

**Summary of substantive policy discussions**  
**at Liberty Council meeting**  
**June 2007**

Criminal Record Checks

This was a motion remitted from the 2007 AGM and a similar motion was remitted from the 2006 AGM. The basis for the motions was that the enhanced disclosure regime under the Police Act 1997 (which allows for allegations as well as convictions and cautions to be passed to potential employers) was adversely affecting teachers and others working with children and the vulnerable. Council agreed policy on this issue supporting a new positive vetting process through the Independent Safeguarding Authority (ISA) which would allow those being considered for barring to make representations in person about any allegations they have faced. If satisfied that the person presented no risk the ISA would pass them as suitable for employment, if not satisfied they would be placed on a barred list (and allowed an appeal). This means there is no longer a justification to continue with enhanced disclosure. It was agreed the office would monitor the introduction of the ISA to ensure that the new system was introduced in a manner compatible with human rights.

Private Bodies and Public Functions

There was a discussion concerning the disappointing House of Lords decision in the case of YL. This decision meant that protections offered by the Human Rights Act 1998 would not apply to privately run care homes as they would not be considered 'public authorities' for the purposes of the Act. Discussion centred on the Government's stated two-stage response to ensure that private care homes come under the ambit of the HRA. In the shorter term it would use its power to make regulations under the Care Standards Act and in the longer term it will look at amending legislation in 2008/2009.