

# **The Vetting & Barring Scheme Information Roadshow**

June/July 2009

# 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



Independent Safeguarding Authority



**Police**

**Regulators**

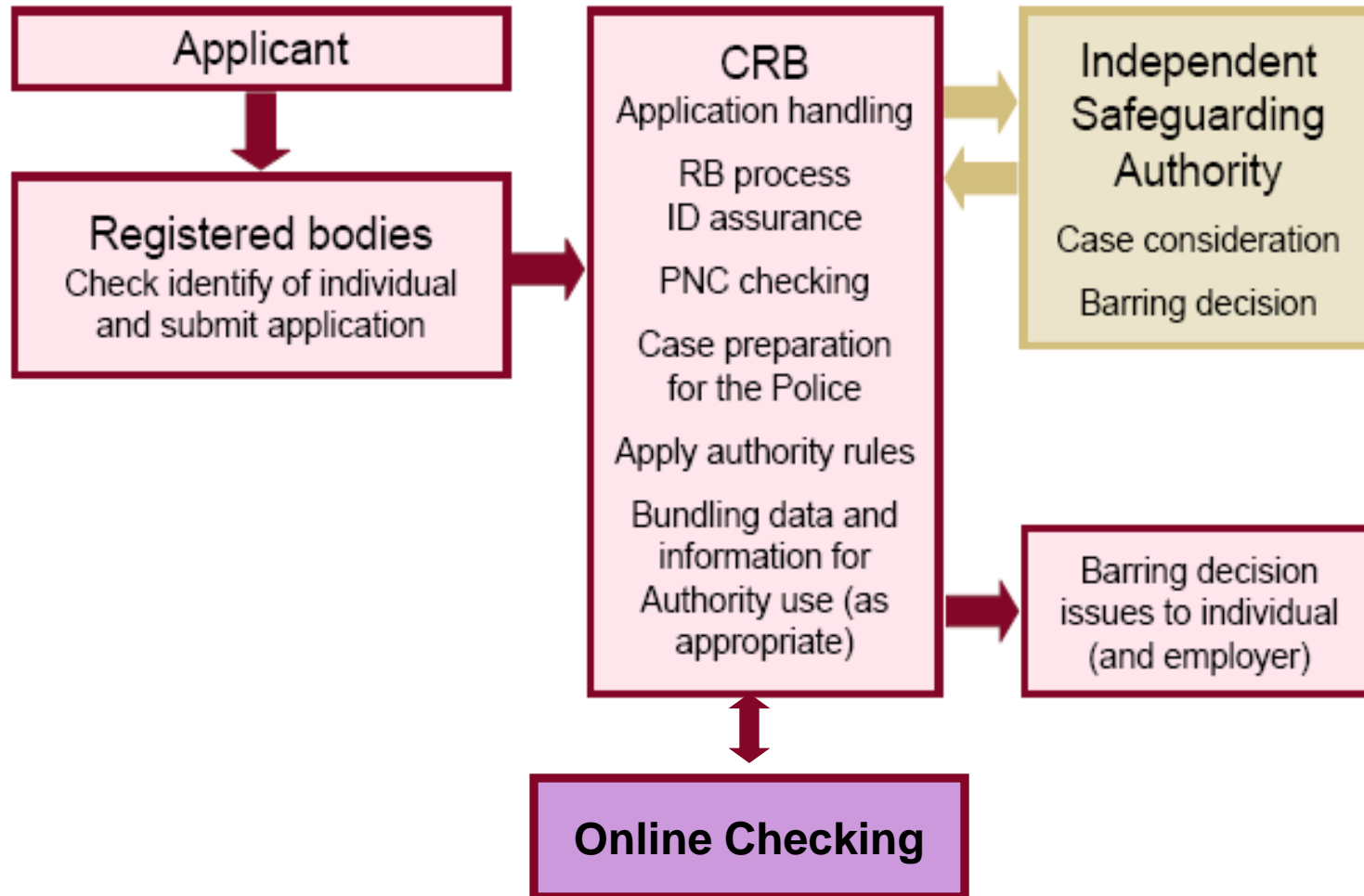
**Umbrella  
Bodies**

**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

## The Bichard Report - Recommendation 19:

*“.. New arrangements should be introduced requiring those who wish to work with children or vulnerable adults to be registered.*

