



Home Office

# **The Vetting & Barring Scheme Information Roadshow**

June/July 2009



# Welcome & Introductions



- Facilitator Liz Morrison
- DCSF Nick Smith
- ISA Richard Black  
John Brown
- Access NI Tom Clarke  
Shaun McCann
- DHSSPNI Eilis McDaniel

# Agenda

- Introduction to the Scheme
- Operational Responsibilities
- What's New
- Phasing and Costs
- **Comfort Break**
- Question Time

# Introduction to the scheme

- The Safeguarding Vulnerable Groups Act 2006 and the **Safeguarding Vulnerable Groups (NI) Order 2007** set out the scope of the scheme.
- Core purpose: to **prevent unsuitable people from working or volunteering** with children and vulnerable adults
- The Scheme will **fundamentally reform** current vetting and barring practices....
- ...**but employers retain their responsibilities** for ensuring safe recruitment and employment practices.

# Delivering the Scheme

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Independent Safeguarding Authority

Police



Regulators

Umbrella Bodies

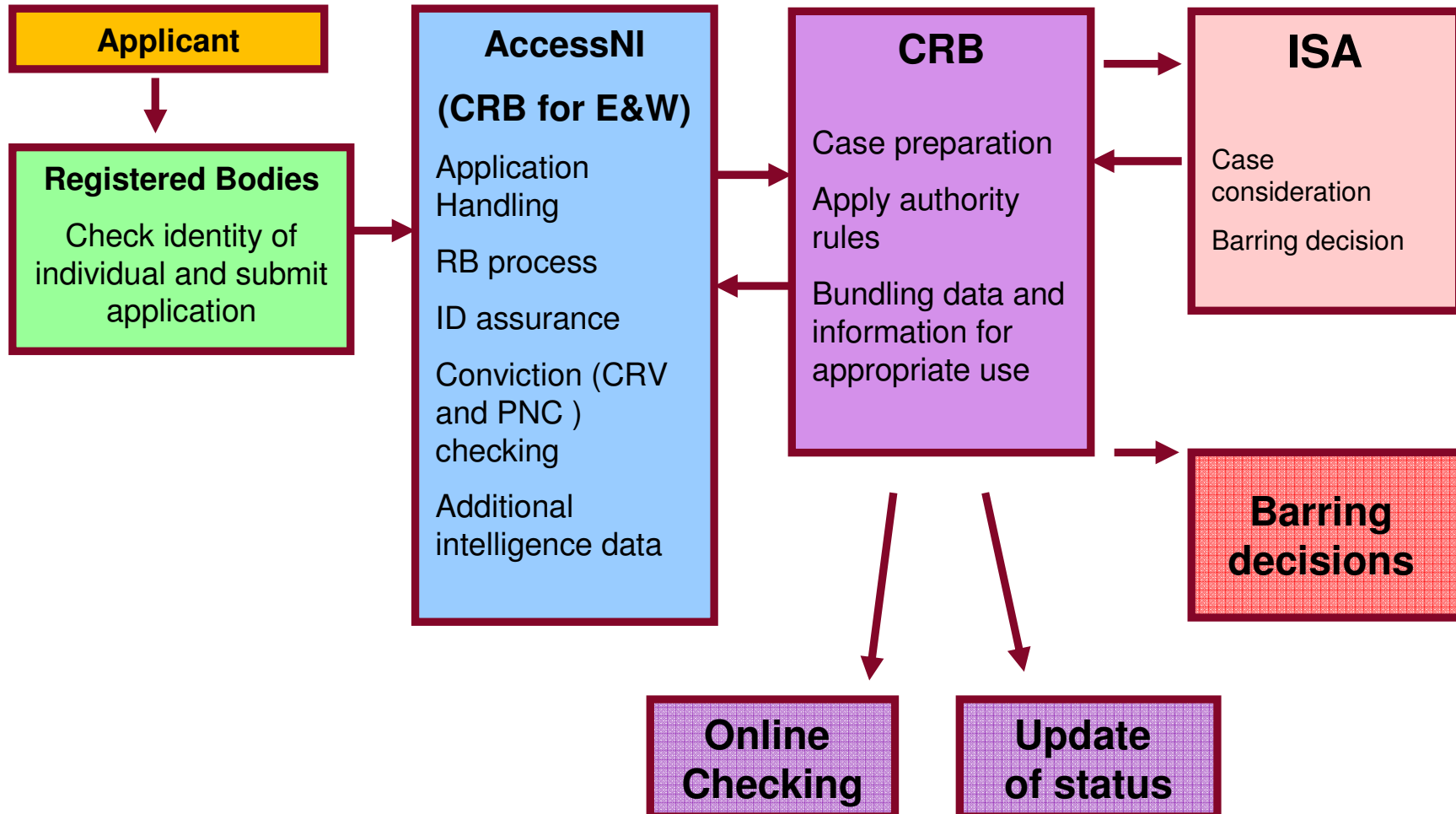


Other Government Departments

Stakeholders in Education, Faith,  
Health / Social Care, Sport, Local Authorities

Employers, Recruitment Agencies, Unions, Charities

# How the process will work in NI



## So, what's new...?

- A **Register** of those able to work with vulnerable groups
- **Regulated Activity** - safeguarding scope is widened
- **Controlled Activity** introduced
- **New Barred lists**
- **Continuous monitoring** of registration status
- **Free online checking**
- The **Independent Safeguarding Authority** established
  - ISA referrals process
  - ISA Decision Making process

# Introducing : ISA Registration

## 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.”*



- A positive register with **continuous monitoring** of status

# Definition of 'Regulated Activity'

Involves contact with children or vulnerable adults and is:

**of a specified nature**

e.g. teaching, training, care, supervision, advice, treatment, or transport

**or**

**in a specified place**

e.g. schools, children's homes & hospitals, juvenile detention facilities, nursing and residential care homes

**"frequently, intensively and/or overnight"**

- once a month
