

## **Vetting and Barring Scheme - Questions & Answers**

### **What is the Vetting and Barring Scheme and why was it set up?**

The VBS was established as a result of the Bichard Inquiry, 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 Access NI/CRB.

Access NI and CRB are responsible for processing the applications to the Scheme and CRB is responsible for the monitoring features of the Scheme on behalf of Northern Ireland, England and Wales.

The ISA are responsible for deciding who should be barred from working with children and vulnerable adults and the maintenance of two ISA barred lists covering the children's and vulnerable adults' sectors

The new barred Lists and will replace the existing Disqualification from Working with Children (DWC) List, Disqualification from Working with Vulnerable Adults (DWVA) List, and the Unsuitable Persons (UP) List in Northern Ireland, the Protection of Children Act (PoCA) List, List 99 and the Protection of Vulnerable Adults (PoVA) List in England and Wales, 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 prevented from working with them. However, what it cannot do is guarantee that anyone not barred is 'suitable' or 'safe' to work with children and/or vulnerable adults.

### **When will the VBS launch?**

The new Vetting and Barring Scheme (VBS) launches on 12 October 2009.

Individuals will be able to register with the ISA from July 2010.

### **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 in Northern Ireland (DWC, DWVA and the UP List), and the three current barring lists in England and Wales (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 Access NI/CRB disclosure check.

Employers, personnel suppliers, 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 Access NI/CRB checks will be extended to include anyone working in a regulated position. In Northern Ireland, organisations may also request Enhanced Disclosure checks on those working in controlled activity.

### **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 Northern Ireland and England, Wales, will be able to register with the ISA and be checked.

Individuals will be able to apply for ISA-registration and an Access NI/CRB disclosure check on one new application form.

When a person becomes ISA-registered they will be continuously monitored and his 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 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**.

### **What is the ISA?**

The ISA is a non-departmental public body (NDPB), sponsored by the Home Office, which acts as the decision making body of the VBS.

### **What does the ISA do?**

The ISA 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, Health and Social Care Bodies, Education and Library Boards, Local Authorities in England and Wales and employers.

It has 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 able to avail of a continuous training and support programme and the support of a board of public appointees with experience of and in the field of safeguarding.

### **Which government departments are involved with the scheme?**

The Home Office is the sponsoring body and leads on scheme implementation.

In Northern Ireland the Department of Health, Social Services and Public Safety (DHSSPS) is leading on the development of VBS policy and legislation.

In England and Wales, the Department for Children, Schools and Families and the Department of Health are leading on policy areas and legislation.

### **What legal framework supports the VBS?**

The VBS is supported by the legal framework of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 in Northern Ireland by the Safeguarding Vulnerable Groups Act 2006 in England and Wales and secondary legislation made under the Order and the Act.

### **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, trained caseworkers overseen by a Board with extensive expertise in safeguarding.
- For the purpose of this scheme both paid employees and volunteers are subject to the same restrictions and obligations, with one exception; volunteers will not have to pay to register with the ISA.
- 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' 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, free of charge.
- Employers who have registered an interest in an employee will be informed if that employee registration status changes.
- Eventually, it is anticipated that some 11.3 million positions will be covered by the Vetting and Barring Scheme (around 600,000 in Northern Ireland).

- 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.)

### **Is the ISA a government body?**

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

### **Who is in charge of the ISA?**

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

### **Who is covered by the current regulations?**

Currently, all those employed in 'regulated positions' with children in Northern Ireland are covered under the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003 (POCVA). In England and Wales all those employed in regulated positions are covered under the Protection of Children Act (PoCA). The meaning of regulated position in Northern Ireland can be found in POCVA and in the Criminal Justice and Court Services Act in England and Wales. Both definitions are broadly similar and cover those who work regularly, intensively or unsupervised with children.

Education settings are covered in Northern Ireland by the Unsuitable Persons Regulations and in England and Wales by List 99 regulations. In Northern Ireland, POCVA also covers work with vulnerable adults defined as care positions which include work in residential care homes, nursing homes and those providing personal social services in a vulnerable adult's own home. In England and Wales, The Protection of Vulnerable Adults scheme covers those in regulated social care which includes care homes, domiciliary care and adult placement schemes.

### **What will happen to the old DWC, DWVA, UP, List 99, PoVA and PoCA lists?**

These lists, along with court imposed Disqualification Orders will be replaced by the ISA's new barred lists. NOTE: Not all barred individual from these existing barred lists will transfer onto the two new ISA barred lists. The decision to transfer individuals to the new barred lists is a matter for the ISA and the transfer process is currently evolving.