*The register would confirm that there is no known reason why an individual should not work with these client groups.”*



- A positive register with **continuous monitoring** of status

# 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

# 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

**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 ?*

**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 ?*

**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 ?*



Independent Safeguarding Authority

# The Independent Safeguarding Authority

department for  
**children, schools and families**

  
**Home Office**

 **DH** Department  
of Health

# 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



# ISA

- 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

# When to refer

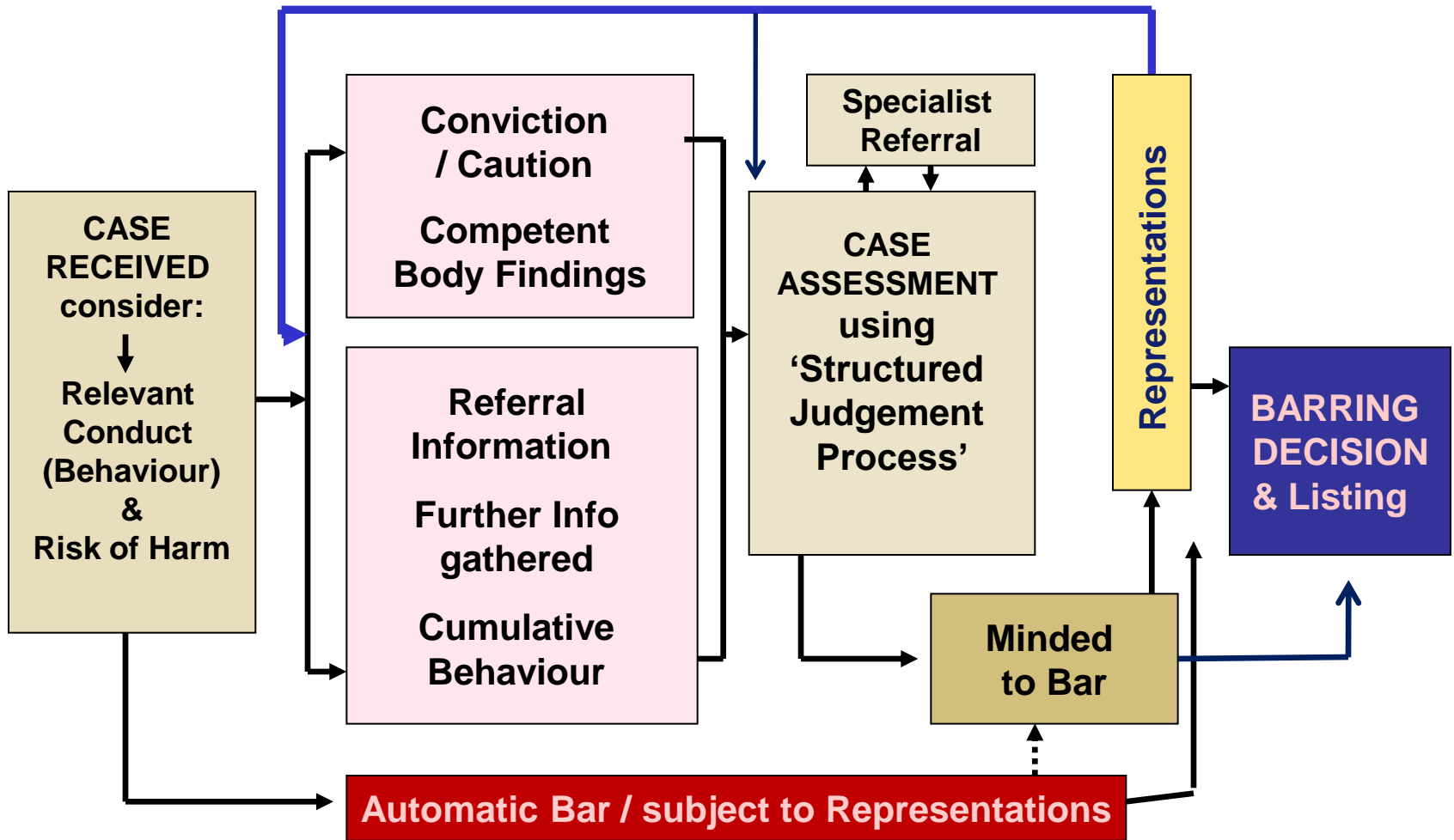
- Removed from regulated activity
- Regulated activity provider thinks
  - Relevant conduct has occurred
  - Risk of harm is present
  - Relevant caution or conviction

