



Home Office

The Vetting and Barring Scheme Frequently Asked Questions



Introduction to the Scheme

The new Vetting and Barring Scheme (“the Scheme”) is one of the Government’s key responses to the murders of Holly Wells and Jessica Chapman by Ian Huntley, which focused public attention on the way that we vet people who work with children. The resulting Bichard Inquiry recommended a new scheme under which everyone working with children or vulnerable adults should be checked and registered.

The inquiry led to The Safeguarding Vulnerable Groups Act 2006 (“the Act”) and the Safeguarding Vulnerable Groups Order (Northern Ireland) 2007 (“the Order”) which set up the scheme. This new Scheme will affect everyone who works with children aged under 18 or vulnerable adults. It is being developed in conjunction with the Welsh Assembly Government and the Northern Ireland Executive as the Scheme applies to England, Wales and Northern Ireland. Parallel arrangements are being developed by the Scottish Government

The Home Office is responsible for delivering this scheme, in partnership with the Department of Health and the Department for Children, Schools and families.

The scheme recognises the need for a single agency to vet and register all individuals who want to work or volunteer with vulnerable people, and to bar unsuitable people. The Independent Safeguarding Authority (ISA) was created to fulfil this role. The Criminal Records Bureau will be responsible for managing the system that will support the Vetting & Barring Scheme and process the applications for ISA registration.

The Scheme provides significant safeguards but does not remove the need for employers to have robust recruitment procedures, involving interviews and references.

The purpose of this document is to attempt to answer the most frequently asked questions about the scheme.

Vetting and Barring Scheme (VBS)

Questions and Answers

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Contents

<i>Introduction to the Scheme</i>	1
<i>Introduction to the Scheme</i>	2
<i>Common Abbreviations</i>	5
<i>Background and Basics</i>	5
Q1. What is the Vetting and Barring Scheme and why was it set up?.....	5
Q2. When will the VBS launch?	5
Q3. What will change on 12 October 2009?	5
Q4. What will change in July 2010?	6
Q5. What is the ISA?.....	6
Q6. What does the ISA do?	6
Q7. Which government departments are involved with the scheme?.....	6
Q8. What legal framework supports the VBS?	7
Q9. What improvements will the VBS and the ISA deliver?	7
Q10. Is the ISA a government body?	8
Q11. Who is in charge of the ISA?.....	8
Q12. Who is covered by the current regulations?.....	8
Q13. What will happen to the old List 99, PoVA and PoCA lists?	8
Q14. Does the VBS cover England, Wales, Scotland and Northern Ireland?	8
Q15. How much will it cost for an individual to register with the ISA?	8
Q16. Will volunteers have to pay the ISA registration fee?	8
Q17. Where can I go to get more information?.....	8
Q18. Where can I go to get information about the arrangements for Northern Ireland and Scotland?.....	8
Q19. What are the relevant websites?.....	9
<i>Definitions</i>	10
Q20. What is the definition of a 'vulnerable adult'?.....	10
Q21. What does being 'ISA-registered' mean?.....	10
Q22. What is the definition of 'regulated activity'?	10
Q23. What is the definition of 'controlled activity'?.....	11
Q24. What are the definitions of 'frequently' and 'intensively'?	11
Q25. For the purposes of the Scheme, what is the definition of a child?.....	11
<i>Relationship of ISA registration to CRB disclosures</i>	12
Q26. What is the difference/relationship between the Criminal Records Bureau (CRB) with a CRB check and the ISA for ISA registration?	12
Q27. What is the difference between the service offered by the ISA and the CRB?.....	12
Q28. What is the CRB's involvement with the VBS?	12
Q29. Does an ISA check replace a CRB check?.....	12
<i>Coverage</i>	14
Q30. Is a person's ISA-registration transferable (i.e. to another employer)?.....	14
Q31. What about foreign workers applying for UK jobs?	14
Q32. Does everyone with access to sensitive child/patient records have to be ISA-registered?.....	14
Q33. Will UK families hosting foreign exchange pupils in their homes need to be ISA-registered?.....	14

