

HEADLINES

New legislation will help to ensure that unsuitable people don't work with children or vulnerable adults.

If you currently CRB check staff or volunteers then you may need to register with the new Independent Safeguarding Authority.

CRB checks will continue but you may not need to check all your staff and volunteers under the new system. You may only have to register once with the ISA.

Read on to find out more...

Voluntary and Community Action Chichester District

FACTSHEET 1

The Vetting and Barring Scheme

December 2009

The Vetting and Barring Scheme Introduced

The Safeguarding Vulnerable Groups Act 2006 sets out the scope of the scheme in England, Wales and Northern Ireland. This scheme aims to create a **positive** list of all people who are currently volunteering or working with children or vulnerable adults or who would like to in the future. The core purpose is to prevent unsuitable people from working or volunteering with children and vulnerable adults in formal arrangements by removing their names from the list should information be found that shows they should be unsuitable for these sorts of roles. The vetting and barring scheme is a core recommendation of the Bichard Inquiry Report and is central to a new framework which enables information sharing to support public protection.

The scheme will fundamentally reform current practices...

- Enables barred people to be removed from all activity with vulnerable groups
- Provides continuous monitoring of registration status
- Is an open and transparent process.

Employers and voluntary and community groups will retain their responsibility for ensuring safe recruitment and employment practices.

This scheme will be delivered by a number of key agencies working in partnership.

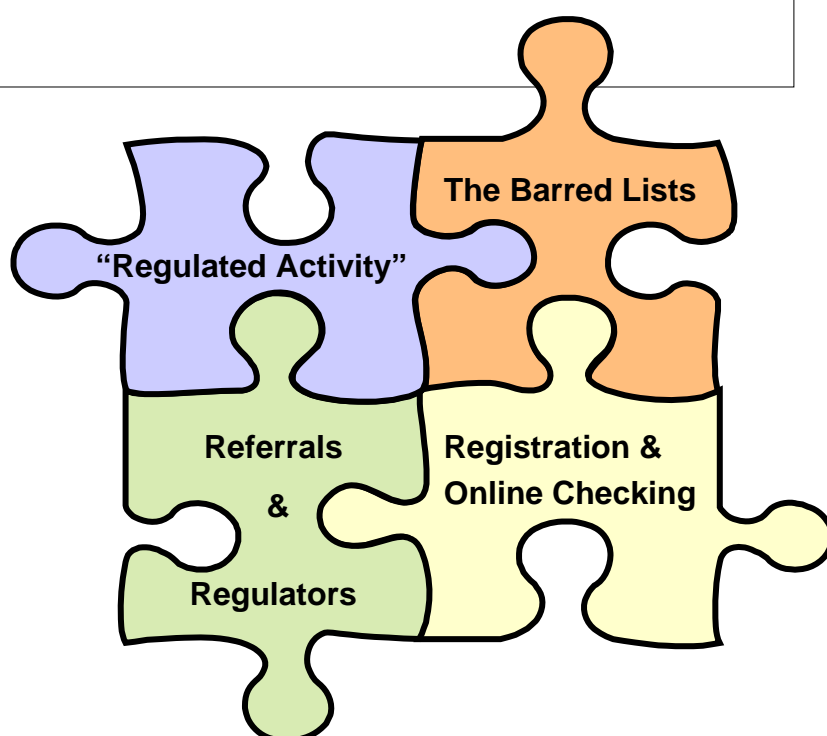
- Independent Safeguarding Authority (a new organization)
- Police
- Criminal Records Bureau

Four Areas of Focus

The rest of this fact sheet will focus on the four areas you need to know about the new process.

1. Regulated Activity and related offences
2. ISA referrals and connection with the Regulators
3. The ISA decision making process and two barred lists
4. ISA registration and online checking

Finally there will answers to some frequently asked questions,



1. “Regulated Activity”

WHAT IS A REGULATED ACTIVITY?

If your service undertakes what is called a “regulated activity” then you will need to take steps within your organization to ensure that the needs of the children or adults you work with are safeguarded.

If your activity involves contact with children or vulnerable adults and is:

1. A SPECIAL TYPE OF ACTIVITY... OR
2. ANY ACTIVITY IN A SPECIAL PLACE... OR
3. YOU HOLD A SPECIAL POSITION

Please note that no distinction is made between paid and voluntary work.

DEFINITION OF A VULNERABLE ADULT

- Receives any form of health care
- Lives in sheltered or residential accommodation
- Receives domiciliary care
- Receives support, assistance or advice to help them live independently
- Requires assistance in the conduct of their own affairs
- Receives a direct payment
- Is an expectant/nursing mother in residential accommodation provided by the LA or NHS
- Receives any service or participate in activity provided specifically because of age or disability
- Is detained in lawful custody
- Is on probation

Specified Nature, Place and Role

Does your group or organization involve contact with children or vulnerable adults and is:

Of a specified nature:

For example teaching, training, care, supervision, advice, treatment or transport...**OR**

In a specified place:

For example schools, children’s homes, hospitals, juvenile detention facilities, care homes...**OR**

In a regulated role:

These include, childcare workers, GPs, Nurses, Care workers, Prison Officers, Youth Workers, Some Taxi drivers, all staff in schools, Osteopaths, Chiropractors, all staff in children’s hospitals, Opticians, Dentists, many sports coaches and volunteers in the sector.