# How to refer

- Single referral form for both lists
- Guidance on referrals
- Email and telephone contacts

# Decision Making Process

- Gathered information assessed using Decision Making Process
- The DMP is a 5 stage process
- Underpinned by need to be proportionate, fair, transparent, justifiable



# 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.



Criminal Records Bureau



# Vetting and Barring Scheme

*Impact on the CRB*



# Overview

- CRB's role within the VBS
- Changes to the application process & Transitional Arrangements
  - From 12 October 2009
  - From 26 July 2010
  - From November 2010
- New ISA-online checking service



# CRB's Role

- The CRB will
  - Continue to process applications for CRB checks and issue CRB certificates
  - Additionally, from July 2010, we will process applications for ISA-registration with or without an enhanced CRB check and issue ISA certificates



# Transition – 12 October 2009

- Application form
  - Continue to use the current CRB application form
- Barred Lists
  - 2 new barred lists replace POCA, POVA and List 99
- Standard CRB checks
  - Only reveal information held on Police National Computer
  - Barred lists no longer searched



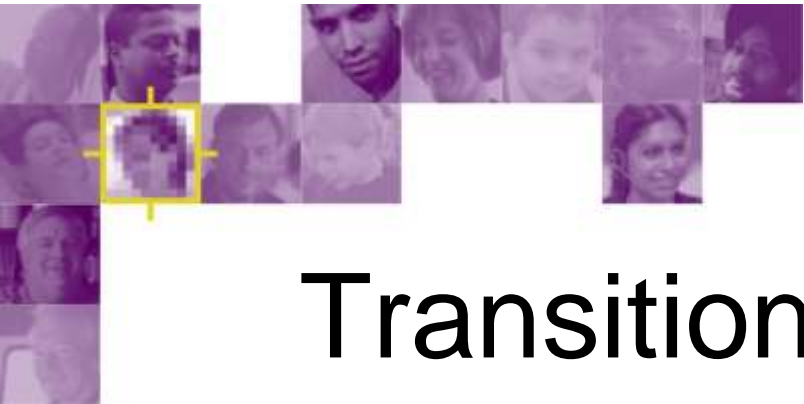
# Transition – 12 October 2009

- Enhanced CRB checks
  - Eligibility criteria for Enhanced CRB checks will be extended to include anyone working in a regulated position
- POVAFirst
  - Replaced with an equivalent service providing access to the new vulnerable adult barred list.



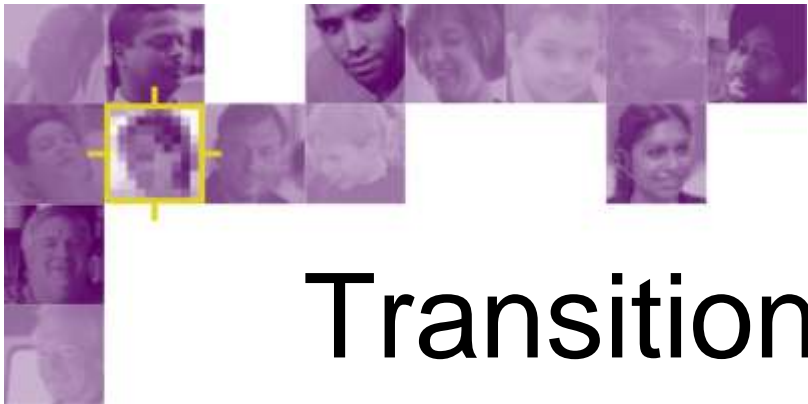
# Transition – 12 October 2009

- Applications still in progress on 12 October 2009
  - Standard
    - Will not reveal the new barred list information even if this was requested on the application form
  - Enhanced
    - Will reveal the new barred list information where a request was made for information from the old barred lists.



