

HERTS HR SAFESTAFFING TEAM COMMUNICATION
CONTRACTORS ADVICE- PREPARING FOR THE NEW VETTING AND BARRING
SCHEME
OCTOBER 2009 TO 2015

The first phase commenced on **12th October 2009** and is expected to roll out over the next 5 years.

The core purpose of the scheme is to prevent unsuitable people from working with children and vulnerable adults in regulated or controlled activity. The scheme improves screening procedures for potential employees or volunteers and has the power to bar those who pose a risk to vulnerable groups.

The scheme is a statutory addition to current Safeguarding arrangements and will not replace CRB checks but will run alongside them. This document and the FAQ's attached provide an introduction to the scheme. Further details can be found on the ISA website (see below).

What Do You Need to Know?

To avoid confusion key terminology used for this scheme includes:

- **Vetting and Barring Scheme (VBS)** is the name of the scheme
- **Independent Safeguarding Authority (ISA)** is the authority who will oversee the scheme
- The ISA will hold two **barred lists** showing people who must not be employed with children or vulnerable adults:
POCA and List 99 will be merged into the **Children's Barred List**.
POVA will be replaced by the **Adults Barred list**.
These lists will be maintained by the ISA who will be responsible for making all barring decisions.
- Individuals working with children or vulnerable adults will need to be **ISA registered**.
- The Scheme will affect anyone working in "**Regulated Activity**" or "**Controlled Activity**".
- **Criminal Records Bureau (CRB)** will continue to carry out CRB checks (please note: the Vetting and Barring Scheme does not replace CRB checks and will operate alongside them as an additional safeguard). From July 2010 the CRB will also administer applications for ISA register.
- **HCC – Hertfordshire County Council**

Regulated activity is work (whether paid or unpaid) which involves regular, intensive or overnight contact with children or vulnerable adults **and**

- which is of a specified nature (e.g. training, supervision, care)
- or**
- which takes place in a specified setting (e.g. schools, residential homes)
- or**
- which involve people in certain specified positions of responsibility (e.g. school governors, directors of social services)

Controlled activity applies:

- Where an individual has the opportunity for frequent or intensive contact with children or vulnerable adults in health, social care or education settings **but where they are not involved in regulated activity.**
- or
- Where an individual has the opportunity to have frequent access to sensitive records relating to children or vulnerable adults. These would include the following:
 - Health or social services records relating to children or vulnerable adults
 - Education records relating to children
 - Connexions records relating to children
 - Records of family proceedings held by CAF/CASS, records of family proceedings held for, or on behalf of, a health and social care body.
 - Records relating to children or vulnerable adults that are obtained by the local authority as a result of the exercise of its functions.

Duty to Refer

From 12th October 2009 any employer whose staff, paid or voluntary, undertake work with children and vulnerable adults has a **"duty to refer"** to the Independent Safeguarding Authority under the Vetting and Barring Scheme. This means any person they dismiss from their organisation for suspected abuse or when they leave whilst under investigation.

When should a Referral be made?

The Safeguarding Vulnerable Groups Act provides clear guidelines on when it is a mandatory requirement to make a referral.

A referral **must** be made to the ISA by an employer when **both** of the following criteria are met:

Criteria 1: an employer removes a person from regulated activity* or controlled activity** (e.g. through dismissal or redeployment) or that person resigns, retires, is made redundant or is transferred to a position which is not regulated or controlled activity.

and

Criteria 2: the employer has conducted (or begun) an investigation and they believe there is sufficient evidence to suggest that that person has engaged in an activity that caused concern for the safeguarding of children or vulnerable adults.

*Regulated activity is activity which involves people working closely on regular or intensive contact with children or vulnerable adults in particular circumstances.

**Controlled activity is activity which would give individuals the opportunity for frequent or intensive contact with children or vulnerable adults in health, social care or further education settings, or which would give them frequent access to education records (children only) or health or social service records (children and vulnerable adults) in specified bodies.

Full definitions can be found on the ISA website at www.isa.gov.org.

There may be other circumstances when an employer may wish to make a referral, for example if there are concerns about a person's suitability to work but insufficient evidence to complete a disciplinary process.

How do I Refer?