Q34.	Which staff in schools will need to be ISA-registered? Teaching assistants, cleaners, caretakers etc? Can we get a full list of staff?	14
Q35.	Do all taxi drivers, bus drivers, etc. need to be ISA-registered?	14
Q36.	Why are prisoners regarded as vulnerable?	15
Application process and online checks		16
Q37.	Can employees still employ people while they're waiting for confirmation of their registration if they are being supervised?	16
Q38.	How does an individual become ISA-registered?	16
Q39.	How long will it take to become ISA-registered?	16
Q40.	How will the scheme work?	16
Q41.	Is the CRB introducing a new application form from 12 October 2009?	16
Q42.	Can I get a Standard CRB check on those working with children and/or vulnerable adults?	17
Q43.	Will you be changing the eligibility criteria for Enhanced CRB checks?	17
Q44.	What will happen if an application has been received by the CRB before the 12 th October but has not been completed by this date?	17
Q45.	How does an Employer register an interest in an employee?	17
Q46.	Will anyone be able to go online and check a person's ISA-registration status or barred status? For example, could I make a check on my neighbour?	17
ISA decision making, barring, referrals and appeals		19
Q47.	How long will a barring decision take?	19
Q48.	Where will the ISA get information to make decisions to bar or register?	19
Q49.	Will the ISA receive all information on all cautions and convictions of people registered with the Scheme?	19
Q50.	How can people appeal against being barred by the ISA?	19
Q51.	How will the ISA deal with false or malicious allegations?	19
Q52.	Who will the ISA share information with?	19
Q53.	If the Scheme does not 'go live' until October 2009, what has changed from 20 January 2009 that requires people to make referrals to the ISA?	20
Q54.	Can anyone make referrals?	20
Q55.	What happens if someone who is ISA-registered commits a serious offence and as a result becomes barred?	20
Requirements for employers		22
Q56.	What will happen if employers do not check if staff are ISA-registered?	22
Q57.	How would an employer go about registering with the ISA?	22
Q58.	Will it be illegal to employ someone who is not registered with the ISA? When do people have to register?	22
Q59.	How can employers check if someone is ISA-registered?	22
Q60.	How will an organisation express an interest in an individual's ISA registration status?	22
Changes to membership status		23
Q61.	Who will be notified when an individual's ISA-registration status changes?	23
Q62.	Will the ISA notify both the current employer and the Registered Body or Licensing Authority if someone who is ISA-registered loses this status as a result of being barred?	23
Time-scales and phasing		24
Q63.	When will the VBS go live?	24
Q64.	What should I be doing now if I think this Scheme applies to me?	24
Q65.	Why will applications to the VBS need to be phased in/how will the CRB and ISA cope with processing 11.3m applicants?	24
Q66.	How will schools cope with a late July launch? They will have closed up for the summer and won't be back until late August, too late to make new arrangements for the start of term.	24

Common Abbreviations

Vetting and Barring Scheme – VBS or “the Scheme”

Criminal Records Bureau – CRB

Independent Safeguarding Authority – ISA

Background and Basics

Q1. What is the Vetting and Barring Scheme and why was it set up?

- The VBS was established as a result of the Bichard Enquiry, which followed the Soham Murders, that recommended that all those who work with vulnerable groups should be registered
- The VBS is a partnership of the ISA and CRB
- The CRB are responsible for the application and monitoring features
- The ISA are 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
- The new barred Lists and will replace the existing Protection of Children Act (PoCA) List, List 99 and the Protection of Vulnerable Adults (PoVA) List in England and Wales, and the Disqualification from Working with Children (DWC) List, the Unsuitable Persons List (UP List) and the Disqualification from Working with Vulnerable Adults (DWVA) List In Northern Ireland as well as the current system of Disqualification Orders, which is operated by the criminal justice system.
- The VBS is designed to ensure that anyone who presents a known risk to vulnerable groups is quite simply prevented from working with them. However, what it cannot do is guarantee that anyone not barred is ‘suitable’ or ‘safe’ to work with the vulnerable.

Q2. When will the VBS launch?

- The new Vetting and Barring Scheme (VBS) launches on 12 October 2009. Individuals will be able to register from July 2010.

Q3. What will change on 12 October 2009?

- Increased safeguards will be introduced, further enhancing protection of children and vulnerable adults.
- The three current barring lists (POCA, POVA and List 99) will be replaced by the creation of two new barred lists administered by the ISA rather than several government departments. Checks of these new lists can be made as part of an Enhanced CRB check.
- Employers, social services and professional regulators have a duty to refer to the ISA any information about individuals who may pose a risk ensuring potential threats to vulnerable groups can be identified and dealt with.
- There will be criminal penalties for barred individuals who seek or undertake work with vulnerable groups and for employers who knowingly take them on.

- The eligibility criteria for Enhanced CRB checks will be extended to include anyone working in a regulated position.