- 3 or more occasions in a period of 30 days
- Overnight: between 2 - 6am

- **Also covers Fostering and 'Defined Office Holders'**  
Eg Directors of Social Services, Trustees of children's Charities, School Governors..
- **No distinction made between paid and voluntary work**

## **Regulated Activity of a specified nature**



- Where people are providing advice, guidance or assistance to vulnerable adults or children, including teaching, care or supervision.

### **This includes roles such as:**

- **Teachers**
- **Childcare workers**
- **Probation officers**
- **Care workers**
- **Nurses & GPs**
- **Domiciliary care workers**
- **Contracted Taxi drivers**
- **Driving Instructors**
- **Children's sports coaches**
- **Private tutors**
- **Prison officers**
- **People advising 'ChildLine' callers**
- **Youth workers**
- **Dentists, Osteopaths, Opticians**
- **Volunteers in the sector**

# 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 check** that a prospective employee who is in regulated activity is ISA-registered
- An employer **must not** engage in regulated activity a barred person or a person who is not ISA-registered
- **Personal and family relationships are not covered**

# Key points for Domestic arrangements



The scheme includes

- those employed in domestic situations e.g. home tutors, childminders, personal care assistants
- self-employed people working in regulated activity e.g. sports coaches

Although it will not be mandatory for 'domestic' employers to check people they engage, they can.

A barred person **must not** engage in any regulated activity

## Example 1

- a church organising volunteers from abroad to help on summer camps for people with disabilities
  - Where overseas visitors will meet the regulated activity tests, and when arranged by a third party they will need to register.
  - ISA-registration can be started ahead of time where the identity of the overseas visitor can be confirmed.

## Example 2

- a school or sports academy arranging for children from abroad to stay with a host family
  - People in the host family who are providing the care and accommodation need to be ISA-registered.
  - The organisation / school must check that they are registered.

