



Vetting & Barring and the Independent Safeguarding Authority

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Introduction to the scheme

- The **Safeguarding Vulnerable Groups Act 2006** sets out the scope of the scheme.
- Core purpose: to **prevent unsuitable people from working or volunteering** with children and vulnerable adults
- The Scheme will **fundamentally reform** current vetting and barring practices....
- ...**but employers retain their responsibilities** for ensuring safe recruitment and employment practices.





Delivering the Scheme



Police



Regulators

Umbrella Bodies

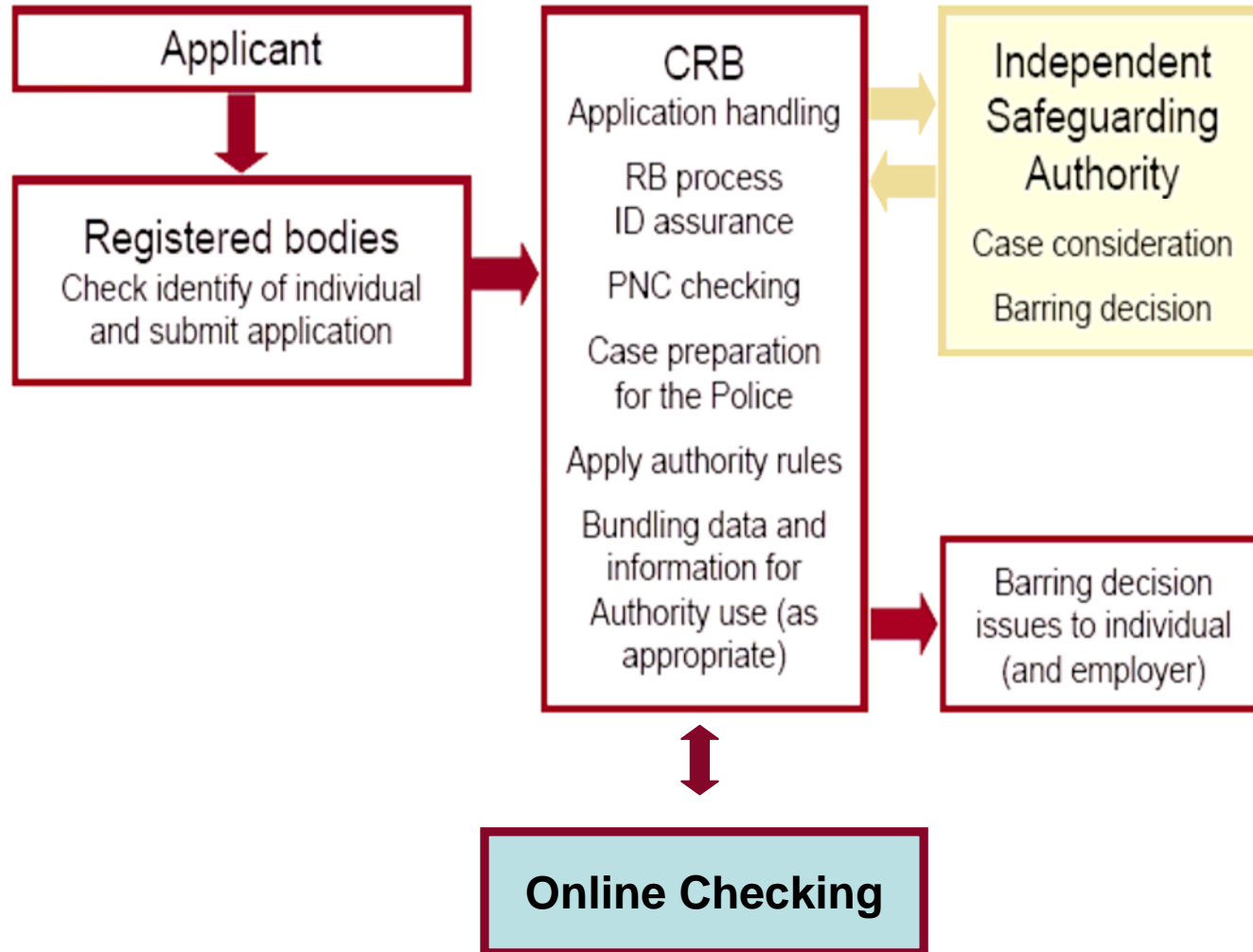
Other Government Departments

**Stakeholders in Education, Faith,
Health / Social Care, Sport, Local Authorities**

Employers , Recruitment Agencies, Unions, Charities



How the process will work





So, what's new...?



