



Vetting and Barring Scheme (VBS) Update

The electronic newsletter for stakeholders

April 2009



Welcome to the April Newsletter for the Vetting and Barring Scheme.

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1. Vetting Scheme Delivery Announced

Strong safeguards to protect children and vulnerable adults were set out in greater detail by the Government ahead of the launch of the Vetting and Barring Scheme (VBS) later this year. The Scheme, which is at the heart of the Government's strategy to increase the protection of vulnerable members of our society, begins on 12 October.

The UK already has one of the most advanced systems in the world for checking those who work in positions of trust with children and vulnerable adults. Increased safeguards will begin to be brought into effect from 12 October, with around five million more jobs and voluntary positions – including most NHS jobs -becoming subject to checks. This will result in many more people that pose a risk to vulnerable people being excluded from the workplace.

Additional safeguards starting in October are:

- **Reduction of red tape** - two barring lists will be administered by a single organisation, the Independent Safeguarding Authority (ISA), rather than the three lists currently maintained by two different Government departments: Protection of Children Act (PoCA), Protection of Vulnerable Adults (PoVA) and List 99;

- **The introduction of barring from 'regulated activities'** – people included on the new barred lists by the ISA will be barred from a much wider range of jobs and activities than before, particularly in areas of work with vulnerable adults such as the NHS;
- **A new duty to share information** - employers, social services and professional regulators will have to notify the ISA of relevant information so individuals who pose a threat to vulnerable groups can be identified and barred from working with these groups; and
- **New criminal offences** – it will become a crime for a barred individual to seek or undertake work with vulnerable groups; and for employers to knowingly take them on.

From 26 July 2010 all new entrants to roles working regularly with vulnerable groups and those switching jobs to a new provider within these sectors, will be able to register with the ISA and be checked. Employers can subscribe or register an interest in an individual's ISA-registration status to be continuously informed of changes in an employee's registration status. To ensure robust testing and to maximise the safety of vulnerable groups, the mechanism that keeps employers informed of changes in registration status will also be introduced in July next year rather than October 2009.

So as not to disrupt normal recruitment over the traditionally busy summer period, the legal requirement for employees to register with the ISA, and employers to check their status, will come into force in November 2010.

Home Office Minister, Meg Hillier, said: *"The protection of children and vulnerable adults is a priority for the government. The extra safeguards we are delivering from 12 October and next year will help remove an even greater number of unsuitable people who pose a potential risk to vulnerable groups from the workforce."*

"We already have one of the most comprehensive vetting systems in the world. Once employers start being updated with new information about their employees from July 2010 it will offer even greater protection."

The VBS is designed to offer a more streamlined, faster system of workplace vetting for those working with children and vulnerable adults building on existing good practices. Good progress has already been made to deliver the Vetting and Barring Scheme, a direct response to the recommendations of the Bichard Inquiry.

2. Registration Phasing

Registrations with the ISA will be phased in over a five year period from July 2010. This phasing period will help to manage the operational impact of the Scheme both on the system's infrastructure and on the sectors involved in working with children and vulnerable adults.

In the early years of the Scheme's introduction it is intended to minimise the burden of the registration fee across sectors by linking it, where possible, to situations where a CRB Disclosure would be required anyway.

The first individuals to register with the ISA should be those joining the workforce for the first time or moving to a post with a new provider. Following new entrants, members of the workforce who have never had a CRB Disclosure or have not had one for a number of years and who do not change posts, should join the Scheme.

Later in the five year phasing period, the existing workforce should then apply to join the Scheme, based on the time at which they obtained their most recent CRB Disclosure.

What should I be doing now if I think this Scheme applies to me or my organisation?

Organisations and individuals working with children or vulnerable adults are encouraged to factor ISA-registration into their forward planning. Where organisations have an HR or a finance department, then those staff should be made aware of the Scheme and the legal requirements around ISA-registration.

Organisations should be thinking about any staffing, planning, financial or other impacts; they should be liaising with their registered or professional bodies and working on plans to phase the workforce through the ISA-registration process over the five year period.

More information is available from the ISA website (www.isa-gov.org) and if you have any questions or queries about the Scheme please call the contact centre on 0300 123 1111 [calls charged at local geographic rate, i.e. the same as a 01 or 02 number].

3. New Barred Lists

The ISA took over responsibility from the Secretary of State for barring decisions on referrals under the PoCA, PoVA and List 99 Schemes in January this year.

From October 2009, these lists will cease to exist and will be replaced by two new lists, the Children's Barred List and the Adults' Barred List, both of which will be centrally administered by the ISA. From October the ISA will make barring decisions on referrals under the two new lists and checks of the new barred lists can be made either via an Enhanced CRB Disclosure, or by an equivalent of the current list 99 PoVA First facilities for quickly checking barred status.