Frequently intensively and or overnight

And is that activity undertaken frequently (once a month or more), intensively (for three or more occasions in a period of 30 days) and or overnight (over the hours 2am—6am).

If the answer is yes to the above then all people working or volunteering in that role must be ISA registered



DUTIES AND RESPONSIBILITIES OF UNDERTAKING REGULATED ACTIVITY

You must ensure that a barred individual must not undertake regulated activity
To undertake a regulated activity an individual (employed or volunteering) must be ISA registered.

An employer or organisation must check that a prospective employee (or volunteer) who is in a regulated activity is ISA registered

An employer or organisation must not engage in regulated activity with a barred person or someone who is not ISA registered.

2. Referrals and Regulators



Independent Safeguarding Authority

The Independent Safeguarding Authority is a non departmental public body, established in January 2008.

Referrals:

- Employers, professional and regulatory bodies, and child/adult protection teams in Local Authorities **MUST** refer information to the ISA in certain circumstances
- In other circumstances, employers **MAY** refer information regarding an individual's contact to the ISA
- Parents/private employers should go to a statutory agency (e.g. social services or the police)
- The ISA will inform professional/regulatory bodies when it bars someone, so that their professional registration can also be reviewed.
- Full guidance is on the ISA website www.isa-gov.org.uk



3. The Decision Making Process and Barred Lists

There are going to be two new barred lists, one for children and one for vulnerable adults.

DECISION MAKING PROCESS

- New information is received about an individual
- ISA considers cumulative behavior and risk of harm (from information received from a competent body, referral information, gathered information e.g. cautions and convictions and cumulative behaviour)
- There is a "Minded to Bar" stage which includes representation unless it is an Auto Bar offence.

Applications for the new ISA registration will start in July 2010 for new entrants to the workforce and those moving jobs

4. Registration and Online Checking

If you have already discovered that you are undertaking a regulated activity then you will need to understand how to register. The scheme is being phased in:

- Applications for ISA registration will start in July 2010 for new entrants to the workforce and those moving jobs only,
- From November 2010 it will be mandatory for new entrants and job movers to have ISA registration before they start their new posts.
- Members of the existing workforce will be phased into the scheme from April 2011 starting with those who have never had a CRB check.
- The role out will be over a 5 year period.

Online checking will be free and available 24/7 you will need the individual you wish to check to give you permission to use their registration number to look them up.

When you check online you can state that your organisation has a legitimate interest in that individual in which case you will be informed if the individual ever becomes barred.

The status of the individual will be continuously updated on receipt of new information such as convictions or referrals from employers.



FREQUENTLY ASKED QUESTIONS



HOW MUCH DOES IT COST? AND HOW LONG DOES IT TAKE?

£64 which includes the cost of an enhanced CRB disclosure. There may be an additional administration fee to pay to the organisation processing your application. For volunteers there will only be the application fee where applicable. Registration with the ISA will take up to 7 working days.

WHAT ABOUT WORK EXPERIENCE?

Work experience is excluded from the ISA registration because the individual is being supervised and it is for a very short period.

WHAT HAPPENS ABOUT CRB CHECKS?

CRB checks give other information than held by the ISA (The ISA will only hold information relating to whether and individual can or cannot work with children and vulnerable adults). You will need to assess in your organisations if you need to know the other information provided by a CRB for example if you need to know about any convictions relating to financial or driving offences. CRB checks will continue to be non transferrable between organisations and it is suggested that these are renewed at least every three years.

HOW OFTEN DO YOU HAVE TO REGISTER?

You only have to register with the ISA once (but if you move from voluntary to paid work either you or your employer will be required to pay the fee)

IS THERE ANY FUNDING AVAILABLE TO PAY FOR THIS?

None has been agreed. Organisations should look to put the costs of this into their budgets for next year and make funders aware of the cost implications in any grant applications.

WHAT POLICIES AND PROCEDURES DO I NEED TO UPDATE IN MY ORGANISATION

You should update your safeguarding adults and safeguarding vulnerable children policies and you will need to design a consent form to get agreement from a new volunteer or employee to use their ISA registration number to look them up on the register and to register a "legitimate interest" in them.

IF SOMEONE IS BARRED WILL THEY HAVE THE RIGHT TO APPEAL

Yes in all but the most serious cases.

WHO HAS TO REGISTER?

The registration process will work in a similar way to existing CRBs so the individual will have to be present and provide their proof of identification documents.

WHERE TO GO FOR MORE HELP AND SUPPORT

- For assistance in preparing your policies and procedures or for advice on funding contact VCACD using the contact details on the left hand side and our EESI project worker will be able to support you.
- For more detailed information about ISA registration visit www.isa-gov.org.uk or call 0300 123 1111

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