Q4. What will change in July 2010?

- 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 in England, Wales and Northern Ireland, will be able to register with the ISA and be checked.
- Individuals will be able to apply for ISA-registration and a CRB check (including an ISA check) on one new application form.
- 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 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.
- 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.

Q5. What is the ISA?

- A non-departmental public body (NDPB), sponsored by the Home Office.
- Acts as the decision making element of the VBS.
- Maintains the two barred lists (see above).

Q6. What does the ISA do?

What does the ISA do?

- Assesses the risk of harm that an individual would pose if they were to work with vulnerable groups, based on information held about that individual.
- They will use information from a number of sources including the Police, Local Authorities and employers.
- Consists of trained case workers, who will decide on a case-by-case basis whether a person poses a potential on-going risk.
- The case workers will be supported by a continuous training and support programme and by a board of public appointees with many years experience in the field of safeguarding.

Q7. Which government departments are involved with the scheme?

- Home Office is the sponsoring body and leads on scheme implementation.
- The Department for Children, Schools and Families and the Department of Health are funding the development of the scheme as well as leading on policy areas and legislation. In Northern Ireland the Department of Health, Social Services and Public Safety (DHSSPS) is leading on policy areas and legislation.

Q8. What legal framework supports the VBS?

- The VBS is supported by the legal framework of the Safeguarding Vulnerable Groups Act 2006 and in Northern Ireland by the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007.

Q9. What improvements will the VBS and the ISA deliver?

The Vetting and Barring Scheme, which will replace current vetting and barring schemes, has the following improvements over the current schemes:

- It is the most inclusive and largest system of its kind in the world.
- Barring decisions will be taken by independent experts.
- For the purpose of this scheme both paid employees and volunteers are subject to the same implications, restrictions and obligations – except in terms of the application fee (free for volunteers to register).
- Once the scheme is fully implemented, it will mean that anyone who wants to work or volunteer with children or vulnerable adults in ‘regulated activity’¹ will legally be required to be registered with the ISA.
- A barred person will be committing an offence should they seek employment or a volunteering opportunity in regulated activity.
- It will be an offence for any person to begin regulated activity without first being registered with the ISA.
- It will be an offence for an employer to hire a person in regulated activity without first confirming their ISA registration.
- Anyone (not just employers) who knowingly allows a barred person to engage in regulated activity will be committing an offence.
- Employers, other statutory, business and public organisations have a legal duty to refer appropriate information to the ISA.
- Employers will be able to check a person’s registration status online.
- Employers who have registered an interest in an employee will be informed if that employee becomes de-registered from the scheme.
- Eventually, it is anticipated that some 11.3 million people will be covered by the Vetting and Barring Scheme.
- Parents will now be able to check that the individuals they employ in a private capacity as tutors, nannies, carers or in other regulated activity are registered with the ISA, using the same online check as an employer. (However, there is no onus on parents to do this; they will not face legal penalties for failing to check.)
NB: an individual who is barred is still not permitted to undertake this kind of regulated activity.

¹ Definition of regulated activity: Any activity of a specified nature that involves contact with children or vulnerable adults frequently, intensively and/or overnight – see below. (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 specified positions of responsibility. (Such positions include school governor, director of children’s services and director of adult social services, and trustee of certain charities.)

Q10. Is the ISA a government body?

- No. It is a Non Departmental Public Body sponsored by the Home Office.

Q11. Who is in charge of the ISA?

- Sir Roger Singleton, former Chief Executive of Barnado's, is the ISA's Chair and the Chief Executive is Adrian McAllister, former Acting Deputy Chief Constable of Lancashire Police.

Q12. Who is covered by the current regulations?

- Currently, all those employed in 'regulated positions' with children are covered by the Protection of Children Act (PoCA). Regulated positions are described in the Criminal and Courts Services Act and broadly covers all those who work regularly, intensively or unsupervised with children.
- Education settings are covered by List 99 regulations. The Protection of Vulnerable Adults scheme covers those in regulated social care which includes care homes, domiciliary care and adult placement schemes.

Q13. What will happen to the old List 99, PoVA and PoCA lists?

- These lists, along with court imposed Disqualification Orders will be replaced by the ISA's new barred lists.

Q14. Does the VBS cover England, Wales, Scotland and Northern Ireland?

- No. It covers England, Wales and Northern Ireland. Scotland has its own equivalent Scottish Vetting and Barring Scheme. But the two schemes will be aligned, share information and recognise each others' bars. An individual barred anywhere within the UK will be barred across the UK.

