

The Vetting and Barring Information Roadshow, Venue Cymru, Llandudno July 14th 2009

Stephanie Holden, Karen Littleford, Jessica Sillars and Kallista Skelton represented SPIC at the Vetting and Barring Information Road Show, Llandudno. The presentation and frequently asked questions can be accessed by going to www.isa-gov.org.uk (home page under 'what's new').

Key Messages

The introduction of the ISA will reform vetting and barring practice, **however** employers retain responsibilities to ensure that they are implementing safe recruitment practice.

ISA – registration is NOT intended to replace CRB checks, CRB checks will continue to remain an important part of safeguarding vulnerable adults. If an individual is registered with the ISA that means that *there is no known reason why that person should not work with vulnerable adults*.

The ISA status of an individual will be continuously monitored and employers will be informed if that persons status changes. If an employer is notified that an existing employee is barred they must be removed from regulated employment immediately.

Employers will have to judge whether a position falls under 'regulated activity'.

If you employ a barred individual in regulated activity you face up to six months in prison and a fine. A barred individual who even seeks employment in regulated activity can face up to five years imprisonment and a fine.

The following table highlights the difference between an enhanced CRB check and an ISA registration check.

Enhanced CRB check	ISA-registration check
<ul style="list-style-type: none">• Fee Payable• Snap shot in time• Updates available on re-application• Job specific• Not easily portable• Reveals: all convictions, ISA-registration status and if barred, reasons for the bar, any local police information	<ul style="list-style-type: none">• ISA status continuously monitored and updated• Free and online check of ISA registration status• Employers notified of changes to an individual's ISA-registration• Workforce specific• Reveals: ISA-registration status for each workforce

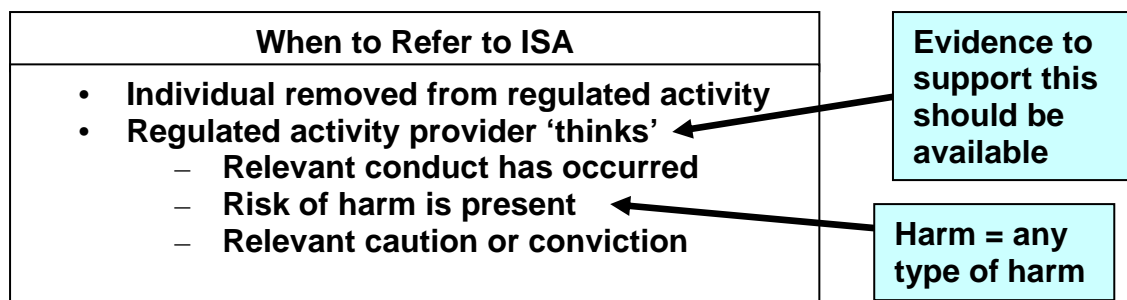
Making Referrals to the ISA

The employers duty to make referrals to the ISA is set out in legislation and the ISA has a duty to act on information received (regardless of the source).

'Relevant conduct' is the terminology used to describe behaviours that should result in a referral to the ISA. Relevant conduct consists of the following:

Relevant Conduct
<ul style="list-style-type: none">• endangers a child or vulnerable adult or is likely to endanger a child or vulnerable adult;• if repeated against or in relation to a child or vulnerable adult, would endanger them or would be likely to endanger them;• involving sexual material relating to children (including possession of such material)• involving sexually explicit images depicting violence against human beings (incl: possession of such images if it appears to ISA that the conduct is inappropriate;• conduct of a sexual nature involving a child or vulnerable adult, if it appears to ISA that the conduct is inappropriate

The appropriate time to make a referral about an individual to the ISA is outlined in the table below:



If the employee remains in post (perhaps with additional training) at the conclusion of a disciplinary investigation involving concerns about 'relevant conduct' the employer still has a legal duty to refer information to the ISA. ISA may use this information to build a picture or 'pattern' of behaviour. Also if there was insufficient information to dismiss the person through the disciplinary investigation but the employer had concerns about 'relevant conduct' they should still make a referral to ISA. You can also refer concerns about an ex employee.

When considering cases cautions and convictions will be taken as 'fact' when the ISA board are making barring decisions.

Planning for implementation

There will be a public advertising campaign next year prior to July to raise awareness of the scheme. Nineteen sector specific guides will be available closer to scheme implementation

In preparation

- Keep up to date with advice from Registered Bodies and Regulators
- For information about ISA developments go on the ISA and CRB's website