## Introducing : Controlled Activity

A barred person may sometimes be employed in 'controlled activity', provided tough safeguards have been put in place

- Comes into force at the end of the Scheme roll-out
- Tightly defined:
  - Ancillary support workers in **Health and FE settings** (e.g. cleaners, caretakers, catering staff, receptionists)
  - Those working for **specified organisations** (e.g. HSC Trust, Education and Library board or their designated agents) with frequent access to sensitive records about children or vulnerable adults

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

## Quick Test 1

**An arts and drama teacher  
in a secondary school who  
takes a youth group out to  
a concert one evening...**

*Does s/he need to be registered ?*

**In an ordinary family home,  
one member of the family  
is a mental health patient.  
The householder has a  
additional carer who calls  
twice weekly...**

*Does s/he need to be registered ?*

**The volunteer organiser of a local Stroke Association provides advice on benefits, grants for home adaptations, and organises weekly social evening for members and their relatives**

*Does s/he need to be registered ?*



Independent Safeguarding Authority

# The Independent Safeguarding Authority

department for  
**children, schools and families**

  
**Home Office**

 **DH** Department  
of Health

**Richard Black**  
**John Brown**

# Who is the ISA?

- 10 publicly appointed board members with expertise in safeguarding and risk assessment
- Chair – Sir Roger Singleton
- In excess of 200 caseworkers/decision makers



# ISA



Independent Safeguarding Authority

- Established in Jan 2008
- Advising on referrals to the current barring schemes in England and Wales since 31 Mar 2008
- Since 20 Jan 2009 (13 Mar in Northern Ireland) the ISA has been making decisions on all new referrals to the current barring schemes



Independent Safeguarding Authority

**12 OCTOBER 2009**

# Information Sharing



Independent Safeguarding Authority

- Essential to Decision Making Process
- Duty to refer set out in legislation
- Continuous Monitoring

# Who can refer



Independent Safeguarding Authority

- Regulated activity providers
- Professional bodies and supervisory authorities
- Child/adult protection teams in HSC Trusts
- Private employers/Parents

# Relevant Conduct



Independent Safeguarding Authority

- 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;
- Harm includes physical, sexual, emotional and financial

# Relevant Conduct continued



Independent Safeguarding Authority

- 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

# When to refer



Independent Safeguarding Authority

- Removed from regulated activity
- Regulated activity provider thinks\*
  - Relevant conduct has occurred
  - Risk of harm is present
  - Relevant caution or conviction