If you receive an allegation of abuse, or conduct which could put a child at risk or harm, against a member of staff or volunteer you should first contact the Local Authority Designated Officer within Hertfordshire County Council Child Protection Team. They will then advise you on the processes you should follow in responding to the allegation.

Local Authority Designated Officers Contact Details:

Frazer Smith 01992 556936 / 07920 283106
Mel Leicester-Evans 01992 556936 / 07795 288271

If, following an investigation, the criteria for making a referral to the ISA are met, the employer should follow the guidance set out on the ISA website (see below) and complete the ISA Referral Form as soon as possible.

Phasing of the Scheme

To avoid overloading the VBS system the government has planned a five-year, phased roll-out of ISA Registration:

October 2009 - July 2010

- It will be a criminal offence to knowingly employ anyone in regulated activity who is barred by the ISA. Enhanced CRB disclosures will show whether or not a person is barred.
- A mandatory 'duty to refer' will apply - you must tell the ISA if you have concerns about an individual who may pose a risk to vulnerable people. Full details are available on the ISA website.

April 2010

- Any new starter or person moving jobs within 'controlled activity' will require an enhanced CRB check. They do not require ISA registration until 2014 (see below).

July 2010

- Any new starters or people moving jobs within an organisation, whose work falls under regulated activity, will need to be ISA registered. Applicants will register by completing a new combined CRB/ISA registration form.

April 2011 - July 2015

- Existing employees will need to be registered with the ISA. This will start in 2011 with those who have never had a CRB and end in 2014 with those working in controlled activity.

From July 2015

- It will be a criminal offence to employ anyone in regulated activity who is not ISA registered.

How will this affect you?

- The scheme will affect you if any of your staff or volunteers work in regulated or controlled activity.
- Further guidance on which roles fall under controlled activity will be provided in due course.
- You should start planning now for ISA registration starting in July 2010.
- The cost of ISA registration is £64 (this includes £36 for an enhanced CRB check and £28 for the ISA registration.) This excludes volunteers for whom ISA registration is free of charge.
- Any organisation working under contract with HCC which does not make use of our Umbrella Body service for processing CRB checks and ISA checks, will be placed under a contractual obligation to follow HCC Safe Staffing standards when their contract is renewed.
- You have a "duty to refer" when a person is dismissed from your organisation for suspected abuse or when they leave while under investigation. This will apply to both volunteers and paid staff.
- Local Area Designated Officers (LADOs) within HCC can assist with allegations concerning children and can be contacted via the Safe Staffing Team or Child Protections Teams. Referrals regarding vulnerable adults should be made in the first instance to the Client Services team on 01438 737400. More details can be found on the ISA website.

What Support is Available?

As the local authority, Herts County Council have an obligation to work with our partners in the private, public and voluntary sectors to ensure that anyone carrying out regulated or controlled activities on our behalf are aware of their obligations and are working to prepare for the phasing-in of the VBS project.

- Organisations using HCC as an umbrella body for the processing of CRB's will continue to receive specialist advice and guidance, as well as having applications for ISA registration processed alongside CRB checks.
- HCC contracts have been reviewed. From October 2009 partner organisations not using HCC as an umbrella body will be asked to confirm that they adhere to the same standards as HCC when carrying out CRB checks.
- The VBS Project Team has established a Project Group made up of contract managers from across HCC. This project group will help progress the implementation of the scheme by ensuring information about the scheme is distributed to all our partners in a timely manner to enable you to plan effectively.
- Further guidance is available direct from the ISA. Their website (www.isa-gov.org.uk) includes a Resources section with fact sheets and FAQ's. In addition they have a dedicated helpline (number below).

Further Information

The HCC VBS Project Team

Jenny Casselle - 01992 556551

Colwyn Griffiths - 01992 556598

Email: vbs.team@hertscc.gov.uk

The Independent Safeguarding Authority (ISA)

www.isa.gov.org

Tel: 0300 123 1111

Email: info@vbs-info.org.uk

The Criminal Records Bureau (CRB)

www.crb.gov.uk/faqs/vetting_and_barring_scheme.aspx

Please note: These guidelines were prepared by the VBS Project Team within Herts HR. While every effort has been made to ensure the accuracy of these guidelines, Hertfordshire County Council cannot be held responsible for any inaccuracies and you should consult the guidance issued by the Independent Safeguarding Authority to ensure compliance with their guidelines.