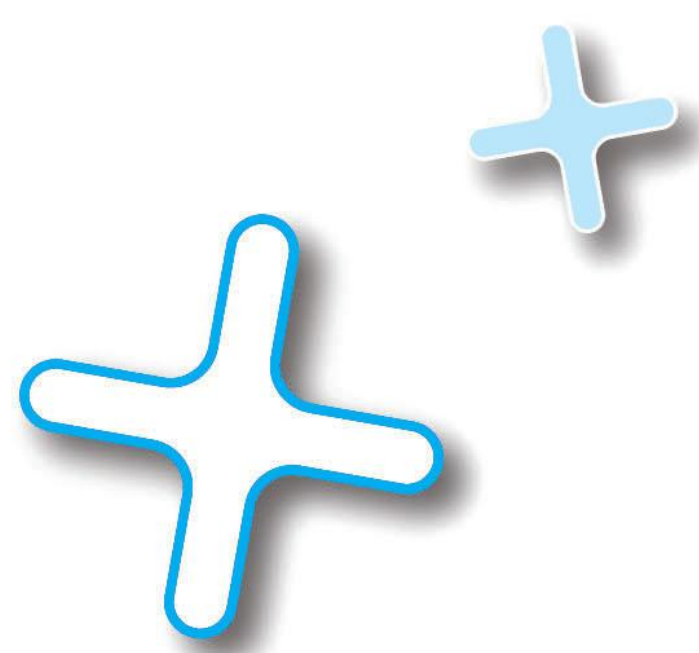


A new vetting and barring scheme

.....

Implications for recruiting volunteers and
employees in mentoring and befriending activity
with children and vulnerable adults

August 2009



A new vetting and barring scheme

This information sheet is applicable to all organisations (voluntary, statutory or private) recruiting paid staff and/or volunteers to work with children and vulnerable adults and is of relevance to mentoring and befriending projects that work with children (aged under 18) and/or vulnerable adults. The new vetting and barring scheme is being introduced in managed phases beginning in 2009 and over five years

.....
Note: *In September 2009, The Children's Secretary Ed Balls MP asked the ISA chair Roger Singleton to examine whether the government has got the balance right in defining what activities should and should not be covered by the new Vetting and Barring Scheme. We will update our information sheet in due course depending on the outcome of this.*

Why a new scheme?

Recommendations from the Bichard Inquiry (set up following the murders of Jessica Chapman and Holly Wells in Soham) led to the Safeguarding Vulnerable Groups Act 2006 which recognised the need for a single agency to vet individuals who want to work or volunteer with children or vulnerable people. The new scheme will reform current vetting and barring procedures (e.g. PoVA list, PoCA list and List 99 – lists currently held of people considered unsuitable for work with children).

The Independent Safeguarding Authority (ISA) was set up to fulfil this role across England, Wales and Northern Ireland and aims to make it easier for organisations working with children or vulnerable adults to recruit suitable workers and volunteers more safely. Scotland is implementing its own scheme but will work closely with the ISA.

Definitions of 'children' and 'vulnerable adults' - under this scheme, 'children' are defined as those under 18 and 'vulnerable adults' has a wide definition and includes frail, older people and those receiving specific services, prisoners, any adult who has: a learning or physical disability; a physical or mental illness, chronic or otherwise, including an addiction to alcohol or drugs; a reduction in physical or mental capacity etc.

What will the Independent Safeguarding Authority (ISA) do?

The ISA will vet all individuals who want to work or volunteer with children and/or vulnerable adults and where there is no known reason why an individual should not work with children or vulnerable adults, they will be need to be ISA-registered. Those the ISA decides do pose a risk will be added to a Barred List and will be unable to work or volunteer with children or vulnerable adults.

ISA independent caseworkers make the decisions as to whether an individual should be barred and they have been making these decisions on all new referrals since 20 January 2009.

All information held by ISA is securely stored and only disclosed in accordance with legislation



A new vetting and barring scheme

and security protocols. Employers and voluntary organisations will be able to undertake a free online check to see whether an individual has been registered with the ISA before proceeding with recruiting them as an employee or volunteer.

NOTE: *It will be an offence for an employer to recruit a worker or volunteer to work with children or vulnerable people if they are **not** ISA-registered from 1 November 2010. Responsibility is on the individual to get registered with ISA but it is the employer's responsibility to check the register when recruiting*

How does it link with the Criminal Records Bureau (CRB)?

The ISA will work in partnership with the Criminal Records Bureau (CRB) and **it will not replace** the work that the CRB already does. The new vetting and barring system is about continuous monitoring via ISA registration whereas CRB checking is different in that it gives a snapshot of information at just one moment in time.

NOTE: *It is important to be aware that the new scheme does not replace the CRB scheme, so you will still be required to carry out CRB checks for eligible volunteers and employees and also continue to carry out other safeguarding procedures such as taking up references, regular supervision etc*

CRB will continue to process applications for CRB checks and from July 2010 they will also process applications for ISA-registration which will be made on a new CRB application form.

