

Uned Cofnodion Troseddol Criminal Records Unit

THE INDEPENDENT SAFEGUARDING AUTHORITY VETTING AND BARRING SCHEME

The Safeguarding Vulnerable Groups (SVG) Act 2006 followed as a response to a key recommendation from the Bichard Inquiry for a registration scheme which prevents those who are considered to be unsuitable, from gaining access to children or vulnerable adults through their work. It allowed for the setting up of the Independent Safeguarding Authority (ISA) and the implementation of an improved Vetting and Barring Scheme (VBS), where those who are known to be unsuitable are barred from working with children and/or vulnerable adults at the earliest possible opportunity.

What is its purpose?

To help prevent unsuitable people from working with vulnerable people.

When will VBS launch?

It launched on 12 October 2009 and is to be phased in over the next 5 years.

Who will be affected?

Any volunteer or paid employee working in certain types of activity involving vulnerable groups.

Which activities will be affected?

Any activity that is defined as 'regulated activity' under SVG Act.

What is regulated activity?

Any activity of a specified nature that involves contact with children or vulnerable adults frequently, intensively and/or overnight. (Such as teaching, training, care, supervision, advice, treatment and transportation.)

Any activity in a specified place which is frequent, intensive and/or overnight. (Such as schools, children's hospitals, residential care homes)

Fostering and childcare, and certain defined positions of responsibility. (Such as school governor, trustees of certain charities.)

*Intensive - 4 days in 1 month or more or overnight
Frequently - 1 occasion a week or more

How will I be affected?

When the scheme comes into full effect, if you want to work with vulnerable groups, you will need to apply to the VBS for ISA registration before you can start work. If you are an employer, you will need to confirm that someone is ISA registered before taking them on in regulated activity.

Will I still need to get an Enhanced Disclosure or can I rely on the new system?

The ISA VBS works alongside the current system of CRB checks, but is not a replacement.

In relation to regulated activity, it is mandatory for the applicant to be ISA registered and for the employer to check the ISA status. Employers can access online to check if the individual is ISA registered, which means that ISA has found no known reason why the applicant should not work with children and/or vulnerable adults.

However, ISA registration does not guarantee a 'clean' criminal record and organisations may still wish to apply for an Enhanced Disclosure to obtain a full criminal history. This may be important in order to assess the full suitability for a particular position and in some sectors the requirement to also obtain a disclosure will remain mandatory.

What changed on 12 October 2009?

Two new ISA barred lists replaced the existing barring system of POCA, POVA lists and List 99. Checks against the ISA barred lists - children's list and vulnerable adults' list - can be made as part of an Enhanced CRB Disclosure check. Standard Disclosures will no longer be available for those working with vulnerable groups and the scope of Enhanced checks have been widened to include all activity to which VBS applies. Employers, social services and professional regulators will have a duty to refer to ISA any information about individuals who may pose a risk and some penalties about barred individuals will come into effect.

What will change in July 2010?

Individuals will be able to apply to the VBS for ISA registration if they wish to work or volunteer with vulnerable groups. This can be done with the employer because of a job or volunteer position offer or pro-actively by an individual because they are self employed or thinking of working with vulnerable groups in the future.

A new joint application form will enable people to apply for ISA registration and/or a CRB check, if an employer is involved. The CRB carries out the administration on behalf of ISA and passes on information for ISA to base its decision on whether to bar or to register the individual on the VBS. Once an individual has been registered they will be subject to continuous monitoring and their VBS status reassessed if any new information about them comes to light.

Employers will be able to carry out **free** online checks of a person's ISA registration status (with the individual's consent) and can be informed of any changes to that person's ISA registration status.

What will change in November 2010?

It will be a legal requirement for individuals to register with ISA if they wish to work or volunteer with vulnerable

groups. For existing employees and volunteers there will be a five year phasing-in period.

Do I need to have all my staff and volunteers who are in regulated positions ISA registered by November 2010?

No. The legal requirement from November 2010 affects any individuals new to position/workforce or changing roles within regulated activity. Everyone else in regulated activity will be phased in over a five year period. Another category of controlled activity, including ancillary work in NHS settings, will be phased in at the end of the period.

How much will it cost?

There is a one-off fee of £64 for paid employees. However, it will be **FREE** for volunteers (unless they later take up paid employment, in which case they will be required to pay).

What is the duty to refer?

Any organisation providing regulated activity will be under a duty to refer relevant information to the scheme where there is concern relating to the harm or risk of harm to children or vulnerable adults. Local authority adult/child protection teams; professional bodies and supervisory bodies named in the SVG Act 2006 also have a duty to refer.

Where can I find out more?

This is only a very brief overview of ISA and CRB Disclosures. To find out more:

- ❖ www.isa-gov.org.uk
- ❖ www.crb.gov.uk

WCVA CRU is a bilingual service for voluntary organisations, offering FREE *access to CRB Disclosures and ISA registration supported by comprehensive advice and guidance.

www.wcva-cru.org.uk

 **0800 0 197 391**

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*There is no administration fee but CRB and ISA charges are applied where appropriate