



Independent Safeguarding Authority

# The Vetting and Barring Scheme and the Independent Safeguarding Authority: Sport Excel Seminar 11 September 2009



Presented by: Peter Swift



## Highlights

- Core purpose: to prevent unsuitable people from working with children and vulnerable adults
- The Scheme will reform current vetting and barring practices.....
- ...but employers retain their responsibilities for ensuring safe recruitment and employment practices.



## 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.”**



## Legal & policy framework

The Safeguarding Vulnerable Groups Act 2006 sets out the scope of the scheme.

- It defines two types of activity for which there are requirements on employers and individuals:
  - **regulated activity** and
  - **controlled activity**.



## Definition of regulated activity

- 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) ... 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) ... frequently or intensively.
- Fostering and childcare.
- Certain defined "office holders" (e.g. LA Director of Children's Services, trustees of children's charities, school governor).
- No distinction is made between paid and voluntary work.



# 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.
- Personal and family relationships are not covered.



# What ISA registration means

ISA registration means the following:

- The individual is not barred
- His or her criminal records will be continuously monitored
- Any relevant information, and any new information that comes to light, will be sent to the ISA for them to consider for barring
- An employer can express an interest in the individual.....
- .... and then will be notified if the individual's status changes



# Domestic employment circumstances

## Domestic employment circumstances:

- Those employed (e.g. home tutors) by **domestic employers** (e.g. parents).
- The **self-employed** (e.g. sports coaches).

**It will not be mandatory for employers in domestic circumstances to check their employees, but they can.**

**A barred person must not engage in this employment.**



# Controlled activity

Tightly defined:

- Ancillary support workers in **NHS and FE settings** (e.g. cleaner, caretaker, catering staff, receptionist) with frequent or intensive contact with children or vulnerable adults.
- Those working for **specified organisations** (e.g. a Local Authority) with frequent access to sensitive records about children.

It will be **mandatory to check the ISA registration status** of individuals in controlled activity.

A barred person **can be employed** in controlled activity, providing **safeguards** have been put in place.



## Employer duties - Referrals

- **Employers, professional and regulatory bodies, and child protection teams in Local Authorities** will be under a **duty to refer** relevant information to the ISA in certain circumstances.
- In other circumstances employers **may** refer information regarding an individual's conduct to the ISA.



# What is the timetable for phasing?

- We will begin in **October 2009** with barring from regulated activity and the duties on providers to make referrals to the ISA
- Applications for ISA registration for new entrants to the workforce & those moving jobs will start in **July 2010**
- From **November 2010** it will be mandatory for new entrants and job movers to have ISA registration before they start their new posts
- Members of the existing workforce will be phased into the scheme from **January 2011**
- We expect the phased roll out to run over a **five year** period.



## What will it cost?

- Individuals in paid employment will pay **£64** when applying for registration with the Scheme.
- The one-off application fee is composed of two elements: £28 to fund the running of the ISA and £36 to pay for the CRB Enhanced Disclosure.
- Those involved only in unpaid **voluntary** activity will **pay no application fee.**



## How it will work – Barring decisions

The **Independent Safeguarding Authority** will:

- **Decide** who to place on **the barred lists** and maintain the barred lists
- Consider **representations**



## How it will work – *continued*

Barring Routes:

- **Auto Bar – without representation**
- **Auto Bar – with representation**
- **Bar based on case assessment**

**A barred person loses their ISA registration**



## How it will work – Operations

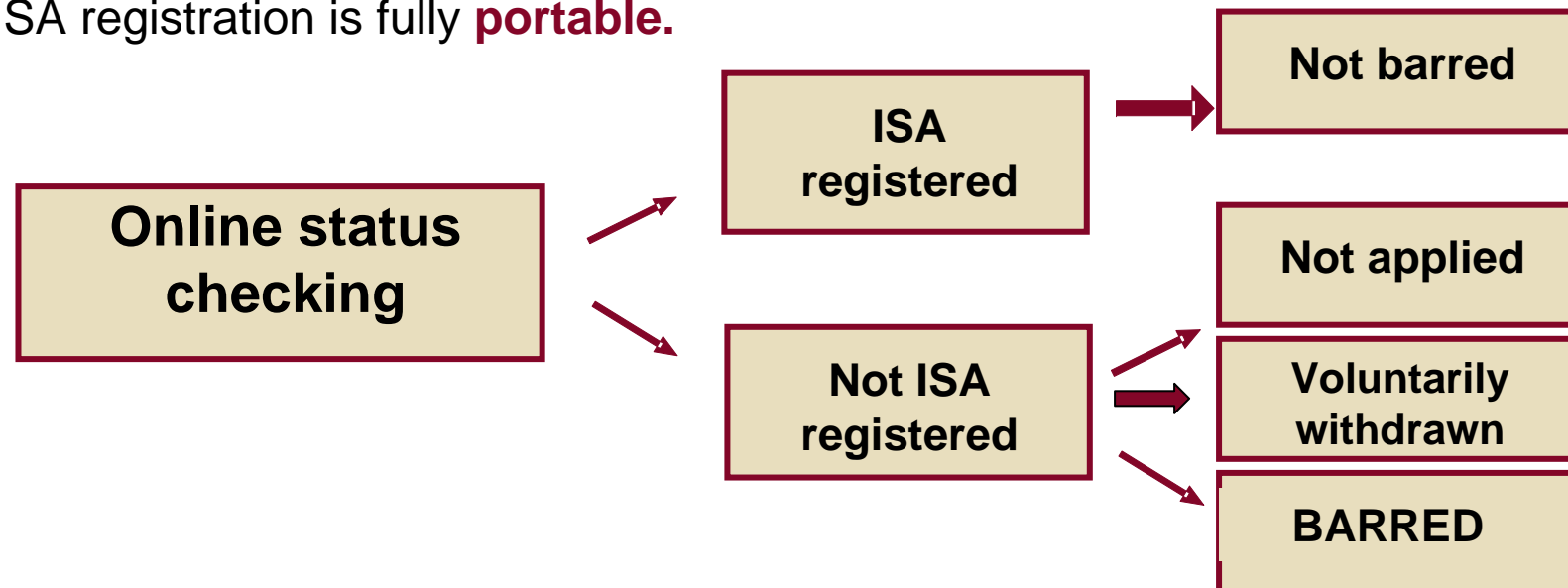
The **Criminal Records Bureau** will:

