



## Factsheet 7

# The Vetting and Barring Scheme and the Independent Safeguarding Authority

From **12 October 2009**, new measures have been introduced to help prevent unsuitable people from undertaking paid or volunteer work with children or vulnerable adults. This is called the **Vetting and Barring Scheme (VBS)**.

A wider definition of 'Regulated Activities' have been brought into force. Extended Barring arrangements now apply to a wider range of activities and in a wider range of settings, and there will be a statutory duty to refer information.

To help implement the Scheme a new public body called the **Independent Safeguarding Authority (ISA)** has been created. The ISA make decisions over who should be barred from working with vulnerable people. These decisions are legally binding so a barred person must not undertake certain roles under any circumstances. Failing to comply could result in both the employer and the employee or volunteer being prosecuted and even going to prison. ISA registration begins in July 2010.

From **July 2010** all new employees and volunteers who want to work or volunteer with children or vulnerable adults **can** register with the ISA. From **November 2010**, all new employees and volunteers **must** register before they start work or volunteering. From then it will be illegal to employ people or involve volunteers who are not ISA-registered.

### What is the Vetting and Barring Scheme and why was it set up?

The Scheme was established as a result of the Bichard Enquiry, which followed the Soham Murders. The Enquiry recommended that all those who work with vulnerable groups should be registered. The register would confirm that there is no known reason why an individual should not work with these client groups.

- The Vetting and Barring Scheme is a partnership of the Independent Safeguarding Authority and Criminal Records Bureau.
- The Criminal Records Bureau is responsible for the application and monitoring features.

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- The Independent Safeguarding Authority is responsible for the decision making and maintenance of two barred lists (for each of England and Wales and Northern Ireland) covering the children's and vulnerable adults' sectors.
- The new barred Lists and will replace the existing Protection of Children Act (PoCA) List, List 99 and the Protection of Vulnerable Adults (PoVA) List in England and Wales, and the Disqualification from Working with Children (DWC) List, the Unsuitable Persons List (UP List) and the Disqualification from Working with Vulnerable Adults (DWVA) List In Northern Ireland as well as the current system of Disqualification Orders, which is operated by the criminal justice system.

The Vetting and Barring Scheme is designed to ensure that anyone who presents a known risk to vulnerable groups is quite simply prevented from working with them. However, what it cannot do is guarantee that anyone not barred is 'suitable' or 'safe' to work with vulnerable people.

The **Safeguarding Vulnerable Groups Act 2006** sets out the scope of the scheme: It defines two types of activity for which there are requirements on employers and individuals - **regulated activity** and **controlled activity**.

### Definition of regulated activity

- Any activity which involves contact with children or vulnerable adults and is of a specified nature (e.g. teaching, training, care, supervision, advice, treatment or transport) ... frequently, intensively and/or overnight.
- Any activity allowing contact with children or vulnerable adults and which is in a specified place (e.g. schools, children's homes, etc) ... frequently or intensively.
- Fostering and childcare.
- Certain defined "office holders" (e.g. LA Director of Children's Services, trustees of children's charities, school governor).
- No distinction is made between paid and voluntary work.

### Controlled activity

Tightly defined:

- Ancillary support workers in **NHS and FE settings** (e.g. cleaner, caretaker, catering staff, receptionist) with frequent or intensive contact with children or vulnerable adults.
- Those working for **specified organisations** (e.g. a Local Authority) with frequent access to sensitive records about children.

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

A barred person **can be employed or can volunteer** in controlled activity, providing tough **safeguards** have been put in place.

A person barred as a result of a relevant autobar caution or conviction will not be able to work or volunteer in controlled activity in Wales.

## **How will the new vetting service work?**

### **1. Making an application**

Those people who are applying to work or volunteer with children or vulnerable adults will have to apply to the vetting service via a registered umbrella body for the Criminal Records Bureau (CRB). A list of registered bodies can be found by visiting [www.crb.org.uk](http://www.crb.org.uk) .

Organisations in Cumbria can contact **Cumbria CVS Barrow (registered umbrella body for the CRB) on 01229 823144.**

For individuals undertaking paid employment, **there will be a registration fee of £64** (£28 ISA/£36 CRB administration costs) per person - a one off payment which will cover an applicant for the duration of their career in regulated activity. If individuals only register for work with children and later on move into work with vulnerable adults they will then have to pay again for ISA registration. So, it is recommended to tick boxes for both children and vulnerable adults.