### **Does the VBS cover Northern Ireland, England, Wales and Scotland?**

No. It covers Northern Ireland, England and Wales. Scotland will have its own

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.

### **How much will it cost for an individual to register with the ISA?**

£58 in Northern Ireland - £64 in England and Wales.

### **Will volunteers have to pay the ISA registration fee?**

In Northern Ireland those who are volunteering for a non-profit or non-statutory organisation will not pay for ISA registration. In England and Wales, all unpaid volunteers will not pay for ISA registration. Volunteers who subsequently take up paid employment will have to pay for ISA registration at the point they become paid employees.

### **Where can I go to get more information?**

Further information is available on the ISA's website and from Access NI and CRB publications.

### **Will all individuals be transferred to the new lists for 12 October?**

No- the work is underway but is unlikely to be completed by the 12 October. Individuals who have not transferred will continue to be barred from work with children and vulnerable adults, the list will be checked by Access Ni and the requirements to check will continue.

### **What are the relevant websites?**

VBS information available on the ISA website - [www.isa.gov.org](http://www.isa.gov.org)

Information is also available on the Department of Health, Social Services and Public Safety (DHSSPSNI) website - <http://www.dhsspsni.gov.uk/svg>

### **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.

### **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.

A person is described in the Safeguarding Vulnerable Groups (Northern

Ireland) Order 2007 and the Safeguarding Vulnerable Groups Act 2006 as a vulnerable adult if they have attained the age of 18 and—

- living in residential accommodation, such as a residential care home, a nursing home or a residential special school;
- living in sheltered housing;
- receiving domiciliary care in his or her own home;
- receiving any form of healthcare;
- detained in a prison, remand centre, young offender institution, secure training centre or attendance centre, or under the powers of the Immigration and Asylum Act 1999;
- in contact with probation services;
- receiving support, assistance or advice to help them live independently, for example through the Supporting People programme receiving a service or participating in an activity that is specifically targeted at people with age-related needs or disabilities;
- expectant or nursing mothers in residential accommodation;
- receiving direct payments from Health and Social Care Trusts in lieu of social care services; or
- requires assistance in the conduct of his or her own affairs.

### **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.

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.

### **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) carried out 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), conducted either frequently or intensively;
- Fostering and childcare.
- Certain specified positions of responsibility (e.g. school governor, director of a Health and Social Care Trust responsible for the delivery of personal social services, trustees of certain charities).

- These positions are set out in the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 and the Safeguarding Vulnerable Groups Act 2006.

### **What is the definition of ‘controlled activity’?**

Controlled activity, which is much more limited in scope, affecting around 500,000 people, covers:

- ancillary support work in Further Education, health settings including primary and secondary care and adult social care (e.g. cleaners, caretakers, catering staff, receptionists) which is done frequently and gives the opportunity for contact with children or vulnerable adults.
- People working frequently for specified organisations (e.g. Health and Social Care Trusts and Education and Library Boards in roles which give them the opportunity for access to health and social services records about children or vulnerable adults and education records about children; and, Local Authorities in England and Wales, in the exercise of its education or social services functions.
- Barred people can sometimes be employed in controlled activity, provided tough safeguards are in place, such as stringent supervision.
- A person barred as a result of a relevant auto-bar caution or conviction will not be able to work or volunteer in controlled activity in Wales

### **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)

These definitions are being reassessed by Sir Roger Singleton at the requirement of Ed Balls, DCSF Minister. Sir Roger will report in December 2009.

### **What is the difference/relationship between the Access NI (ANI) with an ANI check and the ISA for ISA registration?**

An Access NI enhanced disclosure check provides a full picture of an individual’s criminal history which for the purposes of work with children and vulnerable adults is provided to employers.

Access NI checks cannot be applied for by individuals. The Exceptions Order to the Rehabilitation of Offenders (Northern Ireland) Order 1979 sets out the professions, offices, employment, work and occupations which can be Access NI checked.

Access NI issues three types of disclosure certificates, basic, standard and enhanced. Enhanced Disclosure certificates are issued in the main for work with children and vulnerable adults. In some areas of work enhanced disclosures are a standard requirement.

ISA-registration only covers those working vulnerable groups whereas Access NI disclosure checks extend to many other roles; such as security guards licensed by the Security Industry Authority and taxi drivers for licensing purposes.

From the launch of the new VBS in October 2009 anyone employed (i.e. not the self employed) with vulnerable groups in “regulated activity” or “controlled activity” will be entitled to an Enhanced Access NI check. ISA-registration demonstrates there is no known reason why an individual can not work with vulnerable groups.