Q15. How much will it cost for an individual to register with the ISA?

- £64.00 - £58 in Northern Ireland

Q16. Will volunteers have to pay the ISA registration fee?

- Not if they only work as unpaid volunteers. But if at some subsequent point they take up paid employment in regulated activity, a fee would be payable at that stage.

Q17. Where can I go to get more information?

- CRB will keep its customers updated with developments through its monthly newsletter.
- the ISA's website - www.isa-gov.org

Q18. Where can I go to get information about the arrangements for Northern Ireland and Scotland?

- For Northern Ireland: AccessNI is a new body, established by Northern Ireland Office (NIO), to provide criminal record checks. It replaced the Protection of

Children (POC (NI) and Protection of Vulnerable Adults (POVA (NI) Service, provided by DHSSPS, from 1 April 2008. More information is available from AccessNI at www.accessni.gov.uk

- For Scotland: Disclosure Scotland is currently a service provided by Scottish Ministers to manage and operate the Disclosure service in Scotland as provided for in Part V of the Police Act 1997. From October 2007, Disclosure Scotland forms part of a Scottish Government agency which will plan then manage and operate the new vetting and barring service as provided for in the Protection of Vulnerable Groups (Scotland) Act 2007. www.disclosurescotland.co.uk

Q19. What are the relevant websites?

- **ISA** – www.isa-gov.org
- **CRB** - <http://www.crb.gov.uk/>
Department of Health -
<http://www.dh.gov.uk/en/SocialCare/Deliveringadultsocialcare/Vulnerableadults/index.htm>
- **Welsh Assembly Government** -
<http://new.wales.gov.uk/topics//health/socialcare/vulnerableadults/vettingbarring/?lang=en>
- **Department of Health, Social Services and Public Safety (DHSSPSNI)**-
<http://www.dhsspsni.gov.uk/svg>

Definitions

Q20. What is the definition of a ‘vulnerable adult’?

- Does not apply to people just because they may be older or have a disability.
- The term is defined according to the service, setting or situation where staff or volunteers are in a position of trust and people have a right to expect that trust will not be abused.
- the Safeguarding Vulnerable Groups Act 2006 defines a vulnerable adult in section 59.

Section 59 Vulnerable adults

(1) A person is a vulnerable adult if they have attained the age of 18 and—

- (a) they are in residential accommodation,
- (b) they are in sheltered housing,
- (c) they receive domiciliary care,
- (d) they receive any form of health care,
- (e) they are detained in lawful custody,
- (f) they are by virtue of an order of a court under supervision by a person exercising functions for the purposes of Part 1 of the Criminal Justice and Court Services Act 2000 (c. 43),
- (g) they receive a welfare service of a prescribed description,
- (h) they receive any service or participate in any activity provided specifically for persons who fall within subsection (9),
- (i) payments are made to them (or to another on their behalf) in pursuance of arrangements under section 57 of the Health and Social Care Act 2001 (c. 15), or
- (j) they require assistance in the conduct of their own affairs.

Q21. What does being ‘ISA-registered’ mean?

- ISA-registered means:
 - No information is held that demonstrates the person poses a risk of harm to children or vulnerable adults.
 - A person’s registration status is continuously monitored and if any new information such as a relevant caution or conviction, or information from employers comes to light, the ISA is informed, they will re-assess the person’s potential risk to vulnerable groups and they may chose to bar the individual.
- ISA-registered does not mean:
 - That someone is “safe” or has been “cleared to work”
 - That the ISA has scrutinised all information held on them, not least because new information may be coming in all the time.

Q22. What is the definition of ‘regulated activity’?

Regulated activity is defined as:

- Activity involving contact with children or vulnerable adults and is of a specified

nature (e.g. teaching, training, care, supervision, advice, medical treatment or in certain circumstances transport) on a frequent, intensive and/or overnight basis;

- Activity involving contact with children or vulnerable adults in a specified place (e.g. schools, care homes, etc), frequently or intensively;
- Fostering and childcare.
- Certain specified positions of responsibility (e.g. school governor, director of children's services, director of adult social services, trustees of certain charities). These positions are set out in the Safeguarding Vulnerable Groups Act 2006.

Q23. What is the definition of 'controlled activity'?