- A **Register** of those able to work with vulnerable groups
- Regulated Activity** - safeguarding scope is widened
- Controlled Activity** introduced
- New **Barred** lists
- Continuous monitoring** of registration status
- Free **online checking**
- The **Independent Safeguarding Authority** established
 - ISA referrals process
 - ISA Decision Making process



Definition of 'Regulated Activity'

Involves contact with children or vulnerable adults and is:

of a specified nature

e.g. teaching, training, care, supervision, advice, treatment, or transport

or

in a specified place

e.g. schools, children's homes & hospitals, juvenile detention facilities, adult care homes

"frequently, intensively and/or overnight"

- once a month
- 3 or more occasions in a period of 30 days
- Overnight: between 2 - 6am

- **Also covers Fostering and 'Defined Office Holders'**
Eg Directors of Children's Services, Trustees of children's charities, School Governors.
- **No distinction made between paid and voluntary work**





Regulated Activity of a specified nature

Where people are providing advice, guidance or assistance to vulnerable adults or children, including teaching, care or supervision.

This includes roles such as:

- Teachers
- Childcare workers
- Probation officers
- Care workers
- Nurses & GPs
- Domiciliary care workers
- Contracted Taxi drivers
- Driving Instructors
- Children's sports coaches
- Private tutors
- Prison officers
- People advising 'ChildLine' callers
- Youth workers
- Dentists, Osteopaths, Opticians
- Volunteers in the sector





What Regulated Activity means

Duties and responsibilities under regulated activity where an organisation is providing the activity:

- A barred individual **must not** undertake regulated activity
- To undertake regulated activity an individual **must be** ISA-registered
- An employer **must check** that a prospective employee who is in regulated activity is ISA-registered
- An employer **must not** engage in regulated activity a barred person or a person who is not ISA-registered
- **Personal and family relationships are not covered**





Key points for Domestic arrangements



The scheme includes

- those employed in domestic situations e.g. home tutors, childminders, personal care assistants
- self-employed people working in regulated activity e.g. sports coaches

Although it will not be mandatory for 'domestic' employers to check people they engage, they can.

A barred person **must not** engage in any regulated activity





Foreign exchange visits & host families

Example 1

- a church organising volunteers from abroad to help on summer camps for people with disabilities
 - Where overseas visitors will meet the regulated activity tests, and when arranged by a third party they will need to register.
 - ISA-registration can be started ahead of time where the identity of the overseas visitor can be confirmed

Example 2

- a school or sports academy arranging for children from abroad to stay with a host family
 - People in the host family who are providing the care and accommodation need to be ISA-registered.
 - The organisation / school must check that they are registered.





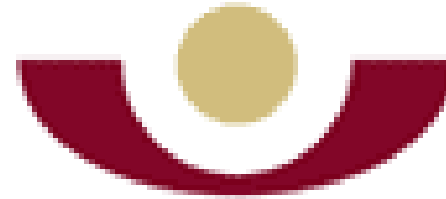
Introducing : Controlled Activity



A barred person may sometimes be employed in 'controlled activity', provided tough safeguards have been put in place

- Comes into force at the end of the Scheme roll-out
- Tightly defined:
 - Ancillary support workers in **NHS and FE settings** (e.g. cleaners, caretakers, catering staff, receptionists)
 - Those working for **specified organisations** (e.g. Local Authority, Health Authority or their designated agents) with frequent access to sensitive records about children or vulnerable adults

It will be mandatory to check the ISA-registration status of individuals in controlled activity



Independent Safeguarding Authority

The Independent Safeguarding Authority



Who is the ISA?

- 10 publicly appointed board members with expertise in safeguarding and risk assessment
- Chair – Sir Roger Singleton
- In excess of 200 caseworkers/decision makers
- Established in Jan 2008
- Advising on referrals to the current barring schemes since 31 March 2008
- Since 20 Jan 2009 the ISA has been making decisions on all new referrals to the current barring schemes





Information Sharing

- Essential to Decision Making Process
- Duty to refer set out in legislation
- Continuous Monitoring

Who can refer?