From November 2010 those working in regulated and controlled activity will be required to be ISA registered and will be able to register from July 2010. Applications for ISA registration will be processed through Access NI.

The dual process of disclosure and ISA registration will create the most comprehensive vetting service on offer anywhere in the world.

In England and Wales the disclosure functions are performed by the Criminal Records Bureau (CRB).

### **What is the difference between the service offered by the ISA and the Access NI/CRB?**

The ISA will prevent those considered to present a future risk of harm 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.

Access NI in Northern Ireland and CRB in England and Wales 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.

### **What is the Access NI/CRB’s involvement with the VBS?**

Access NI/CRB will process applications for ISA-registration. CRB, working on behalf of Northern Ireland, England and Wales will also monitor information about people registered with the ISA which comes through to the local police and central police systems and will refer all relevant information back to the ISA.

Additionally, Access NI/CRB will continue to offer employers the option of criminal records checks by way of the issue of disclosure certificates to enable them to make accurate risk-assessments of employment candidates.

### **Does an ISA check replace an Access NI/CRB check?**

No. An ISA check will reveal if the person is registered and able to work with children and/or vulnerable adults.

An Access NI/CRB check will reveal an individual’s has a criminal record history and any relevant non-conviction information disclosed by the police.

A person could be registered with the ISA but still have a criminal convictions which may be relevant to employment decisions for particular jobs or posts.

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

Yes. ISA-registration is applied for once and for a one-off fee and will apply to any future setting where the person is working with children, or vulnerable adults, as appropriate. Once registered, future employers will be able to check an individual's registration status by way of a free on-line check.

ISA registered individuals are also monitored on a continuous basis. 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 he will lose his ISA-registration.

An employer who has registered an interest in a person's ISA registration status will be advised by the ISA if he is no longer ISA registered.

### **What about foreign workers applying for UK jobs?**

Anyone undertaking regulated activity in Northern Ireland or England and Wales 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 registration 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 will be barred should their conduct at any point give reason for this step to be taken.

### **Does everyone with access to health and social services child/patient records have to be ISA-registered?**

No, only individuals working in certain organisations, with access to sensitive records, will have to have their ISA-registration status checked. These are set out in legislation and include Health and Social Care Trusts, Education and Library Boards, Council for the Curriculum, Examinations and Assessments and the Education and Training Inspectorate. In Northern Ireland, those with access to records are considered to be in controlled activity.

### **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.

### **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 and classroom assistants but also office and catering staff, contractors and caretakers; also any volunteers such as parents helping children with their reading.

### **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 them, and organised by a third party.

It is not regulated activity if a child hires a taxi in a street or a child travels on a mainstream bus.

### **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.

### **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 a person's ISA registration by way of an online check which will provide instant confirmation of the individual's status. 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.

### **How does an individual become ISA-registered?**

In Northern Ireland, an individual can apply for ISA-registration through one of the organisations registered with AccessNI – these are called Registered or Umbrella Bodies. In England and Wales, applications will be through the CRB

The ISA-registration application process is very similar to that of applying for an AccessNI/CRB check. The AccessNI website (<http://www.accessni.gov.uk/index/who-uses-ani/umbrella-bodies.htm>) contains a list of organisations in Northern Ireland 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.

### **How long will it take to become ISA-registered?**

Where applicants have a relevant conviction, caution, warning or reprimand, AccessNI/CRB will send the information to the ISA who will then take a closer look at the applicant and consider whether it is appropriate for them to work with vulnerable groups. ISA aims to process 90% of all applications within 7 days of receipt of the AccessNI information. The CRB is working to a standard of 7 working days for registering CRB applicants with the ISA.

### **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 from employers, employment businesses and agencies.

### **Are AccessNI and the CRB introducing a new application form from 12 October 2009?**

No, you can use the existing application forms up to July 2010.

From July 2010, AccessNI and the CRB will introduce new application forms to allow you to apply for ISA registration and an AccessNI/CRB check on the same form.

### **Can I get a Standard Disclosure on those working with children and/or vulnerable adults?**

No. From 12 October 2009, if you used to apply for a Standard Disclosure on those working with children and/or vulnerable adults you will need to apply for an Enhanced Disclosure.

The Standard Disclosure will be for all other positions covered by the Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979 for example positions within the Security Industry and Financial Services.

