

LAUNCH OF THE NEW VETTING AND BARRING SCHEME

The law is changing....

From 12 October 2009, new measures will be 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). To help implement the Scheme a new public body called Independent Safeguarding Authority (ISA) has been created. Unlike the Criminal Records Bureau (CRB) who provide employers with checks using information from the police's National Computer System, the ISA make decisions over who should be barred from working with vulnerable people. These decisions are legally binding. Failing to comply could result in both the employer and the employee or volunteer being prosecuted and even going to prison. ISA registration will not replace the CRB checking process, but represents an extra level of protection.

Below is a summary of the timetable leading to the introduction of ISA checks:

From 12 October 2009:

- The creation of two new ISA barred lists. These lists will replace the existing List 99 and POCA, POVA Lists currently being used.
- Access to these new ISA lists will be available on request as part of an Enhanced CRB check.
- Eligibility for Enhanced CRB checks will expand to include more employment and voluntary positions; such roles will be known as regulated positions (See Q&A).
- There is no change to the current application process.

From July 2010:

- Individuals will be able, via Registered/Umbrella bodies, to apply to the CRB for ISA registration if they are applying to work with children and/or vulnerable adults in England, Wales and Northern

Ireland. There will be a 5 year phased roll out for ISA registration of those individuals who currently work with children and/or vulnerable adults. When a person becomes ISA registered they will be continuously monitored and their status reassessed against any new information which may come to light.

- Employers will be able to express an interest in a person's ISA registration and informed of any changes to that person's ISA registration status.
- The CRB will introduce a new application form to allow applications for ISA registration and CRB checks to be made on the same form.
- Employers can carry out free, online checks of a person's ISA registration status.

From 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.

From January 2011 – July 2015

- Existing workforce is phased into scheme.

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.



QUESTIONS & ANSWERS

What is regulated activity?

- Any activity of a specified nature that involved contact with children or vulnerable adults frequently, intensively and/or overnight. (Such activities include teaching, training, care, supervision, advice, treatment and transportation).
- Any activity allowing contact with children or vulnerable adults that is in a specified place frequently or intensively. (Such places include schools and care homes)
- Any activity that involved people in certain defined positions of responsibility. (Such positions include school governor, director of children services, director of adult social services and trustee of certain charities).

Regulated activity is when the activity is frequent (once a month or more).

'Intensive' takes place on three or more days in a 30 day period.

Will I need to have all my staff and volunteers who are working with children and vulnerable adults registered with the ISA by 12 October 2009?

No. In July 2010, individuals will be able to register with the ISA if they intend to work or currently work with children and/or vulnerable adults in England, Wales and Northern Ireland. From November 2010 it will be a legal requirement for individuals in this position to register with the ISA. The requirements to be registered with the ISA will be phased in over 5 years.

Is the CRB introducing a new application form from 12 October 2009?

No you can use the existing application up to July 2010. From July 2010 the CRB will introduce a new application form to allow you to apply for ISA registration and a CRB check (including an ISA check) on the same form.

Does an ISA check replace a CRB check?

No. An ISA check will reveal if the person is registered and able to work with children and/or vulnerable adults.

A CRB check will reveal if the person has a criminal record or any relevant non-conviction information.

A person could be registered with the ISA but still have a criminal record that if known by the employer would make the person unsuitable to do a particular job.

Will I still need to carry out CRB checks?

For those individuals registered with the ISA scheme, further Enhanced CRB checks will be at the employer's discretion and organisations may still wish to apply for CRB Enhanced Disclosures to obtain an individual's full criminal record.

Will anyone be able to go online and check a person's status?

No. All information held by the ISA about individual applications and cases will be secure. Prospective employers are only able to check registration status if they have the explicit consent of the individual, along with a unique reference number and other personal data.

The online check will not state if a person is barred and the reason for barring – it will only show whether they are registered.

Non-registration does not imply someone is barred and this should not be assumed (for example they may never have applied, in which case they would not be registered).

How can an employer check if someone is ISA registered?

Free online checking. This will confirm whether or not the person is registered with the ISA.

For more information about the Vetting and Barring Scheme, the Independent Safeguarding Authority, the registration process, who it affects and how, please visit www.isa-gov.org.uk or please contact your Pro-Action District Co-ordinator

FUNDING INFORMATION

Locality Budgets

Hertfordshire County Council is committed to offering increased support to community groups and charities. They are offering grants up to £10,000

If you are interested in finding out more, and applying please visit: www.hertsdirect.org/localitybudget. You can submit an online application form.

Closing Date 30th September 09