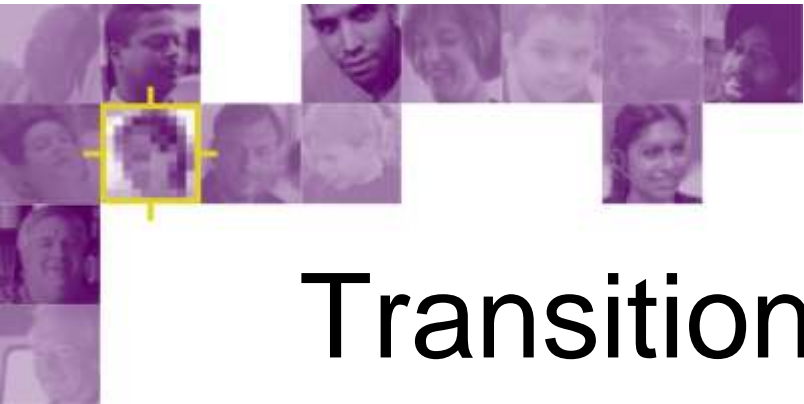
# Transition – 26 July 2010

- Application form
  - Applications must be made on the new CRB application form
  - Old forms no longer accepted and must be destroyed
- ISA Registration and Enhanced CRB Check
  - Applications can be made for ISA-registration in line with the phasing strategy.
  - Applications can be made for ISA-registration with or without an Enhanced CRB check



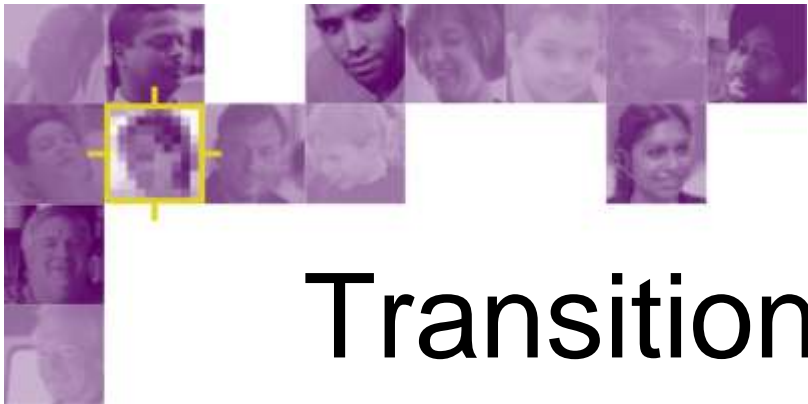
# Transition – 26 July 2010

- Standard CRB checks
  - Only reveal information held on Police National Computer
  - Search of the Barred lists not available
- Enhanced CRB checks
  - Checks can be requested of the applicant's ISA-registration status for:
    - Children's workforce and/or
    - Vulnerable adults workforce



# Transition – 26 July 2010

- ISA-online service
  - Free and online access to an individuals ISA-registration status
  - Employers or interested parties can subscribe to an individuals registration status and receive updates if that status changes



# Transition – 26 July 2010

- Applications still in progress on 26 July 2010
  - Standard
    - Will reveal only details held on Police National Computer.
    - Will not reveal the new barred list information
  - Enhanced
    - Will reveal the new barred list information
    - Will reveal the monitoring and barring status on the Enhanced CRB check



# Transition – November 2010

- November 2010
  - It will be mandatory for new entrants and job movers to be ISA-registered before they start in their new posts
  - It becomes a legal requirement for employers to check the registration status of employees entering the workforce or changing jobs
- January 2011 – July 2015
  - Existing workforce is phased into the scheme



# 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



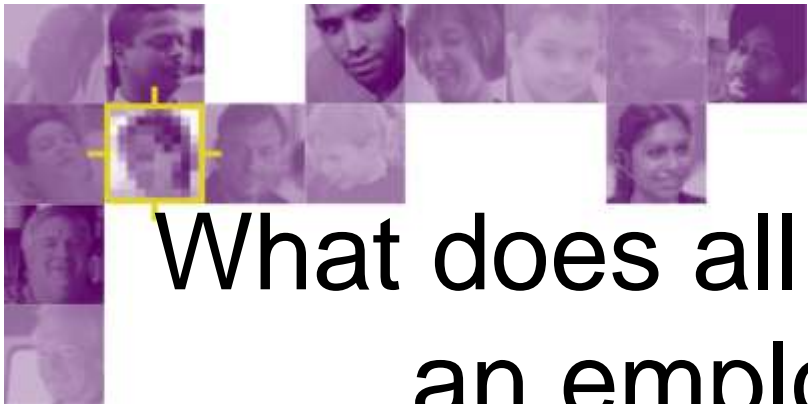
# Impact of Registration

- 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
  - 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
- ISA-registration check
  - 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