### **Will you be changing the eligibility criteria for Enhanced Disclosure checks?**

Yes, if a person is working in regulated activity or controlled activity (in Northern Ireland only) you will be entitled to an Enhanced Disclosure check from 12 October 2009.

### **What will happen if an application has been received by AccessNI before the 12th October but has not been completed by this date?**

For Enhanced Disclosures the only difference will be that the AccessNI certificate will include searches of the new ISA barred lists where the relevant boxes were ticked on the form.

For Standard Disclosures the only difference will be if you have also requested checks of the “disqualified” lists. A Standard Disclosure will contain details of the full criminal record, including all unspent convictions and cautions as previously, but no further information.

### **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’. Further information on the ISA online service will be made available in future guidance.

### **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 not have applied to become ISA-registered, or simply provided an incorrect registration number. Alternatively, they may no longer be undertaking regulated activity and have left the scheme.

### **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 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.

### **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, employment agencies and businesses, social services, professional bodies such as the General Medical Council, the General Teaching Council for Northern Ireland and the Northern Ireland Social Care Council, and inspectorates such as ETI and RQIA.

Use of these extensive sources will enable the ISA to make decisions based on all available evidence and ensure consistent and informed decision-making.

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

No – AccessNI and the CRB will only send the ISA information that the ISA has deemed relevant to the risk they may pose to children or vulnerable adults.

However, where it is considered necessary for the purposes of assessing the risk of harm a person poses, 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 risk of harm.

### **How can people appeal against being barred by the ISA?**

Individuals under consideration for inclusion in a barred list will be given the opportunity to make representations as part of the barring process. It will also be possible to appeal against a barring decision by the ISA. Appeals against ISA decisions are heard by the Northern Ireland Care Tribunal (or the Upper Tribunal in England and Wales). Appeals can be lodged with the leave of the Tribunal and only on the grounds that there has been a mistake in a point of law or finding of fact.

### **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.

### **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 with the relevant bodies.

The scheme 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 a legitimate interest) but will not give the reason why – this will only be obtained through an Enhanced Disclosure.

Whatever the reason: if a person is no longer ISA-registered they are unable to continue in regulated activity.

### **How and what do I refer to the ISA?**

From 12 October 2009 employers, social services departments and professional regulators will have a duty to refer to the ISA any information about individuals who may pose a risk of harm to vulnerable groups.

The ISA has published referral guidance which explains who, what and when to refer to the ISA. It is available to download from the ISA website at [www.isa-gov.org.uk](http://www.isa-gov.org.uk)

### **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 social services.

### **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 Disclosure check will reveal that the person is barred and the reasons for that bar.

### **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.

Employers who knowingly permit a barred individual to engage in regulated activity face a maximum penalty of up to five years in prison.

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.

### **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.

### **Will it be illegal to employ someone who is not registered with the ISA?**

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.

### **When do people have to register?**

Organisations will be given up to five years to ensure all current employees and volunteers have gone through the registration process, in accordance with a phasing strategy which starts in July 2010.

From July 2010 all new employees and those moving jobs will be able to become registered, and from November 2010 will need to be registered, before taking up post. Registration for existing employees will start in April 2011 and end in July 2015.

### **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:

- Online [£0.00]: This will only confirm or not whether the person is ISA registered;
- Enhanced AccessNI disclosure [£30.00]/CRB check [£36.00]: This will provide more information than the online check as it will reveal a person's full criminal record, 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.

### **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 register an interest in an employee or volunteer which means that the organisation will be informed if the registration status changes.

The consent by the individual to the online check also serves as consent for the employer to register an interest in the individual's registration status.

### **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 employer continues to use an individual in regulated activity after he has been notified that the individual is no longer ISA-registered, he will be committing a criminal offence.

### **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 registered an interest in an individual's ISA registration status.

This could be a registered body, employer, professional registration body, supervisory authority, licensing authority e.g. taxi licensing authority, and sports governing body e.g. the IFA.

### **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.

The October '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 general health settings (both primary and secondary care) and the NI Prison Service..

These 'new' sectors will be required to refer individuals from this time.

### **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](http://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].

### **Why will applications for ISA-registration need to be phased in/how will AccessNI/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 partners, AccessNI and the CRB, who will be administering applications to register with the ISA, as well as the ISA itself, are able to cope with 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, AccessNI and the CRB will continue to process 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. AccessNI is in the process of working with its key registered bodies to set up phasing agreements.

### **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 from old to new arrangements and avoid any difficulties with recruitment exercises having to be halted and re-started.

