

# Kent Safeguarding Children Briefing



## THE INDEPENDENT SAFEGUARDING AUTHORITY (ISA)

### INTRODUCTION

The new Vetting and Barring scheme is being launched later this year to introduce further measures to protect children and vulnerable adults. This has major implications for schools and other institutions and all people who work with children and/or vulnerable adults. We are currently looking at the best ways to support schools in preparation for the introduction of the scheme and in particular, registration of all staff with the Independent Safeguarding Authority (ISA) to ensure compliance.

The ISA has been created to assess relevant information on individual applicants and use this information to determine whether or not an individual poses a risk. If an individual is deemed to pose a risk, the ISA may bar that person from working with children/vulnerable adults.

It will be a legal requirement that all people who work in 'Regulated' activities (this includes schools) will need to be registered with the ISA from November 2010. However, registration with the ISA will begin on 12 October 2009. There is a five year plan to roll out the ISA registration process.

A number of 'Frequently Asked Questions' (FAQs) which cover the ISA processes and implications for you and your agency

### THE HEADLINES

From 12 October 2009:

- The creation of two new ISA barred lists. These lists will replace the existing List 99 and POCA, POVA Lists.
- Access to these new ISA lists will be available on request as part of an Enhanced CRB check.
- Eligibility for Enhanced CRB checks will expand to include more employment and voluntary positions; such roles will be known as *regulated positions*.

- Standard CRB checks will no longer be available for those working with children or the vulnerable.
- There is no change to the current application form or application process.

#### **From July 2010:**

- Individuals will be able, via Registered/Umbrella Bodies, to apply to the CRB for ISA-registration if they are applying to work with children and/or vulnerable adults in England, Wales and Northern Ireland. There will be a year phased roll out for ISA registration of those individuals who currently work with children and/or vulnerable adults.
- Employers will be able to express an interest in a person's ISA- registration and informed of any changes to that person's ISA-registration status.
- The CRB will introduce a new application form to allow applications for ISA registration and CRB checks to be made on the same form.
- Employers can carry out free, online checks of a person's ISA-registration status.

#### **From November 2010:**

It will be a legal requirement for individuals to register with the ISA if they intend to work or currently work with children and/or vulnerable adults in England, Wales and Northern Ireland.

## **FREQUENTLY ASKED QUESTIONS:**

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

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

### **What has changed?**

The VBS is built on existing strong safeguards and when delivered will be the most comprehensive anywhere in the world. As such it is important that all elements are properly designed and tested before they are introduced. As the Scheme has been developed we have had to reassess some of our initial assumptions on how the Scheme would be delivered. It is also vital that all of the scheme's elements are properly designed, piloted and tested before final introduction.

### **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.

### **What will change in July 2010?**

Individuals will be able to register with the ISA if they intend to work or currently work with children and/or vulnerable adults in England, Wales and Northern Ireland.

From July 2010, you 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.

### **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.

### **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.

### **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.

### **What is regulated activity?**

- Any activity of a specified nature that involves contact with children or vulnerable adults frequently, intensively and/or overnight. (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 childminding (childcare is covered above by place or specified nature, childminding is separated out as a provision from childcare as it is a requirement for them to register even though they're self employed and frequency doesn't apply to either] are also covered under the term.
- Any activity that involves people in certain defined positions of responsibility. (Such positions include school governor, director of children services, director of adult social services and trustee of certain charities.)

'Regulated activity' is when the activity is frequent (once a month or more), 'intensive' (takes place on three or more days in a 30-day period) or overnight. [Frequency and the period condition do not apply to the provisions for fostering, childminding, those who have defined positions of responsibility. Overnight only applies in relation to teaching, care, advice, treatment, not chat room moderation or transport].

### **What will happen if an application has been received by the CRB before the 12 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.

### **What will the ISA do?**

The ISA will assess relevant information on individual applicants and, where they believe this indicates that the individual poses a risk, bar them from working in regulated activity with children and/or vulnerable adults. However, it is important to understand that in carrying out this function the ISA will not be barring every single individual with any kind of criminal conviction or based on other information known about them. Only those who pose an obvious risk will be barred. To gain a full picture of an individual's record employers will need to obtain a CRB check.

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

No. The ISA only covers England, Wales and Northern Ireland – Scotland has its own equivalent Scheme.

### **What is the CRB's involvement?**

The CRB will process applications for registering with the Scheme. It will also feed any additional information to the ISA which is disclosed as part of a CRB Disclosure on anyone who is already registered with 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.

### **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 by the ISA.

Employers will be able to check a person's ISA registration status for free online.

