Make kitsch the enemy: the "monstrous carbuncle" of the UK's vetting and barring scheme[1]

In great design, form and function come together seamlessly. Every part contributes to the whole in a way that seems inevitable. So too in a great system. Hence I've coined the term beautiful system (Peters, 2005, p. 54)

Peters is right, aesthetics is more than a simple question of appearances: the well-designed artefact is a pleasure to use, be it high-tech or mundane. What matters is fitness-for-purpose, of form following function. In a cautionary tale, Norman gives the example of a friend, trapped in a set of swinging doors in a Boston hotel (Norman, 1998). Designed for visual appeal, with no visible pillars or hinges, his friend was pushing against the hinge: "Pretty doors. Elegant. Probably won a design prize", the friend comments ruefully.

In thinking about design, the idea of kitsch is helpful. Although, the term was originally used in connection with art, to distinguish between mass-produced imitations and original works of great quality, nowadays we use it to refer to anything second-rate and tasteless, the tacky stuff of gift shops and the like. But kitsch is not confined to the gift shop; it is ubiquitous. Launer (2008) talks for instance about medical kitsch, using the example of cognitive-behavioural therapy (CBT). He notes CBT's popularity with politicians as a cheap, quick fix for depression, and the public benefit it thereby confers in reducing unemployment and social security bills (Launer, 2008). Launer characterizes kitsch as "the mindless confusion of what is banal, glossy, easy to produce and cheap, with what is complex, subtle, painstaking and unique" (p. 111). The idea that a short course of treatment given by people with minimal training can yield long-term transformation of people's lives is pure kitsch. But it is difficult to resist, in giving us what we want in a simple prescription; who could be against it?

The rise and fall of the VBS

Madame Sosotris, famous clairvoyante,
With a wicked pack of cards. Here, said she,
Is your card, the drowned Phoenician sailor

T.S. Eliot, The Wasteland

Those of us in the UK will remember the Soham murders only too well, but we will begin with a brief recapitulation of the case. In August 2002, two ten-year-old girls, Holly Wells and Jessica Chapman, were drawn into the home of Ian Huntley, in the village of Soham (Cambridgeshire). We do not know why, but they may have thought his girlfriend, Maxine Carr (a teaching assistant in Holly and Jessica's class at primary school) was inside, but she was not and the children were brutally killed. The reasons for the murder have never been established, though sexual motives were implied at the trial. That Huntley was a caretaker at Soham Village College (located adjacently to the victims' school) caused public disquiet; it appeared he had been investigated in another part of the country (Humberside) for sexual

[1] Submitted by D. Wastell, 21/12/2011

offences involving girls under the age of consent, but this information had not emerged during the police vetting check when Huntley was appointed as caretaker.

In December 2003, a public enquiry was instigated led by Sir Michael Bichard to investigate the apparent failings of record keeping, vetting practices and information sharing that had occurred, and to make policy recommendations accordingly. Central to Bichard's recommendations was the setting up of a single, central body, with exclusive responsibility for administering the registration of all those wishing to work with children or vulnerable adults. A period of public consultation began on what became known as the Vetting and Barring Scheme (VBS) to be operated by an Independent Safeguarding Authority (ISA). Crucially this new body had the power to bar as well as vet. In a glossy document, published in march 2010, the key features of the Scheme are trumpeted as follows:

The Scheme aims to protect children and vulnerable adults by ensuring that people who are judged to present a risk of harm are not allowed to work with them. In the past, barring decisions have been taken by Ministers and civil servants. They are now made by an independent body of experts, the Independent Safeguarding Authority, and follow a clear and structured judgment process, which is about assessing the risk of future harm based on the information that is known about the individual (Home Office, 2010, p. 6).

The quote brings out a critical aspiration of the new scheme; the phrase "risk of future harm" implies the ability to predict. The concept of "future harm" is invoked on 22 further occasions throughout the 73 pages of the document, in three basic guises, as something posed assessed or reduced. Yet nowhere is it defined or operationalized. What risk? What harm? The document itself has a strong kitschy quality in terms of its visual presentation, full of glossy images, generally of smiling, contented folk, "vulnerable people" in hospitals and schools, now made safe by the Scheme. This has the immediate smack of the "political kitsch" we readily associate with communist regimes: of May-day parades, simple slogans, sentimental images of happy workers in a workers' paradise, political party posters evoking idyllic folkloric scenes. Lugg (1999) speaks of kitsch as a powerful political construction: "designed to colonise the receiver's consciousness. As such Kitsch is the beautiful lie. It reassures and comforts the receiver … through readily understood symbolism". There are 25 such images in the main body of the document, some taking up a full page; a collage of three is shown in figure 1. Reading the crude semiotics of such visual propaganda, surely no-one can be in any doubt that the Scheme will work!