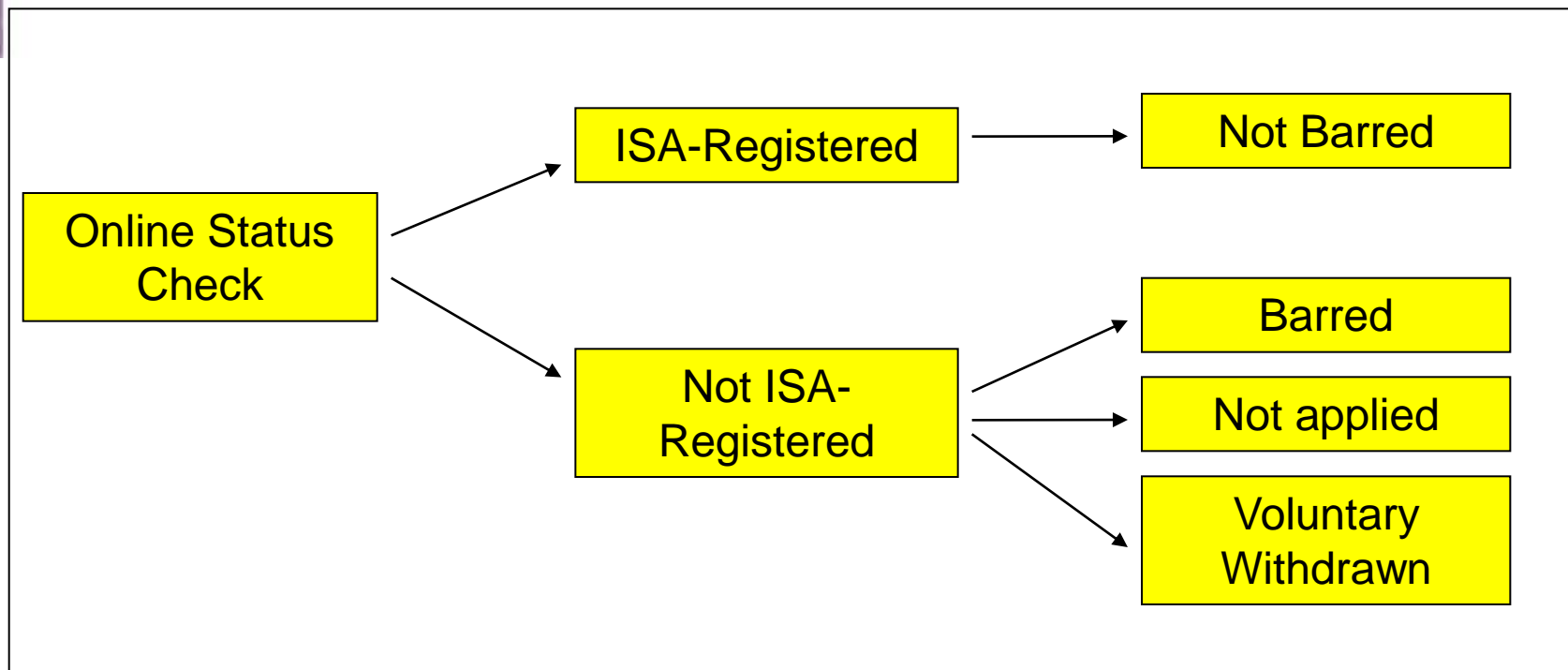
# The ISA Online Checking Service (ISA-Online)



# What is ISA-Online?

- A free and online service that allows employers to check an individuals' ISA-registration status for a particular workforce
- Allows employers to 'subscribe to' one or many individuals 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](http://www.crb.gov.uk)
  - [www.isa-gov.org.uk](http://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

# 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

## 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