As of October 2009, the Standard CRB check will only check the national police computer (no longer will they search the barred lists) – and Enhanced CRB checks need to be undertaken for the lists to be checked. It is acknowledged that as a result demand for Enhanced CRB checks will increase.

In addition, from October 2009 all paid staff and volunteers in mentoring and befriending programmes working with children and/or vulnerable adults will need to have an Enhanced CRB check undertaken. This is because the Standard CRB check will no longer check the current barred lists from this date.

Who will the scheme affect?

The scheme will affect individuals, in both paid and voluntary roles, who take part in '**regulated**' and '**controlled**' activity. The definitions are given below and will include most mentoring and befriending programmes working with children and/or vulnerable adults.

Regulated activity is:

- Any activity of a specified nature that involves contact with children or vulnerable adults frequently, intensively and/or overnight (e.g., teaching, training, care, supervision, advice, treatment and transportation)
- Any activity which allows contact with children or vulnerable adults that is in a specified



A new vetting and barring scheme

place frequently or intensively (e.g., schools and care homes)

- Fostering and childcare
- Any activity that involves people in certain defined positions of responsibility (e.g. school governor, director of social services, trustees of certain charities)

Regulated activity is when the activity is frequent (once a month or more) or intensive (takes place on three or more days in a 30-day period). Overnight refers to between the hours of 2am to 6am.

If your programme undertakes 'regulated activity' as specified above:

- an individual must be ISA-registered to undertake regulated activity
- it will be a criminal offence, punishable by up to five years in prison, for a barred individual to take part in regulated activity
- it will be a criminal offence for an employer to take on an individual in regulated activity if they fail to check that person's status, punishable by £5,000 or six months jail sentence
- it will be a criminal offence for an employer to allow a barred individual, or an individual who is not yet registered with the ISA, to work for any length of time in any regulated activity

Controlled activity is:

- Frequent or intensive support work in general health settings, the NHS and Further Education e.g. includes cleaners, caretakers, shop workers, catering staff, car park attendants and receptionists)
- Individuals working for specified organisations (e.g., a local authority) who have frequent access to sensitive records about children and vulnerable adults
- Support work in adult social care settings (e.g., day centre cleaners and those with access to social care records)

Controlled activity is when this type of activity is frequent (once a month or more) or intensive (takes place on three or more days in a 30-day period)

If your programme undertakes 'controlled activity' as specified above:

- it will be a criminal offence for an employer to take on an individual in a controlled activity if they fail to check that individual's status
- an employer can permit a barred individual to work in a controlled activity only if sufficient safeguards are put in place

Mentoring and befriending project examples

The new scheme affects individuals, in both paid and voluntary roles, who take part in regulated and controlled activity (as defined above) and this will include most mentoring and befriending programmes working with children and/or vulnerable adults and ISA registration will depend on the level of contact different employees/volunteers have:

1. Project co-ordinators and volunteer co-ordinators of mentoring and befriending schemes



A new vetting and barring scheme

working with children and vulnerable adults will need to be ISA-registered.

2. A befriending scheme visiting frail, isolated older people would need their befrienders (and project co-ordinator) to be ISA-registered.
3. An e-mentoring or telephone befriending scheme whose volunteers make contact by email or telephone will need its volunteers to be ISA-registered.
4. A mentoring scheme working with prisoners would need their volunteer mentors and paid co-ordinator to be ISA-registered.
5. A peer mentoring scheme in a sixth form college where the students (aged 18+) are mentoring in the neighbourhood or at another school – the students would need to be ISA-registered.
6. Trustees of mentoring and befriending projects that work with children or vulnerable adults and are also registered charities will need to be ISA-registered. Trustees of projects which are not part of a registered charity, then it will depend on the role of the trustee and the project will have to make a judgement.
7. An adult volunteer going into a school to mentor a pupil under age 16 would need to be ISA-registered.
8. An administrator working at a children's mentoring project with access to sensitive records would not need to be ISA-registered – this only applies if the project is in a health setting, the NHS or Further Education or within a 'specified organisation' such as local authority or adult social care setting.
9. A mentoring project trainer that runs training for another organisation's volunteers with their volunteers (some under 18, some over 18) would need to be ISA-registered.

What you need to do

If you are a mentoring and befriending project working with children and/or vulnerable adults in regulated or controlled activity, then when you recruit someone new, as an employee or a volunteer, they will need to apply for ISA registration as part of the recruitment process. You, as the employer, will need to check online whether they are ISA-registered from 1 November 2010.

- *If the applicant or volunteer is ISA-registered*, it means that either no relevant information about them exists, or that ISA experts have assessed the information and decided there is no known reason why the applicant should not be registered. It may mean that no relevant information exists. With all ISA-registered applicants, it will be your decision whether or not to hire them.