These new Barred Lists will contain details of those individuals deemed unsuitable to work with either children or vulnerable adults. The ISA is currently reviewing all those individuals on the existing barred lists to determine whether or not they should be included on the new ISA lists; this will be dependent on the behaviour / offences and circumstances surrounding them. For those cases, where the ISA are reconsidering their inclusion on the new lists, they will invite the individual concerned to make representations as to why the bar should be removed.

4. ISA Decision-Making Process

The ISA's Decision-Making Process was designed to provide a robust, fair and accountable method to reach decisions on whether to bar or not bar an individual from working or volunteering with children or vulnerable adults.

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.

This is the Decision-Making Process and it is deployed by highly trained ISA caseworkers or the publicly appointed members of ISA Board (if the case is particularly complex) to assess the risk of harm posed by an individual based upon the information gathered from several sources including the CRB, police databases, local authorities and employers.

The ISA will bar an individual if they have the following:

Automatic inclusion - there are two categories for automatic inclusion on the two Barred lists:

- The Safeguarding Vulnerable Groups Act (2006) provides regulations to set out the very serious offences that will result in an automatic bar without further assessment of the individual, called 'auto bar offences without representations'.
- Other serious offences, also outlined in regulations, where the individual will be barred but will be allowed to make representations as to why they should be removed from the list.

For all other cases, the ISA will consider all known relevant information on the individual and make an informed decision as to whether they pose a risk of harm to children or vulnerable adults and if that is the case whether or not to bar the individual from working with these groups. In such cases the individual is invited to make representations before the final decision.

The ISA's Decision Making Process includes:

- An initial assessment of whether relevant conduct has happened or there was risk of harm to children and/or vulnerable adults, incorporating evaluation to assess whether an incident took place or a particular behaviour was displayed.

In some cases there will be criminal convictions, cautions or findings of fact from competent bodies – such as the General Teaching Council, General Medical Council or Nursing and Midwifery Council - that the ISA will accept as confirmation that the incident has taken place.

Other cases will be considered on the information that is available – typically from employer referrals - and a decision will be made on the 'balance of probabilities' – the civil rather than criminal burden of proof - that something happened or not.

- There will be a case assessment to determine the risk that the individual poses to children and/or vulnerable adults on the basis of the earlier findings and evidence.
- If the ISA is 'minded to bar' they will invite representations from the individual and in doing so provide all the information on which they have based this decision.
- A decision will then be made as to whether it is appropriate to bar on either or both Barred Lists, based on the level of risk of harm to children and/or vulnerable adults. They will take into account the relevant information and circumstances of the case, including:

- the individual's conviction / conduct history;
- the age of any convictions;
- the age of the individual at the time of the offence or conduct;
- whether the offence or conduct was a one-off or part of a pattern of behaviour;
- any mitigating circumstances;
- representations received from the individual.

The ISA has published Guidance on its Decision-Making Process, this is available on the ISA's website (www.isa.gov.org).

5. VBS Guidance

Scheme Guidance to enable employers, voluntary organisations and registered bodies to understand and implement the Scheme, is in the final stages of being produced. The Guidance covers general information about the Scheme and includes:

- Key definitions
- Application process
- Coverage of the Scheme (including what constitutes 'regulated activity' and 'controlled activity')
- Rollout and registration phasing
- The ISA decision making process
- Individual/employer rights and duties
- The appeals process

This general guidance will be made available from the end of April 2009 (with the exception of the application process which will be made available closer to the launch date). Shortly afterwards, additional guidance will be produced that covers sector-specific information for a number of sectors including:

- Higher Education, Further Education, Schools, Transport, Taxi & Private Hire Vehicle Drivers, Prison and Probation Services, Faith Groups, NHS and Healthcare, Social care (including direct payments), Sport and Youth, Volunteering, Local Authorities, Employment Agencies, Job Centres, Early years and Childcare.

6. Briefing Roadshows

A comprehensive communications campaign is underway to ensure that employees and volunteers working with children and vulnerable adults, their employers, intermediary bodies, parents and carers are aware of, and prepared for the introduction of the Scheme.

A key element of the campaign is a series of briefing roadshows across the country that will provide an opportunity to find out more about the Scheme, the roles of the CRB and the ISA and to ask questions about its implementation. These will take place in June and early July, and details will be available on the website shortly (www.isa-gov.org).

In addition, details of third party events that include coverage of the Scheme will be also be listed on the ISA website. Often these are hosted by Local Authorities, Safeguarding Boards and other third parties. These events are available for relevant stakeholders to attend at the discretion of the organiser. There are therefore a number of opportunities to learn about the Scheme around the country.

7. Vetting and Barring Scheme Contact Centre Now Live

The Vetting and Barring Scheme contact centre is now live. If you have any questions or queries about the Scheme please call 0300 123 1111 [calls charged at local geographic rate, i.e. the same as a 01 or 02 number]. Operators staffing this Lo-call service will be available to deal with your queries Monday to Friday between 8am and 5.30pm.