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The Independent Safeguarding Authority: a new scheme for vetting, barring and accessing CRB checks

What are the Independent Safeguarding Authority (ISA) and the Vetting and Barring Scheme?

The ISA is an independent barring board which will take responsibility for making barring decisions on individuals applying for membership of the Vetting and Barring Scheme. It will do this through a registration system, stopping people who the scheme decides are unsuitable from volunteering (or trying to volunteer) with children and vulnerable adults.

The new Vetting and Barring Scheme will not distinguish between volunteers and paid employees, as its sole concern will be filtering access to vulnerable people. This means that the new rules will apply equally to both volunteers and paid workers who are seeking to either work or volunteer with children or vulnerable adults.

How will the new scheme work?

Currently, there are 4 lists that indicate that someone should not work with children and/or vulnerable adults:

- The Protection of Children Act (POCA) list
- The Protection of Vulnerable Adults (POVA) list
- The Information held under Section 142 of the Education Act 2002 (formerly List 99)
- The Disqualification Order Regime

The scheme will integrate all of these lists into one list of people barred from working with children, and a separate (but aligned) list of those who should not work with vulnerable adults.

An important change is that many more organisations will be under a **legal obligation** to carry out checks than is currently the case. At present volunteer-involving organisations and employers have much more discretion in deciding whether to carry out a CRB check or not. Volunteers who apply to be involved in certain activities will need to become registered members of the Vetting and Barring Scheme. Once within the scheme, an organisation will be able to carry out an online check which will indicate whether or not there is any known reason why an individual may or may not volunteer with children or vulnerable adults.

It will be an offence for an unchecked adult to volunteer in certain activities with children and/or vulnerable adults, which means that **volunteers must be checked before they can**

volunteer. The volunteer will also be tracked, so if information about the volunteer does come to light, the organisation will be notified if their status changes to being “barred”.

Organisations will also be under an **increased duty to disclose** any information received about a volunteer to the scheme, even if the volunteer has left. This can be done either by:

1. contacting the ISA directly, or by
2. contacting the relevant statutory agency, such as the local council’s health & social care services department or the Police, who will then make the decision whether or not to refer the information to the ISA.

The referral route taken will depend on the kind of organisation you are, and the kind of activities the volunteers will be involved in.

Which activities will be affected?

Any activity that is defined as a “regulated activity” or a “controlled activity” will be affected by the new scheme.

A “**regulated activity**” includes ones that involve:

- Contact with children and/or vulnerable adults; and is of a “specified nature” (this includes teaching, training, care, supervision, advice, treatment or transport); and takes place “frequently”*, “intensively”* or “overnight” *.
- Contact with children and/or vulnerable adults and is in a “specified place” e.g. a school; and takes place “frequently”* or “intensively”*.
- Fostering and childcare
- Certain positions, e.g. school governor.

* These words have specific definitions. For instance, “intensively” means that the regulated activity takes place on 3 or more days in a 30-day period.

“Frequently” means monthly or on a more frequent basis.

Before a volunteer can start a regulated activity they must have been checked by the Vetting and Barring Scheme. It will be an offence for a “barred” person to undertake regulated activity. It will also be an offence for a volunteer involving organisation not to check a volunteer before they begin volunteering in a regulated activity.

A “**controlled activity**” includes:

- “Frequent”* or “intensive”* support work in general health, NHS, FE settings (e.g. receptionist, cleaner, car park attendant, catering staff).
- Those working for specific organisations with frequent access to sensitive records about children and/or vulnerable adults.
- Support work in adult social care settings (e.g. day centre cleaners).

*Again, these words have specific definitions (see above).

It will be an offence for an organisation to take on a volunteer for controlled activity without checking their status with the scheme. However, if a volunteer is “barred” and there are sufficient safeguards in place, a person may still volunteer in a controlled activity.

When will this happen?

The Safeguarding Vulnerable Groups Act received Royal Assent in November 2006, and the new Vetting and Barring Scheme will be launched in October 2009. There will be a phasing-in period of five years, in which new and existing volunteers will become registered. The ISA will provide further information on the structure of the phasing-in period in due course.

How much will it cost?

There is a one-off registration fee of £64.00 for individuals wanting to join the scheme. However, membership of the scheme will be free for volunteers (unless they later take up paid employment working with children and/or vulnerable adults, in which case they will then be required to pay this fee.)

How will the criteria for Standard and Enhanced CRB checks change as a result of the Vetting and Barring Scheme?

If organisations currently apply for a Standard CRB check on those working with children and/or vulnerable adults, they will be entitled to an Enhanced CRB check under the new scheme. Enhanced CRB checks will still be available to individuals who are not required to register with the Vetting and Barring Scheme, but who still require an Enhanced CRB check. Similarly, a Standard CRB check will be available for all other positions covered by the Exceptions Order to the Rehabilitation of Offenders Act 1974.

What will be the role of the Criminal Records Bureau?

