

AVSM Conference 2008 – Handouts from Speakers

THE INDEPENDENT SAFEGUARDING AUTHORITY –

The Vetting & Barring Scheme What is the Vetting & Barring Scheme?

!New, improved checking and monitoring scheme aiming to prevent unsuitable people from working or volunteering with children and/or vulnerable adults.

!The ISA is a new Non Departmental Public Body (NDPB) which will decide who is ‘barred’ from working with these groups.

!Sponsored by the Home Office and supported by DCSF and DH.

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."

Highlights

Core purpose: to prevent unsuitable people from working with children and vulnerable adults

The ISA will play a major part in reforming current vetting and barring practices by barring individuals who pose a risk to vulnerable groups....

...but employers retain their responsibilities for ensuring safe recruitment and employment practices.

Key VBS Features

- Register of people - no known reason they should not work with children or vulnerable adults
- Two lists - Where there are reasons they should not work with children or vulnerable adults
- Independent decision making
- Continuous updating of barred status

Who does the scheme extend to?

- !Paid workers
- !Volunteers
- !Current workforce
- !Including workers from overseas

What is 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) on a frequent*, intensive* and/or overnight basis.

OR

•in a **specified place** (e.g. schools, care homes, Young Offenders' Institutions, etc), frequently* or intensively*.

•**fostering and childcare** or

•a **defined** position of responsibility (e.g. school governor, director of social services, trustees of certain charities).

Vulnerable adults – coverage

Vulnerable adults

(1) A person is a vulnerable adult if he has attained the age of 18 and.....

- (a) he is in residential accommodation,
- (b) he is in sheltered housing,
- (c) he receives domiciliary care,
- (d) he receives any form of health care, or
- (j) he requires assistance in the conduct of his own affairs.

The Safeguarding Vulnerable Groups Act 2006 defines 'children' as anyone aged under 18

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 not engage in regulated activity a barred person or a person who is not ISA-registered.
- An employer must check that a prospective employee who is in regulated activity is ISA-registered (with limited exemption for the Prison Service).

Staffing impacts

Staff cannot refuse to become ISA registered and still carry out regulated activity.

If an existing member of staff is barred they must be moved from regulated activity immediately.

But unsubstantiated or malicious allegations won't be enough to get a member of staff barred.

Individuals may make representations against being barred in most circumstances

Employer duties - referrals

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** who can investigate and refer if appropriate (e.g. social services or the police).

The **Independent Safeguarding Authority** will inform professional/regulatory bodies if it bars someone, so that their professional registration can also be reviewed.

Referral specifics

If an employee is dismissed or moved from regulated activity because of inappropriate behaviour towards a child or vulnerable adult this **MUST** be reported to the ISA.

If an employee under investigation for inappropriate behaviour resigns before a disciplinary investigation is complete this **MUST** be reported to the ISA.

This includes volunteers as well as paid staff

If employers have other concerns about an employee's behaviour that don't reach the mandatory benchmark they **MAY** be reported to the ISA

If employers have serious concerns about other individuals who they are aware of but do not employ they **MAY** report these to the ISA

The ISA will consider all relevant information

When does it start?

The ISA Scheme 'goes live' on **12 October 2009**.

New entrants to the workforce & those moving jobs will be the first to go through the scheme.

Members of the existing workforce will be phased into the scheme over a **five year** period.

What will it cost?

Individuals in paid employment will pay **£64** when applying for registration with the ISA Scheme.

There is no discount on this one-off application fee but in most cases a CRB Enhanced Disclosure will be included in the initial registration process.

Those involved only in unpaid **voluntary** activity will **pay no application fee**.

Will this replace the CRB?

No – the ISA Scheme is a **mandatory addition** to current safeguarding systems, not a replacement.

Statutory requirements for CRB checks in certain sectors **will remain**.

The ISA will filter out those who pose an obvious risk.

ISA registration does not guarantee that an individual has a clean criminal record – but that it has been checked by the ISA, which does not consider it to mean the individual should be barred.

**Safeguarding transition –
what happens between now and October 2009**

Part of a programme of ongoing safeguarding improvements since Soham

ISA board was appointed in May '08 and staff moved in to new HQ in September '08

Since March '08 ISA has been advising DCSF and DH Secretaries of State on existing lists PoCA, PoVA & List 99

From winter '08/'09 ISA will decide on new referrals to existing lists

ISA recruitment and training of caseworker/decision makers continues to add to core of experienced specialists transferred across from DCSF/DH

ISA migrates existing lists ready to switch off the old and switch on the new in October '09

Awareness raising campaigns & detailed Scheme guidance to be published '08/'09

**For further information
please visit**

**www.isa-gov.org.uk
or call 0300 123 1111**