- Regulated activity providers
- Professional bodies and supervisory authorities
- Child/adult protection teams in Local Authorities
- Private employers/Parents





Relevant Conduct



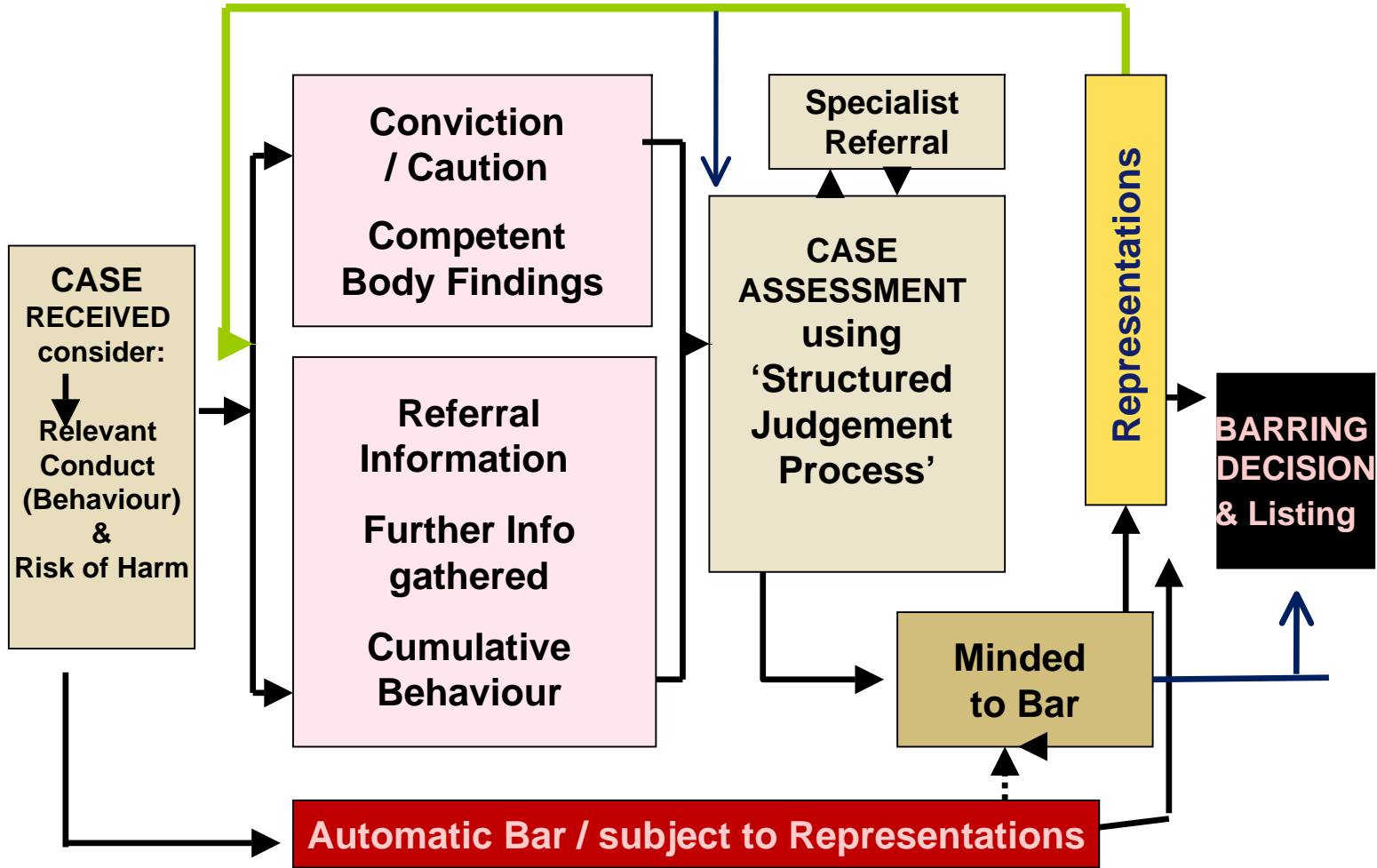
- Endangers a child or vulnerable adult or is likely to endanger a child or vulnerable adult;
- If repeated against or in relation to a child or vulnerable adult, would endanger them or would be likely to endanger them;



Relevant Conduct continued



- involving sexual material relating to children (including possession of such material)
- involving sexually explicit images depicting violence against human beings (incl: possession of such images if it appears to ISA that the conduct is inappropriate;
- conduct of a sexual nature involving a child or vulnerable adult, if it appears to ISA that the conduct is inappropriate





Consideration



It is unlikely that the matter will be further considered where the last date of conviction/caution **is more than 10 years old providing** that:

- ✓ There are no “Automatic inclusion” or “Automatic inclusion with representations” offences in the offending history; AND
- ✓ The “offence-free” period does not contain any period in custody or under supervision; AND



Consideration



- ✓ The "offence-free" period does not contain any period where an order of the court was active; AND
- ✓ The last offence does not form part of an offence history which gives cause for concern; AND
- ✓ The offence history does not include any offences against the person or other serious offence(s); AND
- ✓ There is no other information to consider.