*\*Evidence to support 'thinks' should be available*

# How to refer



Independent Safeguarding Authority

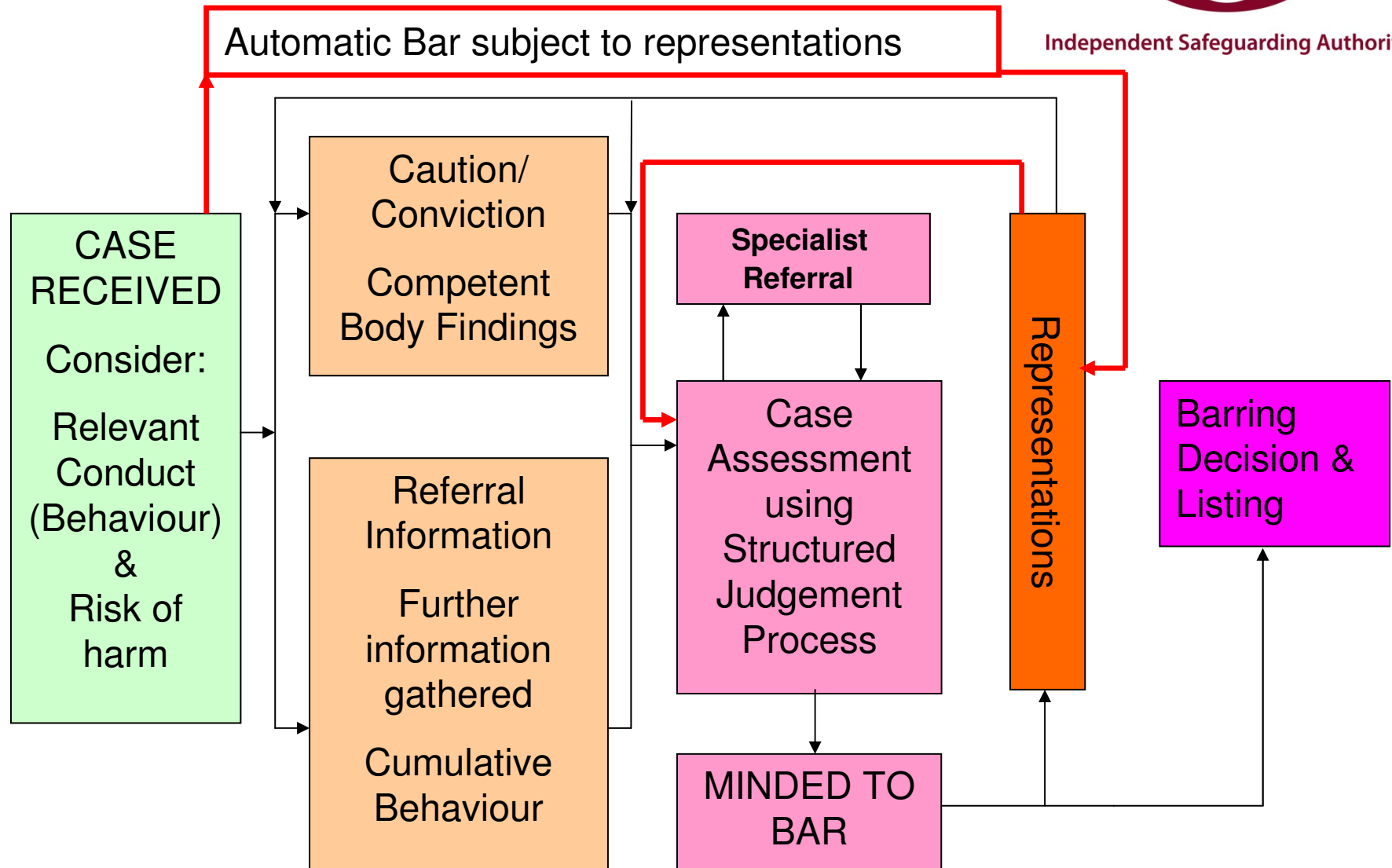
- Single referral form for both lists
- Guidance on referrals
- Email and telephone contacts

# Decision Making Process



Independent Safeguarding Authority

- Gathered information assessed using Decision Making Process
- The DMP is a 5 stage process
- Underpinned by need to be proportionate, fair, transparent, justifiable



# Consideration



Independent Safeguarding Authority

Last conviction/caution > **10 years old unlikely to be considered** if:

- ✓ No history of “Autobar” or “Autobar with reps” offences ; AND
- ✓ In the “offence-free” period no prison or other court action; AND
- ✓ Offence history does not override time lapse

# Quick Test 4



Independent Safeguarding Authority

**An allegation is received that a member of your staff has assaulted a vulnerable adult in their care.**

***Are you under a duty to refer?***

# Quick Test 5



Independent Safeguarding Authority

**An allegation is received that a member of your staff has assaulted a vulnerable adult in their care.**

**After initial suspension and investigation you discover the assault did take place for which you give a warning and retraining.**

***Are you under a duty to refer?***

# Quick Test 6



Independent Safeguarding Authority

**A member of your staff has received a caution for a relevant offence. Although the offence took place outside the work place you have suspended them pending disciplinary proceedings**

***Are you under a duty to refer?***



Criminal Records Bureau



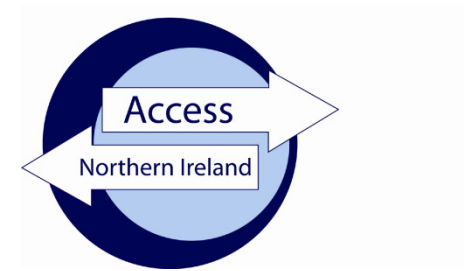
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# Vetting and Barring Scheme: *Impact on AccessNI* **Tom Clarke**