Controlled activity, which is much more limited in scope, affecting around 500,000 people, is defined as covering the work of:

- ancillary support workers in Further Education, the National Health Service and adult social care (e.g. cleaner, caretaker, catering staff, receptionist) which is done frequently and gives the opportunity for contact with children or vulnerable adults.
- People working frequently for specified organisations (e.g. Local Authorities in the exercise of its education or social services functions) in roles which give them the opportunity for access to sensitive records about children or vulnerable adults. Banned people can sometimes be employed in controlled activity, providing tough safeguards are in place, such as stringent supervision.
- A person barred as a result of a relevant autobar caution or conviction will not be able to work or volunteer in controlled activity in Wales

Q24. What are the definitions of 'frequently' and 'intensively'?

'Frequently' is defined as once a month or more.

'Intensively' is defined as where an activity takes place on three or more days in any 30 day period; or overnight (between 2am and 6am)

Q25. For the purposes of the Scheme, what is the definition of a child?

- A young person under the age of 18, except in employment settings, where the age limit is 16. So there are no requirements on those working with a 16 or 17 year old in employment settings.

Relationship of ISA registration to CRB disclosures

Q26. What is the difference/relationship between the Criminal Records Bureau (CRB) with a CRB check and the ISA for ISA registration?

- A CRB check (sometimes referred to as a “Disclosure”) provides a full picture of an individual’s criminal history which for a small group of sensitive roles is provided to employers.
CRB checks cannot be applied for by individuals. The Exceptions Order to the Rehabilitation of Offenders Act 1974 sets out the professions, offices, employment, work and occupations which can be CRB checked.
- ISA registration only covers those working vulnerable groups whereas CRB checks extend to many other roles; such as security guards licensed by the Security Industry Authority and taxi drivers.
- **ISA-registration is not intended to replace CRB checks.**
- Where CRB checks are mandatory they will continue to be, regardless of the new requirements of the Vetting and Barring Scheme.
- There are two types of CRB check currently available – Standard and Enhanced. From the launch of the new VBS anyone employed (i.e. not the self employed) with vulnerable groups in “regulated activity” will be entitled to an Enhanced CRB check
When used in conjunction with an Enhanced CRB check, the ISA-registration status check will provide employers with the most comprehensive workforce vetting service on offer anywhere in the world.
- ISA-registration demonstrates there is no known reason why an individual can not work with vulnerable groups; however it does not give full details of criminal records which may be of interest in certain posts (school mini driver etc).

Q27. What is the difference between the service offered by the ISA and the CRB?

- The ISA will prevent the most unsuitable people from working with children and vulnerable adults by making it a legal requirement for everyone who is working with children or the vulnerable to be registered with the ISA.
- 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 the particular post or position.

Q28. What is the CRB’s involvement with the VBS?

- CRB will process applications for ISA-registration.
- It will also monitor information about people registered with the ISA which comes through to the Police National Computer, referring all relevant information back to the ISA.
- Additionally, the CRB will continue to offer employers the option of criminal records checks to enable them to make accurate risk-assessments of employment candidates.

Q29. 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 if 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.

Coverage

Q30. Is a person's ISA-registration transferable (i.e. to another employer)?

- Yes. ISA-registration involves a one-off application fee and will apply to any future setting where the person is working with children, or vulnerable adults, as appropriate.

When the CRB becomes aware of new relevant information about an ISA-registered individual, it will inform the ISA.

The ISA will then consider whether the person should be barred, and if they are barred they lose their ISA-registration.

Assuming their employer has expressed an interest in that person's ISA-registration status, the ISA will advise them that this person is no longer ISA-registered.

Q31. What about foreign workers applying for UK jobs?

- Anyone undertaking regulated activity in England, Wales or Northern Ireland will have to be ISA-registered, irrespective of their country of origin. Even if applicants have just moved to the UK, they will still have to go through the process before they start work. In the case of those where we cannot obtain records from their country of origin, they will still be subject to continuous monitoring in the UK and be barred should their conduct at any point give reason for this step to be taken.

Q32. Does everyone with access to sensitive child/patient records have to be ISA-registered?

- No, only individuals working in controlled activity, with access to sensitive records, will have to have their ISA-registration status checked.

Q33. Will UK families hosting foreign exchange pupils in their homes need to be ISA-registered?

- Yes. If an organisation based in the UK, such as a school, arranges the visit including the host family, it will be mandatory for the person in the family hosting the pupil to be ISA-registered and the organisation arranging the visit must check that the person is ISA-registered.

Q34. Which staff in schools will need to be ISA-registered? Teaching assistants, cleaners, caretakers etc? Can we get a full list of staff?