CRB- Phased Rollout



- **Year 1 (July 2010)**

- new entrants to the workforce and those moving jobs

- **Year 2**

- those who have never had a CRB check before

- **Year 3**

- those with CRB checks over three years old

- **Year 4**

- those with more recent CRB checks

- **Year 5**

- the remainder of those who have had a CRB disclosure & those who work in controlled activity



Impact of Registration



- ISA-registration is fully portable
- Staff cannot refuse to become ISA-registered and still carry out regulated activity
- If an employer is notified that an existing member of staff is barred, they must be removed from regulated activity immediately



CRB vs ISA-registration checks



•Enhanced CRB check	•ISA-registration check
<ul style="list-style-type: none">-Fee Payable-Snap shot in time-Updates available on re-application-Job specific-Not easily portable-Reveals: all convictions, ISA-registration status and if barred, reasons for the bar, any local police information	<ul style="list-style-type: none">-ISA status continuously monitored and updated-Free and online check of ISA-registration status-Employers notified of changes to an individual's ISA-registration-Workforce specific-Reveals: ISA-registration status for each workforce



What does all this mean for me as an employer, RB or UB



- Business as Usual

- Fees

–ISA-Registration	£64
–ISA-registration with CRB check	£64
–Enhanced CRB check only	£36
–Standard CRB check only	£31
–Volunteers	Free

- ISA-Registration only



The ISA Online Checking Service (ISA-Online)





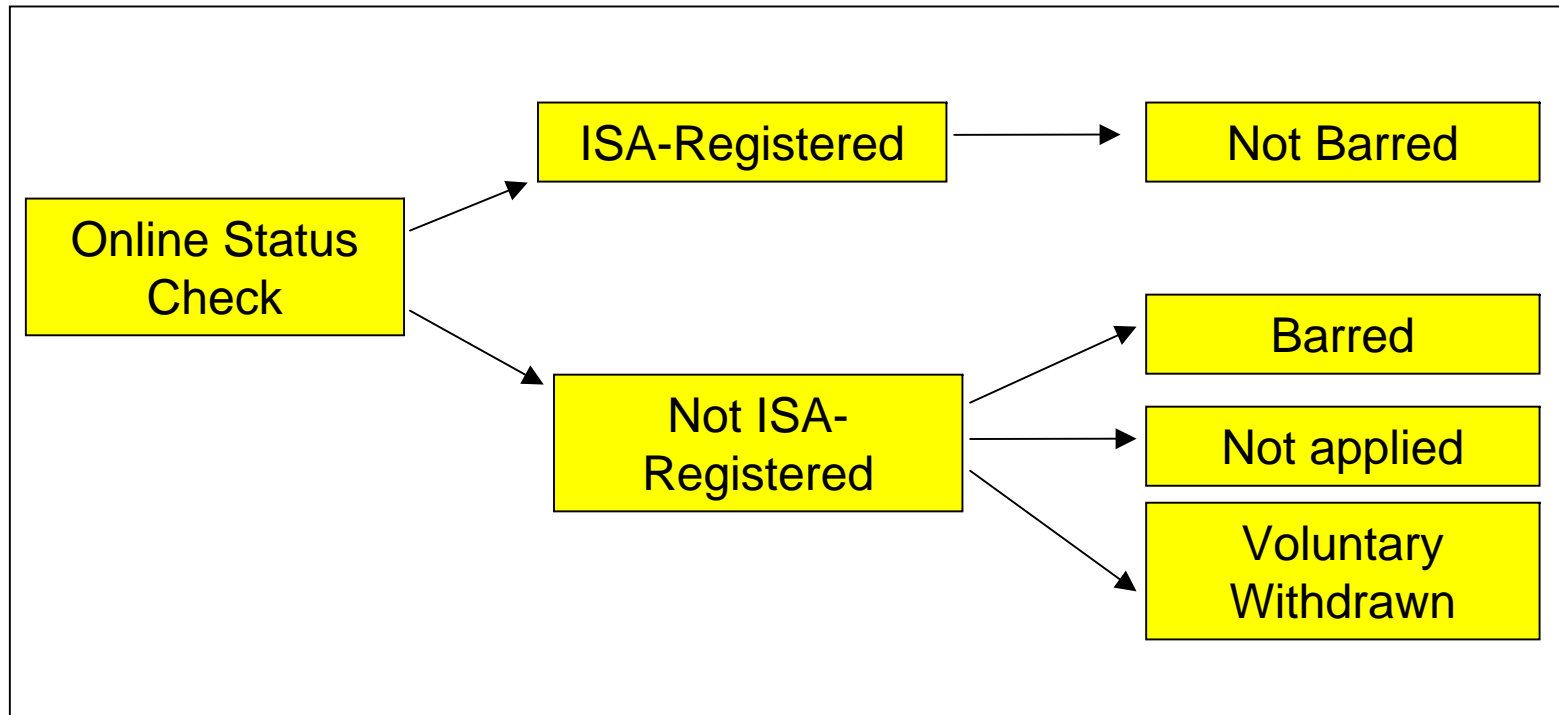
What is ISA-Online?