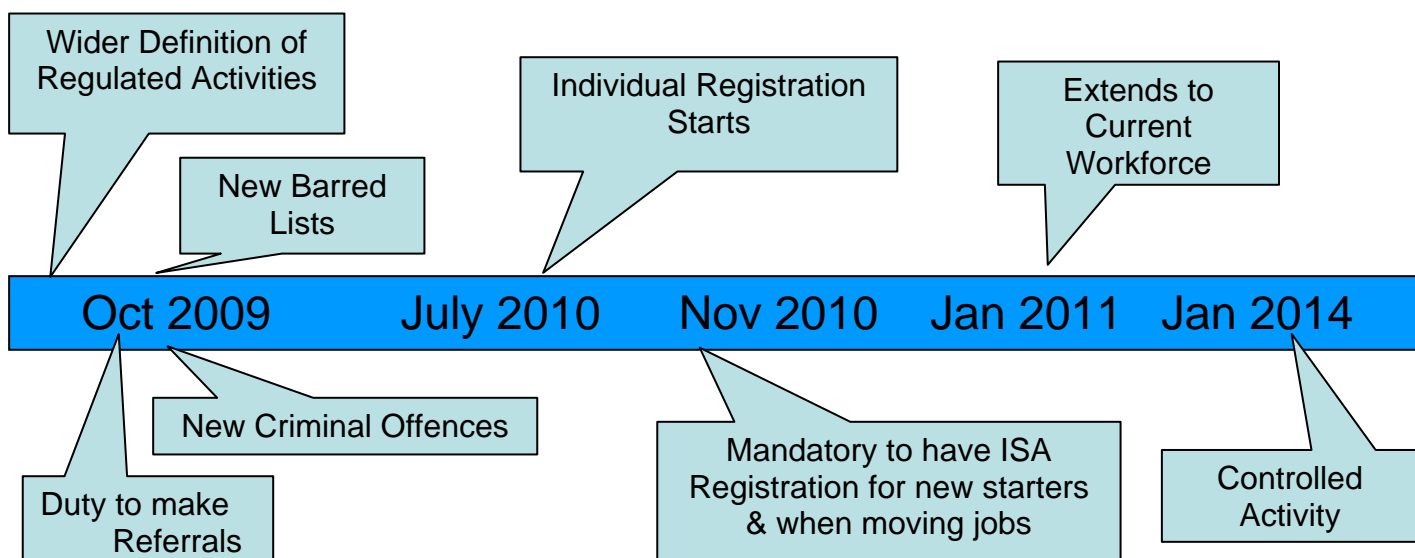
Internal Communication

- Inform colleagues especially staff who deal with CRB disclosure processes
- Start to consider which roles are defined as regulated activity (see ISA website for definition)
- Planning for staff numbers/budgets

For July 2010

- Look at all contract terms and conditions
- Prepare adverts for jobs as 'subject to ISA registration'
- Continue safe recruitment practices

Phasing in of the Vetting and Barring Scheme



The following new resources are available to download from <http://www.isa.gov.org/toolkit/>



His application form shows he's perfect for the job

But until he's ISA-registered you can't hire him



PH: Produced by CCR on behalf of the Home Office, July 2009, Ver 1.0/10000

The law is changing to protect children and vulnerable adults. This means extra checks, over and above the ones you currently undertake.

From **July 2010** all new employees, those moving jobs and volunteers who want to work with children or vulnerable adults can register with the ISA through the Vetting and Barring Scheme. From **November 2010**, all new employees and volunteers who want to work with children or vulnerable adults **must be** ISA-registered. Until they have registered (and it is each employee's responsibility to do this) they cannot legally be employed.

Failure to comply with this new law could result in both employers and their new employees or volunteers having legal action taken against them.

For employees, the registration process is straightforward. For employers, checking a candidate's ISA-registration (a legal requirement) is also very simple with our free online service.

ISA-registration does not replace Criminal Records Bureau (CRB) checks but represents an extra level of protection. The Scheme works alongside the CRB and identifies those people who could pose a risk to children or vulnerable adults. Those deemed a risk will not be allowed to work with vulnerable people.

For more information about this Scheme, ISA-registration, who is affected and how, please visit www.isa.gov.org.uk or call **0300 123 1111***.

*Calls to 03 numbers should cost no more than geographic 01 or 02 calls, and may be part of inclusive minutes subject to your call provider and your call package.



Working to protect vulnerable people

Am I affected?

The law is changing. From **July 2010**, all new employees, those moving jobs and volunteers who want to work with children or vulnerable adults can register with the ISA. From **November 2010**, all new employees and volunteers who want to work with children or vulnerable adults **must be** ISA-registered. Until they have obtained ISA-registration (and it is each employee's responsibility to do this) they cannot legally be employed. The ISA-registration process is straightforward. For employers having to check a candidate's ISA-registration (a legal requirement) we have created a simple and free online service.

These essential changes to the law will affect the employers of 11.3 million people. Are you one of them? To help you determine if you are and what action will need to be taken, if any, we have created a simple step-by-step guide. If after consulting this guide you are still unsure, please do not hesitate to contact us or visit our website.

Definition of a 'vulnerable adult'

A vulnerable adult is not just a disabled or older person. It is any individual who needs to be able to trust the people caring for them, supporting them or providing them with an essential service, which could leave them vulnerable to abuse. An example would be anyone receiving NHS treatment, living in a care home or in sheltered accommodation.

Definition of a 'child'

Anyone under 18 years of age.

More information

For more information about coverage please refer to the ISA website www.isa-gov.org.uk

