

The Independent Safeguarding Authority (ISA) & Vetting and Barring Scheme (VBS)

‘Taking the Initiative’

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“For those agencies whose job it is to protect children and vulnerable people, the harsh reality is that if a sufficiently devious person is determined to seek out opportunities to work their evil, no one can guarantee that they will be stopped.

Our task is to make it as difficult as possible for them to succeed...”

Bichard Inquiry Report, 2004, p 12 para 79

The Bichard Enquiry

31 Recommendations to central government:

Recommendation 19:

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

This register – perhaps supported by a card or licence – would confirm that there is no known reason why an individual should not work with these client groups.



Independent Safeguarding Authority

What is ISA and What does it do?

The 'Independent Safeguarding Authority' has **FOUR** statutory duties:

1. To maintain a list of individuals barred from engaging in *regulated activity* with children;
2. To maintain a list of individuals barred from engaging in *regulated activity* with vulnerable adults;
3. To make well-informed and considered decisions about whether an individual should be included in one or both barred lists; and
4. To reach decisions as to whether to remove an individual from a barred list.

What is the VBS?

- The **‘Vetting and Barring Scheme’** (the “Scheme”) is a partnership between the ISA and CRB
- The CRB are responsible for the application and monitoring features
- The ISA 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

“Drawing the Line”

- At the end of 2009 Sir Roger Singleton was approached by Childrens Secretary Ed Balls to review certain elements of the Scheme in light of some of the public concern hi-lighted by the press and media
- December 2009, his report ‘Drawing the Line’ was published and all of the recommendations made to central government were accepted

The Principle Changes

- The ‘**frequent**’ contact benchmark will be met (and therefore ISA-registration required), if the work with children takes place **once a week or more**. *The standard had been if contact happens as often as once a month or more.*
- The ‘**intensive**’ contact benchmark will be met (and therefore ISA-registration required), if the work takes place on **four days in one month or more or overnight**. *The past standard was three days or more in a single 30 day period or overnight.*

The Principle Changes

- Individuals who go into different schools or similar settings to work with different groups of children will not be required to register **unless their contact with the same children** is 'frequent' or 'intensive'.
- The minimum age of registration for young people engaged in regulated activity as part of their continuing education will be reviewed. The Government has made immediate changes to the rules so that **16 to 18 year-olds in education do not require ISA-registration.**

What is meant by ‘Regulated Activity?’

- Any activity of a specified nature that involves 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.)
- Fostering and childcare.
- Any activity that involves people in certain defined positions of responsibility. (Such positions include school governor, director of social services and trustee of certain charities.)
- ‘Regulated activity’ is when the activity is frequent (**once a week*** or more) or ‘intensive’ (takes place on **four or more days in a 30-day period**).

What is a 'Regulated Activity Provider'?

A **regulated activity** provider is any person who is responsible for the management or control of *regulated activity* for an organisation and who engages another to perform that *regulated activity*.

Scheme Launch : 12 October 2009

- Definition of 'regulated activities' widened so barring arrangements apply to more activities and in more settings, e.g. NHS & HM Prison Service
- 2 new barred lists replace POCA, POVA and list 99
- Referrals: Duty for providers of regulated activities to notify the ISA of relevant information
- New criminal offences:
 - It becomes a crime for a barred individual to seek or undertake work with vulnerable groups; and for employers to knowingly take them on
- Standard CRB checks no longer include check of barred lists: ISA Adult First is available

What will happen from July 2010?

- Applications for ISA-registration for new entrants to the workforce & those moving jobs will start in **July 2010**
- From **November 2010** it will be mandatory for new entrants and job movers to have ISA-registration before they start their new posts
- Members of the existing workforce will be phased into the scheme from **January 2011**
- We expect the roll out to phase in over a **5 year** period.