- **Receive applications** for scheme registration
- **Gather and monitor information** for the ISA
- **Administer** the continuous updating of records
- Provide the facility for **online checks**



## Scheme operation – Barring and online status

- The status of individuals will be continuously updated on receipt of **new information**, such as new convictions or referrals from employers.
- Employers will be **notified**, where they have registered an interest, if the status of their employee changes.
- ISA registration is fully **portable**.





## Transitional stages

- ISA established January 2008
- From 31 March 2008, ISA has been advising the Secretaries of State on referrals to the current barring schemes
- Currently barred individuals: ISA is including them, or considering to include them, on the new barred lists
- From 20 January 2009, ISA has been responsible for taking decisions on new referrals to the current barring schemes
- From 12 October 2009, ISA's barred lists come into effect. List 99, POCA, POVA repealed.



# Summary

- Barring decisions will be taken by **independent experts**.
- Once fully implemented, **anyone working or volunteering with children or vulnerable adults** in regulated activity must register with the Scheme.
- Employers **must** verify a person's registration status and ensure those they place with vulnerable people are on the scheme.
- **Better information sharing** - employers, other statutory, business and public organisations **must** refer appropriate information to the ISA.
- Employers will be informed if an employee becomes de-registered from the scheme.
- Parents/individuals will be able to check that the workers they employ in a private capacity in regulated activity are registered with the ISA.



# Key points for schools

- **All school workers, paid and unpaid, that come into contact with children  
- frequently or on an intensive basis -  
will be engaging in regulated activity.**
- **The school must check that they are ISA-registered before they can start work**
- **This is like the current List 99 check but the school is able to do it itself: quick, online, and free**
- **Placing exchange students with host families is also regulated activity.**
- **Being a school governor is regulated activity**
- **CRB checks on initial entry to the school workforce**



## Personnel suppliers: employment businesses and educational institutions

- Personnel supplier must check the employee is ISA registered before supplying them to the placement
- The receiving organisation is entitled to rely on written confirmation from the supplier that the check has been done



## Regulated activity - some subtleties

- It is regulated activity to manage on a day to day basis the staff who are engaging in regulated activity of a specified nature or in a specified place.
- The frequency or intensive conditions do not apply to fostering or registered childminders



# Some exemptions

- 16-17 year olds in employment settings – not regulated activity.
- Exemptions from the requirement to be registered:
  - Under 16s in employment settings
  - 16/17 year olds in mixed age sport and leisure
  - 16/17 year olds in Higher Education
  - Under 16s when they are undertaking regulated activity
- The “peer group” exemption



## Phrasing subtleties: the “existing workforce”

- Students on higher education courses
- Seasonal workers
- Fostering families



## Phrasing subtleties: the “employer”

- Requirement to check is on the regulated activity provider
- Schools are regulated activity providers
- When an unregistered teacher moves to a new school, he or she has to register



# ISA's discretionary barring decisions

- “Relevant conduct” bar: a two stage test
  - Has the individual engaged in relevant conduct
  - Is barring appropriate
- Risk of harm bar



## Relevant conduct is conduct which:

- Endangers or is likely to endanger a child
  - (endanger = harms, causes harm, puts at risk of harm, or incites another to harm)
- Involves child pornography
- Involves inappropriate use of violent pornography
- Is of a sexual nature involving a child and is inappropriate



Independent Safeguarding Authority

For further information  
please visit

[www.isa-gov.org](http://www.isa-gov.org)



department for  
**children, schools and families**



**Thank You**