriously compromised.

Is it appropriate to assume that access to services is a reasonable indicator of vulnerability for the purpose of establishing a screening system?

Access to services is one dimension of vulnerability.

Do you agree with the proposed definition of vulnerable people?
If not, what is the preferred definition?

A definition of vulnerable people is necessarily broad and could span an almost endless list of types and permutations of vulnerability.

As an example of possible permutations, the following definition of ‘vulnerable adult’ has been taken from the UK Vetting and Barring Scheme Guidance Document, March 2010. It should be noted that under this scheme offenders in detention are defined as ‘vulnerable people’.

Vulnerable adults: a definition

2.35 A vulnerable adult is defined by the SVGA and the SVGO as a person who is aged 18 years or over and who:

- is living in residential accommodation, such as a care home or a residential special school
- is living in sheltered housing
- is receiving domiciliary care in their own home
- is receiving any form of healthcare
- is detained in lawful custody (in a prison, remand centre, young offender institution, secure training centre or attendance centre, or under the powers of the Immigration and Asylum Act 1999)
- is under the supervision of the probation services
- is receiving a specified welfare service, namely the provision of support, assistance or advice by any person, the purpose of which is to develop an individual's capacity to live independently in accommodation or support their capacity to do so
- is receiving a service or participating in an activity for people who have particular needs because of their age or who have any form of disability
- is an expectant or nursing mother living in residential care
- is receiving direct payments from a local authority or health and social care trust in lieu of social care services, or
- requires assistance in the conduct of their own affairs.

The key terms in the above definition are explained below.

Residential accommodation

2.36 Residential accommodation is accommodation where any care or nursing is provided. It includes:

- care homes registered and inspected by the CQC in England, CSSIW in Wales and the Regulation and Quality Improvement Authority in Northern Ireland, and
- homes not registered with the CQC – for example, small care homes for groups of adults who need assistance or support but who do not need personal care.

Residential special school

2.37 A residential special school is a school that provides residential accommodation for its pupils and is:

- a special school within the meaning of Section 337 of the Education Act 1996
- an independent school within the meaning of Section 463 of that Act
- an independent school which falls within neither of the categories above, but which, with the consent of the Secretary of State, provides places for children with special education needs, and/or
- an institution within the further education sector that provides accommodation for children.

2.38 In Northern Ireland, a residential special school is a school that provides residential accommodation for its pupils and is:

- a special school within the meaning of Article 3(5) of the Education (Northern Ireland) Order 1996
- an independent school that is approved by the Department of Education in accordance with Article 26 of that Order, or
- an institution of further education that provides accommodation for children.

Domiciliary care

2.39 Domiciliary care is care or specific types of assistance of any description provided to a person where they are living. The assistance is provided because of their age, health or any disability. Domiciliary care does not have to be provided continuously.

Healthcare

2.40 Healthcare includes treatment, therapy or palliative care of any description.

Lawful custody

2.41 A person is detained in lawful custody if they are detained:

- in a prison
- in a remand centre
- in a young offender institution
- in a young offender centre in Northern Ireland
- in a secure training centre in England or Wales
- in an attendance centre in England or Wales, or
- in a removal centre or short-term holding facility. Also if they are being escorted to or from such facilities.

People who need assistance to conduct their affairs

2.42 People who need assistance to conduct their affairs are those for whom:

- an application has been made to create a lasting power of attorney
- a lasting power of attorney is created
- an enduring power of attorney has been registered
- an order has been made by the Court of Protection in relation to making decisions on that person's behalf
- an application has been made for registration of an enduring power of attorney
- an application has been made to the Court of Protection in relation to making decisions on that person's behalf
- an independent mental capacity advocate is being or has been appointed
- independent advocacy services are being or will be provided
- a representative is being or has been appointed to receive payments of social security benefits on that person's behalf, or

People with physical or mental health conditions

2.43 People with a physical or mental health condition are not vulnerable adults just because of their condition. They will be defined as vulnerable adults when they receive health, social care or other services, or activities specifically for people with those health conditions.

Adults with learning difficulties and/or disabilities

2.44 People are not vulnerable adults just because of any learning difficulty or learning disability. They will be defined as vulnerable adults when they receive health, social care or other services, or engage in activities provided specifically for those with learning difficulties and/or disabilities. For the purposes of this scheme, the following conditions are not treated as learning difficulties that lead to classification of the individual as a vulnerable adult:

- dyslexia
- dyscalculia
- dyspraxia

- Irlen Syndrome
- alexia
- auditory processing disorder, or
- dysgraphia.

Direct payments

2.45 Local authorities in England and Wales, and health and social care trusts in Northern Ireland, make direct payments to individuals to purchase care or support for themselves (rather than receiving the authority's social care service). Those in receipt of direct payments are vulnerable adults.

Is the background checking and risk assessment procedure for those working with children and vulnerable people fundamentally different? If so why?

Should separate systems be established or can the purposes of screening be achieved by one screening system?

Yes, entirely different in terms of risk assessment and risk management. This includes the nature of risk to children as opposed to adults, the service system, the legislative and law enforcement system, the treatment and support structures. The very high risk area of child sexual abuse is invariably perpetrated by abusers having very specific abuse practices and preferences. – don't understand this last statement

The suggestion that children and vulnerable people are comparable under a definition of vulnerability is not accepted as valid.