People who are already volunteering, or who want to volunteer, with children and/or vulnerable adults will apply to the Vetting and Barring Scheme via the Criminal Records Bureau (CRB) or via a registered umbrella body. The CRB will check whether or not there is any information from the police or any referral information from other sources, such as employers, professional and regulatory bodies, about the volunteer or potential volunteer. If there is no relevant information, the volunteer will be informed that s/he has become “subject to monitoring” as a member of the scheme. If there is relevant information, the CRB will pass this to the ISA for a barring decision. In most cases - except those involving the most serious offences – volunteers and potential volunteers will be able to make representations about why they should not be barred on the basis of this information. They will also have the right of appeal to the Care Standards Tribunal.

If the volunteer-involving organisation has also requested a CRB Enhanced Disclosure, the CRB will confirm on the certificate any relevant details relating to the applicant. All applicants, except those who are barred, will become “subject to monitoring”. This means that the volunteer is not on a barred list and that the ISA will review the barring decision if relevant new police or referral information becomes available. Under the new Vetting and Barring Scheme, volunteer-involving organisations will be notified – where they have registered an interest - if the volunteer’s status changes.

Under the new scheme a volunteer-involving organisation or an employer will be able to do an online check on a volunteer’s status, and this service will also be available to parents and carers. In most cases, employers and service providers will be entitled to seek an Enhanced Disclosure from the CRB, which will contain criminal records information, although parents, individuals, and their carers will not have this option. Some volunteer-involving organisations will continue to be required to obtain Enhanced Disclosures.

What will I need to tell the scheme about volunteers?

Some organisations will be under a **duty** to refer relevant information to the scheme in certain circumstances - broadly where there is concern relating to the harm or risk of harm to children or vulnerable adults. Other organisations **may** refer relevant information.

Organisations that have a **duty to refer** information:

- Adult/child protection teams in local authorities
- Named professional bodies and supervisory authorities in the Act
- Employers and service providers of regulated and controlled activity
- Personnel suppliers (for example, employment agencies, employment businesses and education institutions).

Organisations that **may refer** information:

- All other employers of those working with children and/or vulnerable adults; and
- Parents and private employers, but they should refer information to a statutory agency (e.g. social services or the police), who can investigate and refer information to the ISA if appropriate.

The circumstances in which information must be referred

Employers and service providers must refer information to the scheme where they have “dismissed” a volunteer, or the volunteer has “resigned” because they harmed, or may harm, a child or vulnerable adult.

Local authorities (in their social services capacity), professional bodies and supervisory authorities must refer information where a volunteer has harmed, or may, harm a child or vulnerable adult, where they are working closely with vulnerable groups (or there is an expectation that they will do so in the future), and where they think the ISA may consider it appropriate to bar the volunteer. Relevant information should be referred to the ISA as soon as it becomes available, to minimise the time between a volunteer becoming a known risk and the volunteer being barred from working with children and/or vulnerable adults.

What does this mean for my organisation?

You may need to update your organisation’s Child and/or Adult Protection Policies in line with these new requirements, as well as your policies on involving ex-offenders as volunteers.

You may also want to think about who in your organisation will take responsibility for ensuring that your organisation complies with the new scheme. It is important to bear in mind that organisations with regulated or controlled activities are under legal obligations, and could face criminal charges if they are breached. You may also need to offer your volunteers additional help and support if they have any concerns about being checked by the scheme.

Remember, as with the current CRB system, just because a volunteer has not been barred this does not mean that a volunteer-involving organisation should not put other risk assessments and safety checks in place. For instance, this could include obtaining references or speaking to other people who know the potential volunteer, as well as exploring the ways that risk could be reduced, such as not leaving volunteers alone with children and/or vulnerable adults.

It is also important that you are aware that the new scheme does not replace the CRB scheme, especially as you may still need to carry out CRB checks for eligible volunteers.

Further information

More information about the new Vetting and Barring Scheme can be found on the ISA website: www.isa.gov.org

You can also visit the Independent Safeguarding Authority's pages on the "Every Child Matters" website:

<http://www.everychildmatters.gov.uk/socialcare/safeguarding/independentsafeguardingauthority/>

Volunteering England's Information Service will continue to update this Briefing Sheet once further information becomes available.

If you need information on the current system for accessing Criminal Record Bureau checks, including good practice suggestions, please visit the "Protection of Vulnerable Clients" section of Volunteering England's Good Practice Bank: <http://www.volunteering.org.uk/goodpractice>
Some of the content of this briefing is adapted from material on the "Every Child Matters" website.

Last reviewed: August 2008

We have made every effort to ensure that this Information Sheet was correct at the time of publication. It is intended as a summary of relevant issues and suggests further sources of information. Legal advice should be sought where appropriate.

For more information, please contact
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All of Volunteering England's Information Sheets are available at:
www.volunteering.org.uk/information

For more information on managing volunteers, please visit The Good Practice Bank at
www.volunteering.org.uk/goodpractice

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