Delivering the Scheme



Independent Safeguarding Authority



Criminal Records Bureau

Police

Regulators

**Umbrella
Bodies**

Other Government Departments

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

Employers , Recruitment Agencies, Unions, Charities

Key Dates

Winter 2005/6:	Introduction of Vulnerable Groups Bill
November '06:	Bill receives Royal Assent
January 2008:	ISA established
January 2009:	ISA decision-making commences
12 October 2009:	Scheme launches
July 2010:	Applications to the Scheme commence
November '10:	Mandatory registration for new entrants and job movers
January 2011:	Members of the existing workforce commence registration

Summary of the Scheme

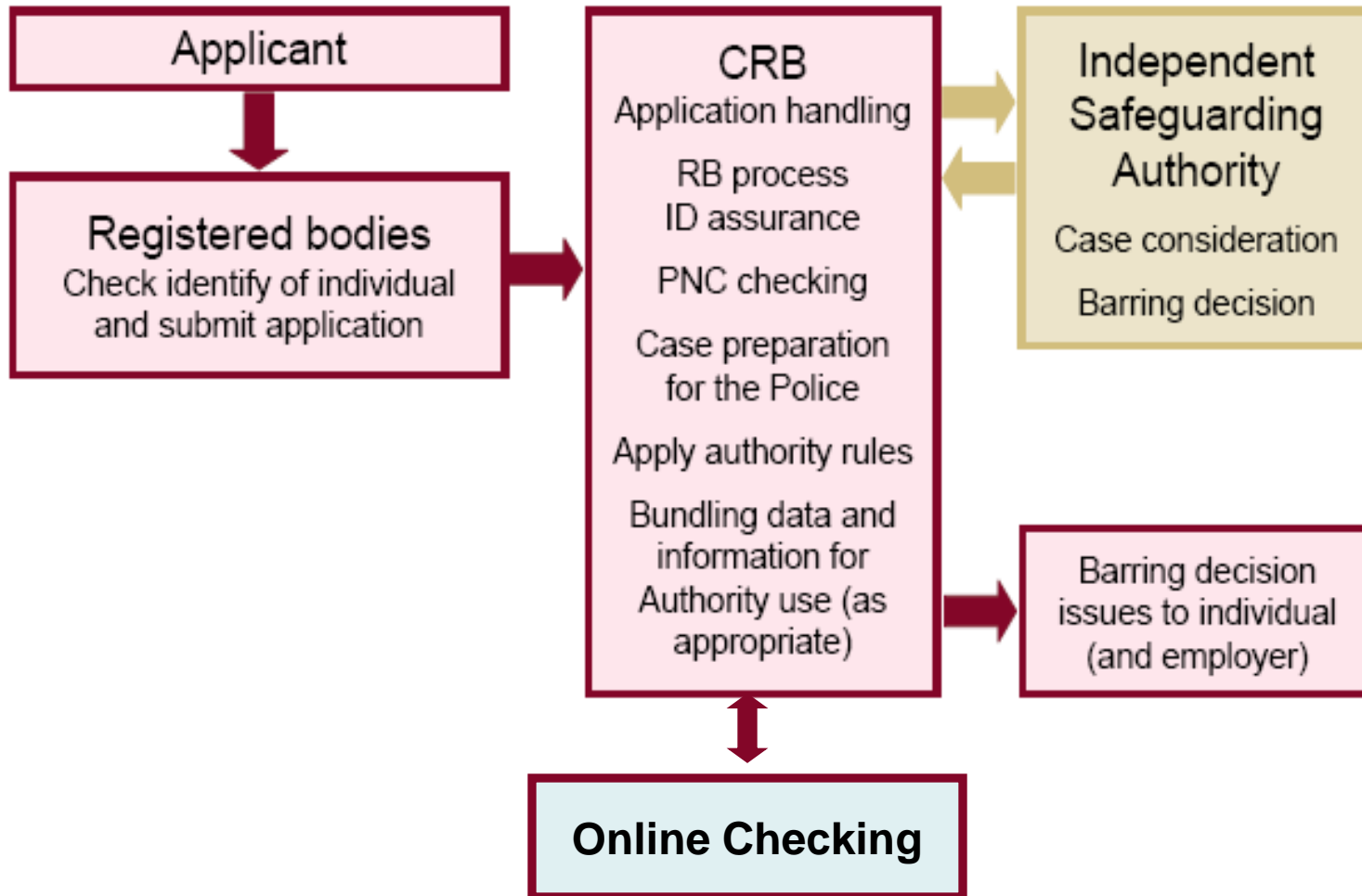
- Information sharing framework is enshrined in law and is at the heart of the scheme
- Anyone working or volunteering with vulnerable groups in regulated activity must be registered
- Employers must verify an individual's registration status, Parents/individuals can use the system too
- Employers will be informed if an employee becomes de-registered from the Scheme