# Overview

- AccessNI's role within the VBS
- Changes to the application process & Transitional Arrangements
  - From 12 October 2009
  - From 26 July 2010



## AccessNI Role

- AccessNI will
  - Continue to process applications for AccessNI disclosures and issue AccessNI certificates
  - Additionally, from July 2010, we will process applications for ISA-registration with or without an enhanced AccessNI Disclosure



## Transition – 12 October 2009

- Application form
  - Continue to use the current AccessNI application form
- Barred Lists
  - 2 new barred lists replace the DHSSPS POCVA Lists and the DE Unsuitable Persons List
- Standard AccessNI Disclosures
  - Only reveal information held on Northern Ireland criminal records and Police National Computer
  - Barred lists no longer searched



## Transition – 12 October 2009

- Enhanced AccessNI Disclosures
  - Eligibility criteria for Enhanced AccessNI disclosures will be extended to include anyone working in regulated activity
  - No requirement to have Disclosures immediately for existing workforce under wider definition, but new starts/movers will require EDC



## Transition – 12 October 2009

- Applications still in progress on 12 October 2009
  - Standard
    - Will not reveal the new barred list information even if this was requested on the application form
  - Enhanced
    - Will reveal the new barred list information where a request was made for information from the old barred lists.



## Transition – 26 July 2010

- Application form
  - Applications must be made on the new AccessNI application form
  - Old forms no longer accepted
- ISA Registration and Enhanced AccessNI disclosure
  - Applications can be made for ISA-registration in line with the phasing strategy.
  - Applications can be made for ISA-registration with or without an Enhanced AccessNI disclosure



## Transition – 26 July 2010

- Standard CRB checks
  - Only reveal information held on Police National Computer
  - Search of the Barred lists not available
- Enhanced CRB checks
  - Checks can be requested of the applicant's ISA-registration status for:
    - Children's workforce and/or
    - Vulnerable adults workforce



## Transition – 26 July 2010

- ISA-online service
  - Free and online access to an individual's ISA-registration status
  - Employers or interested parties can subscribe to an individual's registration status and receive updates if that status changes



## Transition – 26 July 2010

- Applications still in progress on 26 July 2010
  - Standard
    - Will reveal only details held on Police National Computer
    - Will not reveal the new barred list information
  - Enhanced
    - Will reveal the new barred list information
    - Will reveal the monitoring and barring status on the Enhanced AccessNI check



# Transition – November 2010

- November 2010
  - It will be mandatory for new entrants and job movers to be ISA-registered before they start in their new posts
  - It becomes a legal requirement for employers to check the registration status of employees entering the workforce or changing jobs
- January 2011 – July 2015
  - Existing workforce is phased into the scheme



## Phased Rollout

- Ensure a smooth flow of applications over 5 year period
- Around 100 RBs account for 80% ANI Enhanced Disclosures
- Estimated 600,000 require to be registered in NI;
- Reach agreement with large RBs about numbers of applications to be processed – possibly down to monthly agreements.
- Monitor agreements
- Communicate with those outside 100 RBs