- A free and online service that allows employers to check an individual's ISA-registration status for a particular workforce
- Allows employers to 'subscribe to' one or many individual's registration status and receive updates if that status changes



How will it work?



The status of individuals will be **continuously updated** on receipt of new information, such as convictions or referrals from employers





Impact of Online Checking



- Online Checking is **free, available 24/7**
- Once the Vetting & Barring Scheme (VBS) has been fully rolled out, it will be **illegal** for organisations to engage anyone in regulated activity without checking their registration status first.
- Those with a legitimate interest in the individual will be notified if an individual is de-registered from the scheme.
- Regulatory bodies will be notified, so that professional registration can also be reviewed



ISA-Online

- Who can access ISA-Online?

- Any employer or organisation that has a legitimate interest in an individual for employment purposes and has obtained their consent

- How do I access the service?

- www.crb.gov.uk
 - www.isa-gov.org.uk
 - Directgov
 - Business Link





VBS Launch Timetable

- 12 October 2009
 - 2 new barred lists replace POCA, POVA and list 99
 - Definition of 'regulated activities' widened
 - Barring arrangements will apply to a wider range of activities
 - Standard CRB checks no longer include check of barred lists
 - Applicants continue to use the current application form





VBS Launch Timetable

- Going Forward

- January 2010

- Specimen of new application form to all Lead and Countersignatories or to download from CRB website

- April 2010

- Initial stock of new application forms to Registered Bodies

- 28 June 2010

- CRB accept new application forms but will not process until go live date





VBS Launch Timetable



- 12 July 2010
 - CRB stops accepting orders for current application forms
- 23 July 2010
 - Telephone application route stops for current forms
- 26 July 2010
 - CRB will reject applications on current application forms.
 - All new application forms accepted
 - ISA-Online service becomes operational
 - Telephone application route re-opens for new forms



