



# Keeping ahead in leisure employment

# Vetting and barring scheme...



- 12 October 2009 scheme 'went live'
- Safeguarding Vulnerable Groups Act 2006 (applies to England, Wales and Northern Ireland)
- Protection of vulnerable groups (Scotland ) Act 2007
- Follows launch of Independent Safeguarding Authority ( ISA)

# What's new?

New duties on employers and employees :-

- £5000 fine for employers who do not refer an employee who harms or poses a risk of harm (to vulnerable groups)
- Criminal offence for barred individuals to work with or **apply to work with children or vulnerable adults**
- POVA, POCA and List 99 replaced by two new barred lists

# Critical dates

- 12 October 2009 – new scheme goes live
- July 2010 must start applying for ISA registration (if working in regulated activity)
- November 2010 mandatory registration
- Others phased into scheme by 2011
- Differences between 'regulated' and controlled'

# Regulated and controlled



Regulated is:

- Work of a specified nature (paid or voluntary)
- Regular contact with children or vulnerable adults within certain periods or overnight
- Activity in a specified place
- Defined positions of responsibility
- Controlled activity – frequency - new rules announced

# Implications for leisure providers and employment considerations



- Who pays? Cost of £64
- What if a CRB check / ISA registration shows up a past crime?
- Volunteers helping at clubs / sports groups?
- Minimum age of those required to register
- Dismissal – fair or unfair?
- Redeployment ?

# Flexible working rights and equalities bill



- April 2009 – right to request flexible working for parents of children up to age 16
- Employers must consider options such as different hours, home working, reduced hours....
- Emergency parental leave different but similar principles

# Equalities bill.....

- Strengthens equal pay rights – stops short of equal pay audits but not far short
- Strengthens anti-discrimination legislation
- Prevents discrimination in public service delivery but....
- Not intended to prevent leisure providers offering free swims to older people or younger people
- Test of appropriateness



# Employment implications



- Do you have a consistent policy on how requests will be treated?
- What's the criteria – is it objective and robust?
- Do you have grounds to refuse?
- What should you do procedurally?
- What are the advantages to employers and employees?

# Severe weather.....

- School closures?
- Duty of care?
- Undue pressure on employees?
- Preventing exploitation
- Flexible working policies to inform decision making...
- Health and safety considerations

# Options?

- 'Special leave'
- Work back the time?
- Use leave / flexi leave?
- Deduct pay – may be found unlawful without explicit provision within the contract
- Staff morale?

# Thank you for listening



## Any questions????

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# Contact details

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