Announcing the Scheme in April 2008, Sir Roger Singleton (ISA's Chairman) said: "The Independent Safeguarding Authority will provide a ground-breaking vetting and barring service... allow[ing] us to ensure an improved level of safeguarding as well the development of better information sharing systems." Despite such worthy claims, the inception of the scheme in October 2009 was greeted with dismay on many sides given its scale and range. Over 11 million people would be covered, and it seemed that relatively minor contact with children in a voluntary capacity would require registration (e.g. parents helping with lifts to school sports events) and anyone seeking formal employment would also have to pay a significant fee. Crucially, *soft data* (e.g. evidence of drug misuse reported to social services) as well as *hard data* (criminal convictions) would be gathered. School leaders in particular were worried that the Scheme was overly bureaucratic and disproportionate, and that it would deter volunteers. Such concerns led to the VBS being scaled back, although the adjustments were relatively minor with 9 million individuals still caught in the net. The key date was set of November 2010 by which time anyone working in a "regulated activity" must be registered. Criticism rumbled on though throughout 2010. Civil liberties groups protested and the Royal College of Nursing also called for a judicial review. In June 2010, shortly after coming to

power, the Home Secretary of the new Coalition Government announced that the Scheme would be put on hold and reviewed, describing it as draconian: "You were assumed to be guilty until you were proven innocent".

Figure 1: Collage of images from the Vetting and Barring Scheme Guidance, March 2010.

To bar or not to bar, that is the question

In this section, we attempt to give a flavour of how the ISA's decision-making process was intended to work, constructed from a Guidance Note it published in February 2009. It is difficult, but we will try to resist the temptation for lampoonery! The Note reaffirms the purpose of the Process as "to ensure that all barring decisions follow a standard process which affords a fair, rigorous, consistent, transparent and legitimate assessment of whether an individual should be prevented from working with children and/or vulnerable adults".

Organizationally, such decisions were to be made by a body of 100 or so administrative grade case-workers based at a single "central" location, in Darlington in the north east of England. As well as hard data regarding criminal convictions, the ISA's database would garner a range of softer information not just from statutory bodies and employers, but from any "informal source", including "for example, a newspaper article which gives cause for concern". From this hotpotch of material, so-called "facts" would be determined. How such facts would be produced is notable, keeping in mind that this is desk work conducted from a remote location. For instance, regarding evidence from employers the Guidance Notes states:

Referral information is received from employers which have dealt with individuals through their internal disciplinary procedures. The conclusions reached by employers are reviewed to establish, on a balance of probability, the facts. It is the facts of the case that determine whether the case requires further consideration and not the conclusions that the employer reached.

The Note also encourages case-workers to be vigilant for "cumulative behaviour":

You must look out for instances of behaviour which, although not in themselves determinative of the potential for risk, give rise to concerns when looked at cumulatively that someone may pose a risk of harm to children or vulnerable adults.

Having assembled the "facts", a "Structured Judgement Process" (SJP) is then applied focusing on "risk factors linked to future harm". These factors are divided into four broad areas. The first, for instance, is designated as "Harm-Related Interests/Intrinsic Drives ", defined as behaviour "driven by or motivated out of a specific interest in, and/or fantasy about, harmful behaviour". How were the case-workers to identify such an "intrinsic drive". The SJP instructs case workers as follows:

Within this context, consider how far the case material reflects the presence or absence of the following risk factors (not exhaustive): Sexual preference for children; Excessive/obsessive interest in sexual activity; Personal gratification derived from thoughts/acts of violence or violent fantasy; Personal gratification derived from thoughts of being in control over others

And to reiterate, this risk assessment is purely a desk exercise! Having weighed up the evidence, the case-worker then has to decide whether she is "minded to bar" or not. If the former, the individual is invited "to make representations". If no challenge is made, then the decision stands. How such "beating your wife" representations are handled is somewhat vague, although one thing is clear, it is not an independent procedure. The implication is that disputed decisions are resolved within the ISA's line management system; only a minority of cases are expected to reach the level of the ISA's Board (to be decided by the Director of Operations) but this is still part of the organization itself. The moral hazard is obvious. How likely it is that decisions will be over-turned when to do so would intrinsically undermine the validity of the organizations own, much vaunted, decision-making process?