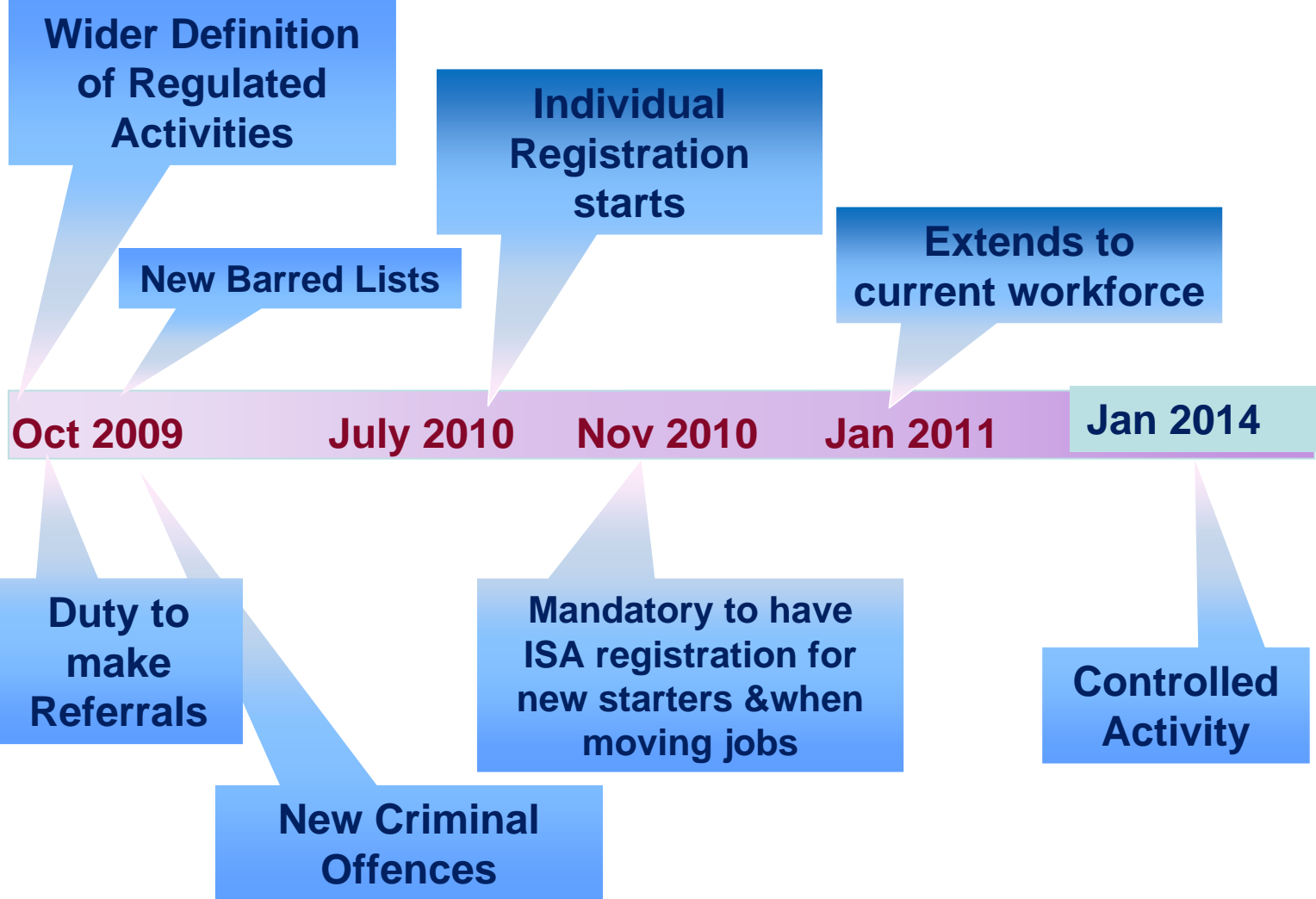
Other Information



- A Guidance DVD for the new application process will be available via CRB website
- The guidance DVD will include a guide for those applying for an 'Access Northern Ireland' check
- A list of 'Frequently asked Questions' about changes to the CRB process will be available to view or download from the CRB website
- A new VBS support line will be set up at the CRB to handle any enquiries in relation to VBS related issues



Phasing in the Scheme





Summary of scheme



- **Information sharing framework** is enshrined in law and is at the heart of the scheme
- Anyone working or volunteering with vulnerable groups in regulated activity **must be registered**
- Employers **must verify** an individual's registration status, Parents/individuals can use the system too
- Employers will be **informed** if an employee becomes de-registered from the Scheme
- Barring decisions will be taken by **independent experts**.
- **Oct 09** - Regulated activities introduced
 - ISA Processes
- **July10** - Applications for Registration start



How you can prepare

Stay Engaged

- Liaise with relevant Registered Bodies and Regulators
- Keep up to date with Scheme developments
- Use briefing tools to spread the word

Ensure Internal Communication

- Inform colleagues especially HR, disclosure staff
- Consider which roles are defined as regulated activity
- Start outline planning – staff numbers/budgets

For July 2010

- Look at all contract terms and conditions
- Prepare adverts for jobs as 'subject to ISA registration'
- Continue safe recruitment practices





Quick Test 1

An arts and drama teacher in a secondary school who takes a class out to a music concert one evening...

Does s/he need to be registered ?





Quick Test 2

In an ordinary family home, one member of the family is a mental health patient. The householder has a cleaner who calls twice weekly...

Does s/he need to be registered ?





Quick Test 3



The volunteer organiser of a local Stroke Association provides advice on benefits, grants for home adaptations, and organises weekly social evening for members and their relatives

Does s/he need to be registered ?