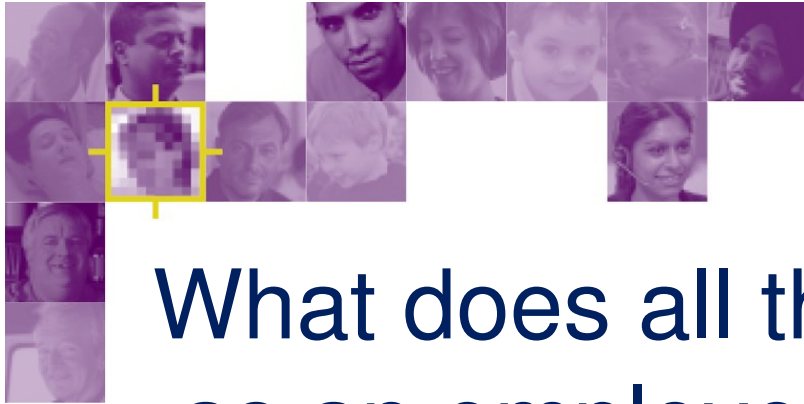
## Impact of Registration

- ISA-registration is fully portable
- Staff cannot refuse to become ISA-registered and still carry out regulated activity
- If an employer is notified that an existing member of staff is barred, they must be removed from regulated activity immediately



# AccessNI vs ISA-registration checks

- Enhanced AccessNI disclosure
  - 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
- ISA-registration check
  - 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



# What does all this mean for me as an employer, RB or UB?

- Business as Usual
- Fees
  - ISA-Registration £58
  - ISA-registration with AccessNI disclosure £58
  - Enhanced ANI disclosure only £30
  - Standard ANI disclosure only £28
  - Not currently paying for ANI disclosure Free
- ISA-Registration only



# VBS Launch Timetable

- 12 October 2009
  - 2 new barred lists
  - Replace DHSSPS POCVA Lists and DE Unsuitable Persons List
  - Definition of ‘regulated activities’ widened
  - Barring arrangements apply to more activities
  - Standard AccessNI disclosures no longer includes check of barred lists
  - Applicants continue to use the current application form



## VBS Launch Timetable

- **Going Forward**

- January 2010

- Specimen of new application form to all Lead and Countersignatories

- May 2010

- New application form on ANI web-site

- Mid July 2010

- AccessNI withdraws old application form from web-site – accepts new application forms



# VBS Launch Timetable

- 26 July 2010
  - AccessNI will reject applications on current application forms.
  - All new application forms accepted
  - ISA-Online service becomes operational



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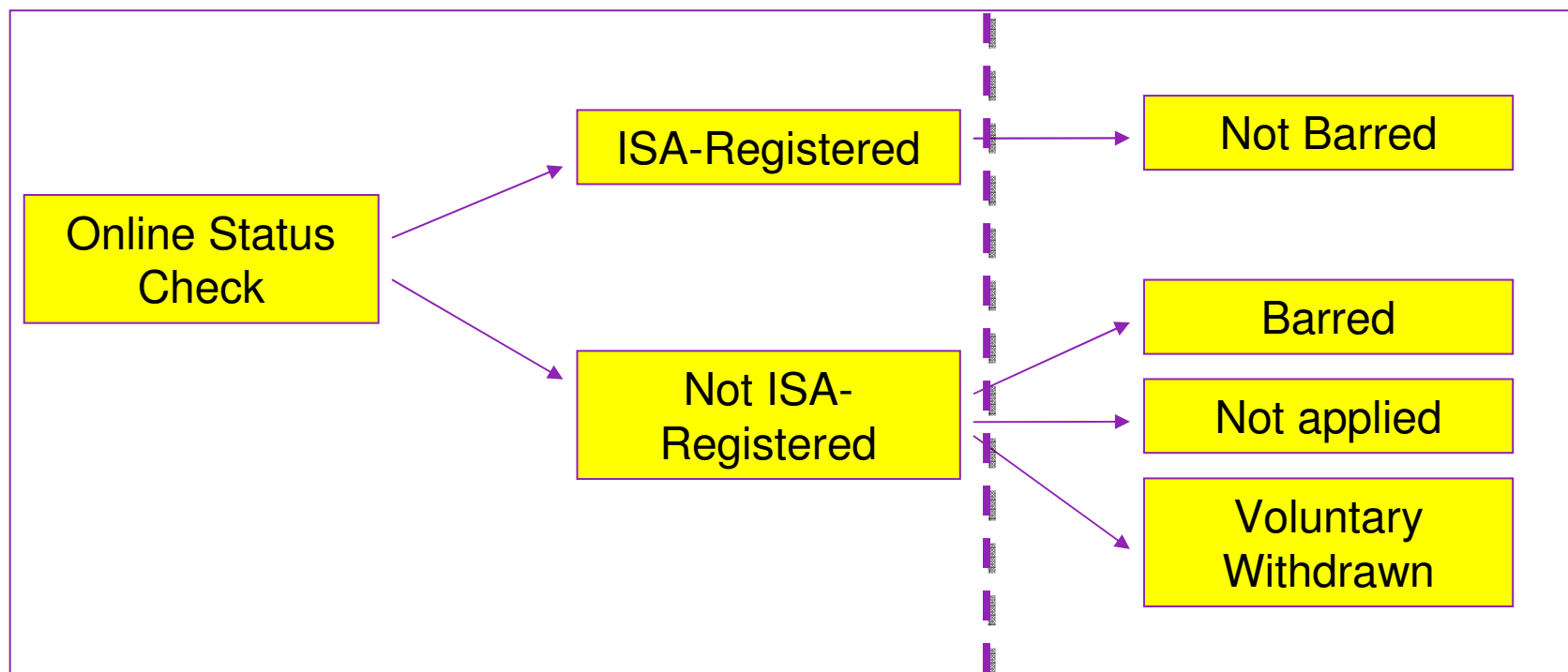
# The ISA Online Checking Service (ISA-Online)