A new vetting and barring scheme

The ISA vetting service is a tool to help you recruit safely but it doesn't replace your own recruitment processes, safety checks and other risk assessments e.g., obtaining references and CRB checks.

- *If an applicant or volunteer isn't ISA-registered, this could mean they haven't applied to the ISA, or that they are on the barred list. In either case, you must not recruit them.*

You will also need to make sure that your existing employees/volunteers are ISA-registered. Detailed guidance on the timing of this process will be issued in due course from the ISA.

You must let the ISA know of any relevant recorded disciplinary procedures involving your existing employees/volunteers so that it can update its records (see section below on 'Referring information').

You will need to change your recruitment procedures for those who want to work or volunteer with vulnerable groups so that they register with the ISA before you take them on.

Preparation

- Consider which roles in your project are defined as 'regulated activity'
- Inform colleagues and HR department if applicable
- Look at contract terms and conditions
- Prepare adverts for jobs and volunteer roles 'subject to ISA registration'
- Continue safe recruitment practices

NOTE: *If you recruit someone who isn't ISA-registered or who is barred, you could be fined or face a prison sentence*

Fees

NOTE: *Please note that volunteers applying for ISA registration do not have to pay the fee*

There will be a fee to be paid for ISA registration but this will only have to be paid once and then the individual will be monitored within the scheme for life. Employers won't be charged for checking the status of prospective employees or volunteers – this will be a free online service.

ISA registration fee - £64

ISA registration with an Enhanced CRB check - £64

Enhanced CRB check only - £36

Standard CRB check only - £31

The overall cost for registering with the ISA will be **£64 per person**. This fee consists of two elements: the first part of the fee, which has been set as £28 will cover the cost of administering



A new vetting and barring scheme

the registration process, the cost of the instant online registration checking system, the cost of volunteers registering with the scheme (as they register for free) and the cost of continuous monitoring and updating whilst registered with the scheme. The remaining £36 will cover the CRB's costs as administrators of the applications.

Referring information on an individual

The importance of sharing information within the new scheme is vital to its success and there will be a legal requirement for certain organisations to refer relevant information to the ISA, the aim being to prevent information being held about a person (where there is concern relating to harm or the risk of harm to children or vulnerable adults) by one organisation and not shared with others.

Organisations that have a legal obligation to refer information to the ISA are:

- adult/child protection teams in local authorities
- professional bodies and supervisory authorities named in the Safeguarding Vulnerable Groups Act
- employers and service providers of regulated and controlled activity
- personnel suppliers (e.g., employment agencies, employment businesses and education institutions)

Other organisations that may refer information to the ISA if they choose:

- all other employers of those working with children and/or vulnerable adults
- parents/private employers – refer to a statutory agency e.g., social services/police

By receiving information from a range of sources, the ISA will be able to make a decision as to whether an individual poses a risk to children and/or vulnerable adults based on all the evidence.

When must information be referred to the ISA?

Information must be referred when an individual has been dismissed or resigns, because they harmed, or may harm, a child or vulnerable adult. Remember this could be a paid worker or a volunteer. There will be a penalty fine for employers who fail to provide relevant information to the scheme. New ISA referral guidance and referral forms will be released for use from 10 October 2009 via the ISA website.

What information will be used to decide whether individuals should be barred?

Once someone is ISA-registered, any new information which shows that they may pose a risk will be automatically passed to the ISA and if necessary, their ISA registration will be removed and their current employer will be informed. If an employer is notified that their existing staff member/volunteer is barred, the individual must be removed from regulated activity immediately.

The information will not be made public – employers can only check individuals on a case by case basis to check whether they are ISA-registered. The barred list will only be available to the police and other law enforcement agencies.



A new vetting and barring scheme

Timescale

From October 2009

- the vetting and barring lists currently used (PoVA, PoCA and List 99) will disappear and be replaced by two ISA Barred Lists (one which will show those individuals barred from working with children and one showing those barred from working with vulnerable adults).

From 26 July 2010

- Individuals can register with the ISA without an enhanced CRB check.

From November 2010

- When you recruit someone new to work with children or vulnerable adults you will need to check their ISA status. This will determine whether or not you can employ them or take them on as volunteers and it may affect what activities they can undertake.
- It will be mandatory for all new entrants to the job force to be registered with ISA.
- There will be a legal responsibility for employers to check registration status of employees/volunteers otherwise face criminal offence.

Further details

For more information and detailed guidance on the new Vetting and Barring scheme go to the ISA website at www.isa.gov.org. For additional information about the work of the Criminal Records Bureau (CRB) go to www.crb.gov.uk. These organisations are producing guidance including a DVD, FAQs and a support line all of which will be promoted through their websites in due course.

Information briefing event

The Mentoring and Befriending Foundation will be running a briefing event with the ISA in the spring of 2010. Check our website nearer the time for further details at www.mandbf.org.uk or sign up to receive our monthly information e-bulletin by emailing info@mandbf.org.uk with your contact details.