### **Will this apply to police officers?**

The scheme will not apply to all police officers but only to specified roles such as family liaison officers, whose work puts them in contact with those whom the scheme is designed to protect. We believe this is a common sense approach, and what the public would rightly expect.

## **Do people have to be vetted if you are giving a friend's children a lift to activities like scouts, swimming club, etc?**

The Vetting and Barring Scheme does not cover personal or family relationships, so parents making informal arrangements to give lifts to children will not have to be registered.

However anyone working or volunteering on behalf of a third party organisation — for example a sports club or a charity — who has frequent or intensive access to children or vulnerable adults will have to be registered with the Scheme.

In Northern Ireland, volunteers who are entitled to receive disclosure certificates free of charge from AccessNI will also be entitled to free ISA-registration. In England and Wales, registration is free for all volunteers.

## **Will this apply to everyone working in a pharmacy?**

The scheme will apply to pharmacists who provide treatment or health care advice to children or vulnerable adults on a frequent or intensive basis. It will also apply to any other staff who have access to patient medical records or provide medical treatment. But it will not apply to staff who are simply engaged in retail activities or hand over prescription medicine under the supervision of the pharmacist. We believe this is a common sense approach, and what the public would rightly expect.

## **Timeline**

### **Changes that come into effect on 12 October 2009**

- Increased safeguards will be introduced, further enhancing protection of children and vulnerable adults.
- The current barring lists in Northern Ireland (DWC, DWVA and UP Lists) and England and Wales (POVA, POCA and List 99) will be replaced by two new barred lists maintained by the ISA rather than several Government departments. Checks of these two lists can be made as part of an Enhanced Disclosure check.
- Employers, employment agencies and businesses, social services and professional registration bodies and registration and inspection bodies 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.
- Many more roles will come under the Scheme including posts in most health settings and the NI Prison Service.
- A new system around 'regulated activity' comes into being. Regulated activity is defined as:
  - Any activity which involves contact with children or vulnerable adults and is of a specified nature (e.g. teaching, training, care, supervision, advice, treatment or transport) and is frequently, intensively and/or overnight.

- Any activity allowing contact with children or vulnerable adults and is in a specified place (e.g. schools, children's homes, etc) and is frequently or intensively.
- Fostering, registered childminding and day care.
- Certain defined "office holders" (e.g. Director of Social Services, trustees of children's charities, school governors).
- There will be criminal penalties for barred individuals who seek or undertake work in regulated activity with vulnerable groups and employers who knowingly take them on.

### **From July 2010**

- AccessNI/CRB checks will continue to be required for some jobs which fall outside the Vetting and Barring Scheme and if they are a condition of professional registration or other legislation.
- From July 2010 individuals working in regulated activity as defined by the Scheme will be able to become ISA registered and as part of that process will have received an enhanced AccessNI/CRB check.
- AccessNI will process applications for ISA registration in Northern Ireland. The CRB will process applications in England and Wales. From July 2010 AccessNI and the CRB will change their application forms to allow registration with the ISA. The form will be the same whether you are just applying for an AccessNI/CRB check or for ISA registration as well.
- Forms will be available through one of the organisations registered with AccessNI/CRB, or umbrella bodies. Details of these organisations can be found on the AccessNI website at <http://www.accessni.gov.uk/index/who-uses-ani/umbrella-bodies> and CRB website at [www.crb.gov.uk/ubsearch](http://www.crb.gov.uk/ubsearch) or on the ISA website at [www.isa.gov.org.uk](http://www.isa.gov.org.uk). These details will also be available via Directgov and Businesslink websites.
- The one-off application fee costs £58 (£64 in England and Wales), which includes the £30 fee you would have previously paid to AccessNI.
- Once a worker is registered, the employer will receive a certificate showing the person's ISA status (plus any information revealed during the AccessNI/CRB searches). Subsequent employers will be able to check their ISA status online in real time and free of charge.
- All ISA-registered individuals will be subject to continuous monitoring. When new information, such as a conviction or caution or a referral from an employer, becomes known about an individual already registered with the ISA, the Authority will review its original decision not to bar. Where an employer has already registered an interest in an employee with the ISA, that employer will be notified automatically if their employee's status changes.
- Any employer or organisation wishing to receive updates on the ISA registration status of an individual, and with the consent of the

individual, can do so using the ISA online service. 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 on-line check will not show if a person is barred – only if they are registered and allowed to work in regulated activity.
- For further FAQs go to: [http://www.isa-gov.org.uk/pdf/20090618-FAQ\\_current.pdf](http://www.isa-gov.org.uk/pdf/20090618-FAQ_current.pdf)