- Anyone working in a school on either a frequent or intensive basis, for the purposes of the school, and thereby having the opportunity to come into contact with the children will need to be ISA-registered.
- This includes not only teachers, classroom assistants and the like but also office and catering staff, contractors and caretakers; also any volunteers such as parents helping children with their reading.

Q35. Do all taxi drivers, bus drivers, etc. need to be ISA-registered?

- No. Transport, including in taxis, will be regulated activity only when it is transportation solely for children or vulnerable adults and people who are caring for children or vulnerable adults, to and from regulated activity and it is organised

by an organisation on behalf of the providers of the regulated activity.
it is not regulated activity if a child hires a taxi in a street or a child travels on a mainstream bus.

Q36. Why are prisoners regarded as vulnerable?

- As with other similar groups, such as immigration detainees, prisoners are vulnerable by virtue of their detention in that they do not have control over everyday aspects of their lives.

Application process and online checks

Q37. Can employees still employ people while they're waiting for confirmation of their registration if they are being supervised?

- Employers will be able to check online if a person is registered so will not have to wait for confirmation. But regardless of whether a person is supervised, an employer will **not** be able to employ that person in Regulated Activity until the person is actually registered.
- Employees can be employed but not engaged in a regulated activity (i.e. to begin training) but it will be illegal to use staff in regulated activity until they are ISA registered.
- If the person they want to employ will be engaged in regulated activity then that person must be ISA-registered before they start work.

Q38. How does an individual become ISA-registered?

- An individual can apply for ISA-registration through one of the organisations registered with the CRB – these are called Registered or Umbrella Bodies.
- The ISA-registration application process is very similar to that of applying for a CRB check. The CRB website (www.crb.gov.uk/ubsearch) contains a list of organisations that can help complete the application
- Once an individual is ISA-registered, subsequent employers can check a person's ISA registration status, online and free of charge, with the consent of the individual.

Q39. 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.

Q40. How will the scheme work?

- Anyone wanting to work or volunteer with children or vulnerable adults will be required to register with the Independent Safeguarding Authority (ISA) by law.
- Employers will also be legally bound to check and confirm that the person they have engaged in 'regulated' activity is registered and has therefore been checked.
Employers will be able to check a person's ISA-registration status for free online.
- Once a person is registered on the scheme, they will be continuously monitored, so that any new, relevant information is passed to the ISA
- The ISA will make its decisions based on information provided by the police and other statutory agencies, regulatory bodies and referrals.

Q41. 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.

Q42. Can I get a Standard CRB check on those working with children and/or vulnerable adults?

- No. From 12 October 2009, if you used to apply for a Standard CRB check on those working with children and/or vulnerable adults you will need to apply for an Enhanced CRB check.
- The Standard CRB check will be for all other positions covered by the Exceptions Order 1975 to the Rehabilitation of Offenders Act 1974 for example positions within the Security Industry and Financial Services.

Q43. Will you be changing the eligibility criteria for Enhanced CRB checks?

- Yes, if a person is working in a regulated position you will be entitled to an Enhanced CRB check from 12 October 2009.

Q44. What will happen if an application has been received by the CRB before the 12th October but has not been completed by this date?

- For Enhanced CRB checks the only difference will be that the CRB certificate will include searches of the new ISA barred lists instead of POCA/POVA/List99 checks where the relevant boxes were ticked on the form.
- For Standard CRB checks the only difference will be if you have also requested POCA/POVA/List99 checks. As the lists no longer exist the only information that would be released is that from the Police National Computer.

Q45. How does an Employer register an interest in an employee?

- Any employer or organisation wishing to receive updates on the ISA-registration or 'Monitoring' status of an individual or many individuals for employment purposes, and with the consent of that individual, can do so using the ISA Online service. When registering an interest in an individual, they will be 'Subscribing to' that individual. If an employer or organisation registers an interest in many employees, these will be referred to as the employers or organisations 'Subscriptions'

Q46. Will anyone be able to go online and check a person's ISA-registration status or barred status? For example, could I make a check on my neighbour?

- No. All information held by the ISA about individual applications and cases will be secure.
- Prospective employers are only able to check if the person is ISA-registered 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 nor the reason for barring – it will only show whether they are ISA-registered or not. Non-registration does not imply someone is barred. The individual may have voluntarily left the Scheme, never applied, or simply provided an incorrect number

(such as that given on a CRB disclosure). Or they may no longer be undertaking regulated activity and have left the scheme

ISA decision making, barring, referrals and appeals

Q47. How long will a barring decision take?