Questions...

The ISA Application Process...

The New Form...

The Application Process...



How long will it take to become ISA-registered?

- The CRB is working to a standard whereby applicants for ISA-registration will become registered within **seven working days**.
- Where applicants have a relevant conviction, caution, warning or reprimand, the CRB will send the information to the ISA who will then take a closer look at the applicant and the appropriateness for them to work with vulnerable groups.

About the CRB...

- 20 million disclosure applications handled since launch in 2002
- 98,000 people have been prevented from gaining access to vulnerable groups as a direct result of CRB
- 71% of offers of employment that have been withdrawn were as a result of conviction information
- 67% of those related to assault

Will the ISA replace the need for a CRB Check?

No...

- The ISA take decisions to prevent unsuitable people from working with children and vulnerable adults.
- The CRB will continue to support employers by providing them with access to an individual's full criminal record and other information so that they can assess the individual's **suitability** for that particular post or position.

The Cost of ISA Registration

- Individuals in paid employment will pay a once off fee of **£64** when applying for registration with the Scheme.

NB - This includes the cost of an enhanced CRB disclosure

- Those involved only in unpaid **voluntary** activity **do not pay the application fee.**
- Students undertaking **vocational courses** (medicine, nursing, teaching, etc) have to pay the application fee.

The Phasing in of the Scheme



What Happened on Monday 12 October 2009?

THREE key changes for employers and employees (including managers of, and volunteers in, unpaid work):

1 - EMPLOYERS...

...must *not* knowingly 'employ' a barred person in regulated activity.

NB - Employment refers to voluntary as well as paid roles

2 - EMPLOYEES...

...must not work, or seek to work in regulated activity from which they are barred

3 – EMPLOYERS...

If you dismiss or cease using a person in regulated activity (*or in controlled activity*) because you think they harmed or pose a risk of harm to children or vulnerable adults, you **must** refer the case to the ISA

Who can make referrals?

- Regulated activity providers;
- Personnel suppliers;
- **Local authorities;**
- Health and Social Services (HSS) bodies;
- Education and Library Boards;
- Keepers of registers; and
- Supervisory authorities.

Referrals to the ISA

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

Referrals: What front-line Providers Need to Know...

- the key elements of the new referral process
- the circumstances under which a referral should be made
 - Where an individual who is engaged or may engage in *regulated* or *controlled activity* has:
 - engaged in *relevant conduct*,
 - satisfied the *Harm Test*, or
 - received a caution or conviction for a *relevant offence*.
- the legal responsibilities of employers, including the paid and voluntary sector and also employees.
- the main points of the law in relation to referrals

What do I need to do next..?

- Review recruitment process and practice..?
- Look at impact on budgets over first 3 years..?
- CRB checks..?
- Duty to refer guidance..?
- Review safeguarding policy, process and practice..?
- Retro checks..?

The Bichard Enquiry

Recommendations for Schools

- Recommendation 16:
- Head Teachers and school governors should receive training on how to ensure that interviews to appoint staff reflect the importance of safeguarding children.

- Recommendation 17:
- From a date to be agreed, no interview panel to appoint staff working in schools should be convened without at least one member being properly trained.

Any Questions..?

Thank you for listening!