The cost is the responsibility of the individual, although some organisations may cover this cost or may choose to cover the CRB cost with the individual covering the ISA check cost as this check and unique number will remain with them.

*Please note: umbrella bodies are likely to charge an additional admin fee to do the checks.*

Volunteers will have to apply in the same way as an employee but will not be charged for registering. A volunteer does not necessarily need to be linked to organisation to do an ISA check via an umbrella body, but this will mean that they will incur a cost. If a volunteer chooses to volunteer with a particular organisation, the organisation will decide whether or not they incur the admin cost for the ISA check (as ISA checks are FREE to volunteers).

**There will be a new enhanced CRB form which will include an ISA section to be completed by individuals (it will also be available online via the ISA website [www.isa.org.uk](http://www.isa.org.uk)) in 2010, though will not be not used until July 2010.**

### **2. The vetting process**

The CRB will check whether there is any relevant information from the police or referred information from other sources, such as previous employers or professional bodies. If there is no information the CRB will inform the applicant that they are ISA-registered.

If there is relevant information, the CRB will pass this to the ISA, where trained caseworkers and an expert board will make barring decisions, and will decide whether the applicant should be placed on a Barred List.

Individuals placed on the ISA Barred Lists will have the right to make a representation against this decision and also to the Care Standards Tribunal, except where they have committed a serious offence.

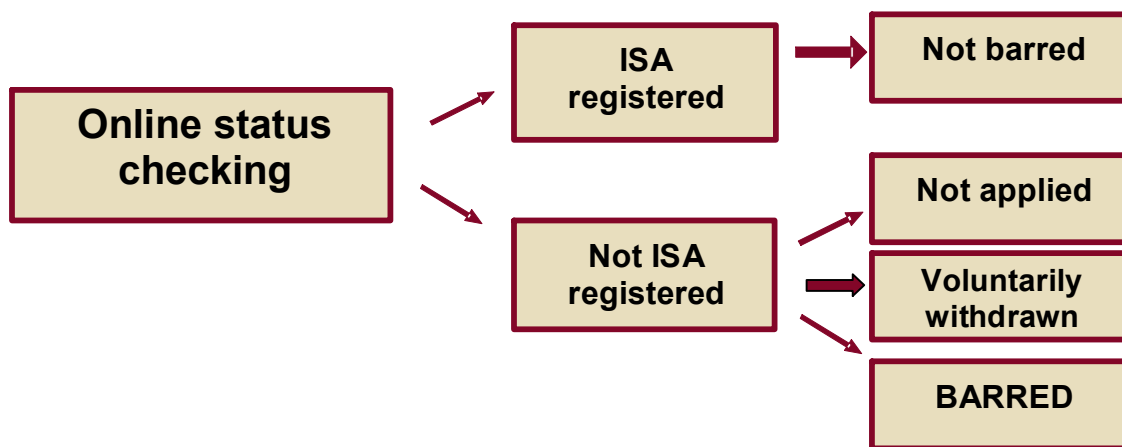
### 3. Continuous monitoring

All ISA-registered individuals are subject to continuous monitoring. This means that the ISA decision not to bar them could be reviewed in the light of new police or referral information. Where this happens the ISA will immediately notify the employer or organisation concerned, wherever they have registered an interest.

### 4. Online checking

Subsequent employers or organisations will be able to check an individual's status online free of charge. In most cases they will also be able to seek Enhanced Disclosure (which will contain information on any criminal records) from the CRB.

#### Scheme operation – Online Checking



#### How does an employer or organisation register with the Vetting and Barring Scheme?

Employers/organisations will be required to ensure that any staff or volunteers they have working or volunteering with children or vulnerable adults are checked by the ISA and have gone through the registration process with the Criminal Records Bureau (CRB). This will be via a registered or umbrella body, the same system currently used for obtaining CRB Enhanced Disclosures.

Once their worker or volunteer is registered, the employer or organisation and individual will receive a certificate showing the person's ISA status (plus any information revealed during the CRB searches). Subsequent employers or organisations will be able to check their ISA status online and free of charge.

All ISA-registered individuals will be subject to continuous monitoring. When new information, such as a conviction or caution or a referral from an employer or organisation, becomes known about an

individual already registered with the ISA, the Authority will review its original decision not to bar. Where an employer or organisation has already checked on an employee's or volunteer's status with the ISA, that employer/organisation will be notified automatically if their employee's status changes.