- Where an individual has been referred to the ISA due to harming; causing harm; putting at risk of harm; attempting to harm; or inciting another to harm a child or vulnerable adult, the ISA will consider all available relevant information in deciding if it is appropriate to add that person to one or both the barred lists. This process will include requesting relevant information from other organisations including for example, employers, police and local authorities. The individual referred will also be given the opportunity to present representations. This process takes time; however it is important ALL relevant information is available before a decision can be made.

Q48. Where will the ISA get information to make decisions to bar or register?

- the ISA has the power to receive information from a wide range of sources - the police, employers and voluntary organisations, local authority social services, professional bodies such as the General Medical Council and General Social Care Council, and inspectorates such as Ofsted and the Healthcare Commission. Use of these extensive sources will allow the ISA to make decisions based on all available evidence to ensure just and consistent decisions.

Q49. Will the ISA receive all information on all cautions and convictions of people registered with the Scheme?

- No – the CRB will only send the ISA information that is deemed relevant to the risk they may pose to children or vulnerable adults.
- However, where the ISA feels it necessary to investigate a person it will be able to use its powers to obtain any other relevant information held about that person so it can make a fully informed decision about the person's potential risk.

Q50. How can people appeal against being barred by the ISA?

- Appeals against ISA decisions are heard by the Upper Tribunal. They will grant permission for an appeal to be heard where an individual considers the ISA has made a mistake in law or in fact

Q51. How will the ISA deal with false or malicious allegations?

- Staff and board members at the ISA have a wide range of expertise, including allegations management.
- The ISA will scrutinise any information it receives and will only bar a person if its own criteria for barring are satisfied.

Q52. Who will the ISA share information with?

- The ISA will have protocols and information sharing agreements in place with the police and professional regulatory bodies, enshrined by law. This will be a two-way information sharing regime.
- If the ISA is presented with information that would not lead to a bar but relates to criminal behaviour or professional misconduct then it can share this information

accordingly with the appropriate bodies.

- The ISA will notify employers if a person's ISA registration status changes (where the employer has registered an interest in the person in question and still has an appropriate interest) but will not give the reason why – this will only be obtained through an Enhanced CRB Disclosure.
- Whatever the reason: if a person is no longer ISA-registered they are unable to continue in regulated activity.

Q53. If the Scheme does not 'go live' until October 2009, what has changed from 20 January 2009 that requires people to make referrals to the ISA?

- Before the Scheme goes live and begins its five year phasing from October 2009, there are a number of transition phases as we prepare for and approach go-live and the 20 January 2009 date is one of those.
- Since 20 January 2009 the Independent Safeguarding Authority has been making barring decisions on new referrals to the existing lists – PoCA, PoVA and List 99 – barring individuals working with children or vulnerable adults.
- Before this date, decisions had been made by Secretaries of State or senior civil servants at the Department for Children Schools and Families (DCSF) and Department of Health (DH). Since 31 March 2008, as another transition phase, the ISA had been advising the Ministers on these referrals.
- From 20 January 2009, employers in England and Wales (under PoCA or PoVA), and employers in England (under List 99) have to send new referrals to the ISA, and provide information on a case to ISA on request
- Those with a duty to refer under the List 99, PoCA and PoVA schemes should send new referrals made on or after Tuesday 20 January 2009 to a new referral address. This is:

**Independent Safeguarding Authority
PO Box 181
DARLINGTON DL1 9FA.**

In Northern Ireland:

**Safeguarding Vulnerable Groups Order Implementation Team
Room 5, Annex 5,
Castle Buildings,
Stormont Estate,
Belfast,
BT4 3SQ**

Q54. Can anyone make referrals?

- Yes – the ISA is duty bound to consider all information it receives, regardless of the source. However, we would encourage members of the public, if they have concerns, to first contact the appropriate statutory agency, e.g. the police or Local Authority.

Q55. What happens if someone who is ISA-registered commits a serious offence and as a result becomes barred?

- The individual's ISA-registration will cease.
An online ISA check will reveal that the individual is not ISA-registered.

An Enhanced CRB check will reveal that the person is barred and the reasons for that bar.

Requirements for employers

Q56. What will happen if employers do not check if staff are ISA-registered?

- There will be tough penalties for those employers who fail in their responsibility to carry out the necessary checks or recruit people who are not ISA-registered [or who are barred].
- Employers who knowingly permit a barred individual to engage in regulated activity face a maximum penalty of up to six months in prison plus a fine.
- It will be a criminal offence for a barred individual even to seek a job in regulated activity, again punishable with a sentence of up to five years' imprisonment plus a fine.