Once a person is registered with the Scheme, which they do via an application to the CRB, they will be continuously monitored.

Any new, relevant information which could affect whether the individual is deemed a risk to children or vulnerable adults will then be passed to the ISA for independent consideration and, if necessary, a review of the person's registration status.

The ISA will make its decisions based on information provided by the police and other statutory agencies, regulatory bodies and referrals.

### **Will I need to have all my staff and volunteers who are working with children and vulnerable adults registered with the ISA by 12 October 2009?**

No. In July 2010, individuals will be able to register with the ISA if they intend to work or currently work with children and/or vulnerable adults in England, Wales and Northern Ireland. From November 2010, it will be a legal requirement for individuals in this position to register with the ISA. The requirements to be registered with the ISA will be phased in over 5 years. No further details are available from ISA at this stage.

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

From November 2010, it will be a legal requirement for individuals to register with the ISA if they intend to work or currently work with children and/or vulnerable adults in England, Wales and Northern Ireland. 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 by the ISA.

Organisations will be given up to 5 years to ensure all current employees and volunteers are ISA-registered.

### **Will the reason a person is barred also be available online at the same time an employer checks online for registration status?**

No. For security reasons, this information would only be disclosed via a CRB Enhanced Disclosure, if requested.

### **Will anyone be able to go online and check a person's status?**

No. All information held by the ISA about individual applications and cases will be secure. **Prospective employers** are only able to check registration status 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 and the reason for barring – it will only show whether they are registered. Non-registration does not imply someone is barred and this should not be assumed (for example, they may never have applied, in which case they would not be registered).

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

£64.00

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

No

### **How can an employer check if someone is ISA-registered?**

There are two ways to carry out an ISA check– both require the consent of the individual.

- 1) Online [£0.00]: This will confirm whether or not the person is registered with the ISA
- 2) Enhanced CRB check [no additional charge to the CRB fee of £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 also provide the reason(s) for that bar.

### **Does the ISA replace the Criminal Records Bureau?**

No. The ISA is a new service that will enhance the current service to employers provided by the Criminal Records Bureau (CRB).

### **Does ISA replace the 3 current government lists of those banned from working with children and the vulnerable? (POCA, POVA and List 99)**

Yes. The ISA will maintain two registers, one for the children and one for the vulnerable adult workforce.

### **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.

### **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.

### **Will I still need to carry out CRB checks?**

For those individuals registered with the ISA scheme, further Enhanced CRB checks will be at the employer's discretion and organisations may still wish to apply for CRB Enhanced Disclosures to obtain an individual's full criminal record. However, where there is a legal requirement to check or they are required by a regulatory body such as the OFSTED, it is envisaged that existing statutory requirements for CRB Enhanced Disclosures will still apply. Please contact the relevant organisation(s) for more information.

### **How will individuals apply to register with the ISA?**

Individuals in England and Wales will apply to the CRB, through one of its Registered Bodies, for registration with the ISA. Individuals in Northern Ireland will apply through AccessNI.

### **Why do individuals have to apply through the CRB for an ISA registration?**

The CRB was selected by the government to provide the administrative support to the ISA for the application process. The benefit of this is that the CRB has the experience of handling large volumes of applications for CRB checks. However, the decision to register or bar a person will rest with the ISA.

### **When will the new application form be available?**

The new application form will be available to customers in plenty of time for the launch of the ISA-registrations in July 2010. This will provide customers time to train their staff and make any changes to their own systems and procedures.

### **Will the criteria for Standard and Enhanced CRB checks need to change as from 12 October 2009?**

Yes. From 12 October 2009, if you currently apply for a Standard CRB check on those working with children and/or vulnerable adults you will in future be entitled to an Enhanced CRB check.

An Enhanced CRB check will continue to be available to individuals who are not required to register with the ISA, for example those working within the Gambling Commission.

A 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.

### **Proposed 5 year roll out (to be confirmed)**

- Year 1 – new entrants to the workforce and those moving jobs
- Year 2 – those who have never had a CRB check before
- Year 3 – those with CRB checks over three years old
- Year 4 – those with more recent CRB checks
- Year 5 – the remainder of those who have had a CRB disclosure & those who work in controlled activity

# Kent Safeguarding Children Briefing

For further information



01622 694859



[www.kscb.org.uk](http://www.kscb.org.uk)



KSCB,  
Sessions House,  
Room 2:60  
County Road  
Maidstone  
Kent, ME14 1XQ



[kscb@kent.gov.uk](mailto:kscb@kent.gov.uk)