### **Impact on staff and volunteers**

- Staff or volunteers **cannot refuse** to become ISA registered and still carry out regulated activity.
- If an existing member of staff or volunteer is barred they **must** be moved from regulated activity immediately.
- **unsubstantiated or malicious allegations** won't be enough for a member of staff to be barred.
- Individuals may make **representations** against being barred in most circumstances

### **Duties of employers and organisations for 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 or organisations **may** refer information regarding an individual's conduct to the ISA.
- **Parents/private employers** should go to a statutory agency who can investigate and refer if appropriate (e.g. social services or the police).
- The **Independent Safeguarding Authority** will inform professional/regulatory bodies if it bars someone, so that their professional registration can also be reviewed.

New entrants to the workforce or to volunteering and those changing jobs will be the first to go through the Scheme.

Members of the **existing** workforce or those **already volunteering** will be phased into the scheme over a five year period.

### **Can organisations employ people or involve volunteers while they wait for confirmation of their registration providing they are being supervised?**

No. After November 2010, if an employer/organisation wishes to employ a person or involve a volunteer who will be working with children or vulnerable adults then they must ensure that the individual is ISA-registered before they start work or volunteering. If an applicant isn't ISA-registered, this could mean that they haven't applied to the ISA or that they are on a barred list. In either case they cannot start.

Anyone who applies for a job or a volunteering role will need to provide their prospective employer/organisation with an ISA registration number. The employer/organisation will then be able to check on that person's registration status, online, free of charge.

The employer/organisation will not have to wait for written confirmation.

## Working with the CRB

**ISA registration will not replace the need for Criminal Records Bureau (CRB) Disclosure but represents an extra level of protection.** This new Scheme helps to ensure that employers can be more confident than ever before that they are hiring a suitable person or involving a volunteer by making it a legal requirement for everyone who is working or volunteering with children or the vulnerable to be ISA-registered. A CRB Disclosure will reveal if the person has convictions that would make an employer or organisation consider them unsuitable to do the specific role, such as convictions for theft, fraud or dishonesty. When used together, the ISA-registration and CRB checking process will provide employers or organisations with one of the most comprehensive assessment and review services available to date.

## Summary

- Barring decisions will be taken by **independent experts**.
- Once fully implemented by November 2010, **anyone working or volunteering with children or vulnerable adults** in regulated activity must register with the Scheme.
- Employers or organisations **must** verify a person's registration status and ensure those they place with vulnerable people are on the Scheme.
- **Better information sharing** - employers, other statutory, business, public organisations, CVS, Volunteer Centres **must** refer appropriate information to the ISA.
- Parents/individuals will be able to **check** that the workers they employ in a private capacity in regulated activity are registered with the ISA.

For more information about the Vetting and Barring Scheme, the Independent Safeguarding Authority, the registration process, who is affected and how, please visit [www.isa-gov.org.uk](http://www.isa-gov.org.uk) or call **0300 123 1111\***.

## N.B. Update 22 December 09

Sir Roger Singleton (Chair of the Independent Safeguarding Authority) was asked to undertake his check of the Vetting and Barring scheme by Children's Secretary Ed Balls in September.

In his report in December, '**Drawing the Line,**' Sir Roger confirms that the scheme is right not to intervene in private arrangements made between parents and friends. But where organisations make decisions on which adults should work or volunteer with their children, the requirement to register should apply if the contact is sufficient to allow a relationship of trust.

The Government welcomed Sir Roger's recommended adjustments to the scheme's requirements which include:

- **Where organisations such as schools, clubs or groups make the decisions as to which adults should work or volunteer with their children then the requirement to register with the Vetting and Barring Scheme should apply, subject to the frequent and intensive contact provisions;**
- **The frequent contact test should be met if the work with children takes place once a week or more**
- **The intensive contact test should be met if the work takes place on four days in one month or more or overnight.**
- **individuals who go into different schools or similar settings to work with different groups of children will not be required to register**
- **older pupils participating in work experience and community placement schemes should not have to be registered;**
- **overseas visitors bringing their own groups of children will only have to register in relation to the work they do with those children if they are here for 3 or more months**
- **The minimum age of registration for young people who engage in regulated activity as part of their continuing education will be reviewed. The Government will change the rules so that 16, 17 and 18-year-olds in education will not be required to register;**

**For more information please visit:**

**<http://www.dcsf.gov.uk/everychildmatters/safeguardingandsocialcare/safeguardingchildren/vettingandbarringscheme/vettingvandbarring/>**