Q57. How would an employer go about registering with the ISA?

- The employer does not need to register with the ISA (unless they themselves engage in regulated or controlled activity).
- Employers just need to ensure that the workers they employ, or manage as volunteers, are registered.

Q58. Will it be illegal to employ someone who is not registered with the ISA? When do people have to register?

- All people who currently undertake regulated or controlled activity, either as a volunteer or in paid employment, will eventually need to be registered with the ISA.
Organisations will be given up to five years to ensure all current employees and volunteers have gone through the registration process, via the phasing process which starts in July 2010.
From go-live all new employees and those moving jobs will need to be registered before taking up post.

Q59. How can employers check if someone is ISA-registered?

- There are two ways to carry out an ISA check– both require the consent of the individual:
 - a) Online [£0.00]: This will only confirm or not whether the person is ISA-registered
 - b) Enhanced CRB check [£36.00]: This will provide more information than the online check as it will reveal a person's full criminal records, any other relevant information and the ISA registration status. If the person is barred it will state this and also provide a summary of the reason(s) for that bar.

Q60. How will an organisation express an interest in an individual's ISA registration status?

- At the stage of making the online check on the individual there will be the option for the organisation to subscribe to be notified if the status changes.
The consent by the individual to the online check also serves as consent for the employer to subscribe to be notified.

Changes to membership status

Q61. Who will be notified when an individual's ISA-registration status changes?

- Any employer or volunteer organiser who has expressed an interest in an individual's ISA-registration status will be notified of any change.
- If an employee's ISA status changes employers will be contacted and asked whether or not they still have a legitimate relationship with that individual (i.e. do they still employ them). To make a false declaration would be to commit a criminal offence.
- Assuming that a legitimate relationship still exists, the employer will then be informed of the individual's change in status and told that they can no longer use them in regulated activity.
- If an employer continues to use an individual in regulated activity after this point they will be committing a criminal offence.

Q62. Will the ISA notify both the current employer and the Registered Body or Licensing Authority if someone who is ISA-registered loses this status as a result of being barred?

- The ISA will notify anyone who has expressed an interest in an individual's ISA-registration status.
Registered bodies and licensing authorities and/or supervisory authorities (e.g. a local authority licensing officer for taxi drivers, or a sports supervisory body, such as the Football Association who issue individuals with the right to conduct approved training course) would both fulfil this function and would consequently be contacted.

Time-scales and phasing

Q63. When will the VBS go live?

- The Vetting and Barring Scheme will introduce new safeguarding measures on 12 October 2009. Individuals will be able to register from July 2010.
- This 'go live' stage will see a widening of the sectors in which a person can be barred from working with children and/or vulnerable adults, including for example the NHS and Prison Service.
- These 'new' sectors will also be able to refer individuals from this time.

Q64. What should I be doing now if I think this Scheme applies to me?

- 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].

Q65. Why will applications to the VBS need to be phased in/how will the CRB and ISA cope with processing 11.3m applicants?

- This scheme will eventually affect some 11.3 million workers - and be the largest scheme of its kind in the world. To this end, we need to ensure that our key delivery partner, CRB, which will be administering applications to register with the ISA, as well as the ISA itself, are able to cope with the demand.
- Realistically, there is no way either organisation or its systems would be able to cope with registering 11.3 million applicants all at once. Moreover, the CRB will continue to process CRB checks as usual on top of the work it will be doing for the ISA.
- Equally, this five year window will allow the employers and registered bodies to manage their significant numbers of staff through the Scheme in a controlled way without their own systems being swamped. This is why we are proposing a five-year phasing strategy.

Q66. How will schools cope with a late July launch? They will have closed up for the summer and won't be back until late August, too late to make new arrangements for the start of term.

- This has been carefully considered, and also the similar situation for universities taking on students on courses that involve them working with children or vulnerable adults, such as teachers and medical students. We will ensure that those recruitment exercises that are already in train at the point that the new scheme is introduced are not disrupted.
- From July 2010 we will start the new arrangements that *allow* applications to be

submitted for ISA registration, but the *requirements* for new workers to be registered with the ISA will be brought in a little later, during the Autumn term.

- This will allow a smooth switch over to the new arrangements and avoid any difficulties with recruitment exercises having to be halted and re-started, which would of course cause difficulties at the beginning of the Autumn term.