More harm than good

As a major, national information system, the fiasco of the VBS makes fascinating and instructive reading, and we wrote a pamphlet in 2010 excoriating the systemic deficiencies of the Scheme (White and Wastell, 2010). We put forward the hypothetical case of a 16 year old youth, with a fractured family background, who becomes involved in a fracas with another boy in a taxi queue, after a night on the town. The police are called, he is cautioned; because the other boy was 15, a violent assault against a "minor" is now on his record. Over the next few years, there are other minor non-violent crimes (e.g. shoplifting) as our protagonist struggles with drug use, but in his early twenties, he settles down determined to make something of himself. He volunteers to work in a third sector young person's service, aiming to train to be social worker, and is vetted. The ISA case-worker reviews his application; they do not meet him but evaluate his "electronic self" in the database, following their "clear and structured judgment process". What else could be decided other than "minded to bar", especially in an agency set up to extirpate risk. The wicked card is dealt; all are informed, the applicant and the agency. He may protest (how likely in this case?) but the damage has been done... ironically to the sort of young, vulnerable person the Scheme was designed to protect!

Aside from the social harm the scheme will inevitably produce, illustrated by this vignette, will it actually work in protecting children? We were highly skeptical. Most salient of all, it is hard to see how it would have protected Holly and Jessica. Yes, it would have excluded Huntley from the caretaker's job, but this was at another school; his connection with the children came via his girlfriend, and even the Scheme's intrusive tentacles do no stretch as far as checking partners. It may not have stopped Huntley, though it might have hindered him; it certainly would not have stopped Humbert Humbert, the ogre of Nabakov's "subversive comedy". Speaking of Lolita's mother, H. H. ponders monstrously:

I did not plan to marry Charlotte in order to eliminate her in some vulgar, gruesome and dangerous manner… Other visions of venery presented themselves to me swaying and smiling. I saw myself administering a powerful sleeping potion to both mother and daughter so as to fondle the latter through the night with perfect impunity (Nabakov, Lolita, pp. 70-71)

Though the hideous plan was ultimately superfluous, it's the thought that counts. Had the Scheme's architects perused that novel, some pause might have been given to their grandiose ambitions; but it seems not. Other absurdities derive from the definition of the activities to be regulated by the Scheme. Car park attendants and kitchen staff in the health service, for instance, would be covered. Not so a self-employed music instructor working with a child alone in their own home, making one of the images in our collage (figure 1) profoundly ironic. We drew particular attention to the publication of a "Myth-buster" web-page by central government, intended to defuse adverse media critique. Such criticisms, described as "Myths", were systematically refuted by the marshaling of so-called Facts, such as "the VBS will make it much harder for anyone known to pose a risk to gain access to children through paid or unpaid work". This is in no sense a fact, how can it be until the Scheme becomes an evaluated reality. We described such self-styled facts as magical thinking, that wishing something necessarily makes it true. Such magical thinking is typical of the language used throughout to describe the VBS; as we have seen, there is an unshakeable certainty that it will produce the desired effect.

The Scheme's apparent ignorance of the nature and circumstances of child abuse, particularly sexual abuse, was especially concerning. We noted how the Internet had exponentially increased the exposure of children to predatory adults outwith the gaze of the VBS. Add to this the vast numbers of workers from overseas in the UK's public services whose history cannot be traced. And so on, the complications multiply as the myths of the Scheme meet the facts of the real world. Putting all this together, we argued that such inconsistencies betrayed the real motives of Scheme as less about protecting children than protecting government from the lynch-mob of public outrage in anticipation of future adverse events. The purpose of the Scheme was like that of all political kitsch, to soothe, to pacify, to make people feel secure; the Benign State has acted, and all may now sleep safely.

REFERENCES

Home Office (2010). *The vetting and barring scheme guidance, March 2010*. Home Office report, ISBN: 978-1-84987-202-7.

Launer, J. 2008. "Medical kitsch". *Postgraduate Medical Journal (8)*, pp. 111-2

.

Lugg, C. 1999. *Kitsch: from education to public policy*. NewYork: falmer Press.

Norman, D. A. 1998. *The design of everyday things*, New York: Basic Books.

Peters, T. 2005. *Design - innovate, differentiate, communicate*, New York: DK Publishing.

White, S. and Wastell, D.G. 2010. "Catching Sex Offenders: Vigilance is the Best Safeguard" in *Why We Should Scrap the Vetting Database*, London: Manifest Club Report, pp. 13-19