## What is ISA-Online?



- A **free**, online service that allows those with a legitimate interest to check an individual's ISA-registration status
- Available **24/7**
- Allows 'subscription' to one or many individuals' registration status and **receive updates** if that status changes
- Regulatory bodies will be notified, so that professional registration can also be reviewed
- Once the Vetting & Barring Scheme (VBS) has been fully rolled out, it will be **illegal** for organisations to engage anyone in regulated activity without checking their registration status first.

# How will it work?



The status of individuals will be **continuously updated** on receipt of new information, such as convictions or referrals from employers

- **Who can access ISA-Online?**
  - Any employer or organisation that has a **legitimate interest** in an individual for employment purposes and has their **consent**
- **How do I access the service?**
  - [www.accessni.gov.uk](http://www.accessni.gov.uk)
  - [www.crb.gov.uk](http://www.crb.gov.uk)
  - [www.isa-gov.org.uk](http://www.isa-gov.org.uk)
  - Directgov / NIDirect
  - Business Link

## Other Information

- A Guidance DVD for the new application process will be available via CRB and AccessNI websites
- The guidance DVD will include a guide for those applying for an 'Access Northern Ireland' check
- A list of 'Frequently asked Questions' about changes to the AccessNI process will be available to view or download from the AccessNI website
- A new VBS support line will be set up at the CRB to handle any enquiries in relation to VBS related issues

## What will it cost?

- Individuals in paid employment will pay **£58** when applying for registration with the Scheme. This includes the cost of an enhanced AccessNI disclosure
- Those who are eligible for free AccessNI disclosures will not pay the application fee.

# Phasing in the Scheme



## Summary of scheme

- **Information sharing framework** is enshrined in law and is at the heart of the scheme
- Anyone working or volunteering with vulnerable groups in regulated activity **must be registered**
- Employers **must verify** an individual's registration status, Parents/individuals can use the system too
- Employers will be **informed** if an employee becomes de-registered from the Scheme
- Barring decisions will be taken by **independent experts.**
- **Oct 09** - Regulated activities introduced
  - ISA Processes
- **July 10** - Applications for Registration start

# How you can prepare

## Stay Engaged

- Liaise with relevant Registered Bodies and Regulators
- Keep up to date with Scheme developments
- Use briefing tools to spread the word

## Ensure Internal Communication

- Inform colleagues especially HR, disclosure staff
- Consider which roles are defined as regulated activity
- Start outline planning – 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
- **AccessNI will communicate with you about phasing strategy**



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## Your Questions to the Panel

For further information visit :

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

or call : 0300 123 1111