

CRB and ISA Update

This update has been provided by Lion Ken Shipway, District VPA.,

This document is provided so as to bring you up to date on the presently defined schedule for the implementation of the various processes of the Independent Safeguarding Authority (ISA), per their website, by making you aware of those and also, with its introduction, when certain aspects become required.

Please note that the improved safeguards for vulnerable persons and criminal charges for a person to knowingly apply to be able to have contact with vulnerable persons, when not able to have contact, and for such persons to knowingly be used in vulnerable contact situations, apply from October 2009. On the following page other items being implemented on that date are also detailed.

The date from which people can apply for ISA registration through their Vetting and Barring Scheme (VBS) is now **JULY 2010** for anyone who is a new members who meet the criteria to be ISA registered and they **must be**. On the following page other items being implemented on that date are also detailed. **NOTE** that for any members not previously CRB checked prior to July 2010, or are due to be re CRB checked through to and including December 2010, it would seem that possibly they would have to continue to be CRB checked but this awaits clarification.

In the case of all Lions who have been **Lions CRB checked** up to December 2010, these will be registered with the ISA commencing in 2011 and done commencing with the oldest Lions CRB checks and probably through to end of 2013 in line with the 3 year CRB check rule in the MD105 Vulnerable Persons Policy, although this has not yet been determined by MD. Also, as from January 2011, all still not CRB checked Lions who meet the criteria to be ISA registered will need to be ISA registered when they meet the criteria.

However, **NOTE** that nobody must be allowed to have contact with vulnerable people that meets the criteria **BEFORE** they are either currently CRB checked or ISA registered, when that becomes required. **To allow such contact could result for the person who has the contact and the person who allowed the contact in criminal prosecution.**

Independent Safeguarding Authority

The currently defined timescale is on the Independent Safeguarding Authority (ISA) website, where reference to VBS is to their Vetting and Barring Scheme, which carries out the actual checks of people for the ISA, and this is as follows:

What happens next?

Make sure you know what you are expected to do as the new vetting service is introduced in managed phases.

From October 2009

- Increased safeguards will be introduced, such as a wider definition of “Regulated activities”, further enhancing protection of children and vulnerable adults.
- The three current barring lists (POCA, POVA and List 99) will be replaced by the creation of two new barred lists administered by the ISA rather than several government departments. Checks of these new lists can be made as part of an Enhanced CRB check.
- Employers, social services and professional regulators have a duty to refer to the ISA any information about individuals who may pose a risk ensuring potential threats to vulnerable groups can be identified and dealt with.
- There will be criminal penalties for barred individuals who seek or undertake work with vulnerable groups and for employers who knowingly take them on.

- The eligibility criteria for Enhanced CRB checks will be extended to include anyone working in a regulated position.

From July 2010

- From July 2010 those who currently work with children or vulnerable adults **and are changing jobs** will have to become ISA registered. Those who currently work with vulnerable groups but are staying in their current role will not have to become registered until later in the five year phasing period.
- Employers and voluntary organizations working with children and vulnerable adults cannot recruit workers who are not ISA-registered.
- From July 2010, individuals can apply for ISA-registration and a CRB check (including an ISA check) on one new application form.
- When a person becomes ISA-registered they will be continuously monitored and their status reassessed against any new information which may come to light.

From November 2010

- So as not to disrupt normal recruitment over the traditionally busy summer period, the legal requirement for employees to register with the VBS and employers to check their status will come into force in November 2010.

From 2011

- Existing employees and volunteers with no CRB check must apply for ISA registration.
- Existing employees and volunteers with CRB checks will also need to apply for ISA registration, starting with staff whose CRB checks are the oldest.

Regulated & Controlled Activities

The Safeguarding Vulnerable Groups Act 2006 contains the legislation to create the new Independent Safeguarding Authority (ISA) and enact the Vetting and Barring Scheme. This definition explains the terms 'regulated' and 'controlled' activities used in the Act that will be introduced when the new ISA is phased in.

What is a 'regulated activity'?

- Any activity of a specified nature that involves contact with children or vulnerable adults frequently, intensively and/or overnight. (Such activities include teaching, training, care, supervision, advice, treatment and transportation.)
- Any activity allowing contact with children or vulnerable adults that is in a specified place frequently or intensively. (Such places include schools and care homes.)
- Fostering and childcare.
- Any activity that involves people in certain defined positions of responsibility. (Such positions include school governor, director of social services and trustee of certain charities.)

'Regulated activity' is when the activity is frequent (once a month or more) or 'intensive' (takes place on three or more days in a 30-day period).

How does 'regulated activity' work?

- Anyone providing a regulated activity must be registered with the ISA.
- It will be a criminal offence, punishable by up to five years in prison, for a barred individual to take part in a regulated activity for any length of time.
- It will be a criminal offence for an employer to take on an individual in regulated activity if they fail to check that person's status.
- It will be a criminal offence for an employer to allow a barred individual, or an individual who is not yet registered with the ISA, to work for any length of time in any regulated activity.

What does this mean for domestic employees, e.g. private tutors and Care workers?

- It will be an offence for a barred individual to take part in any regulated activity in domestic circumstances.
- Domestic employers do not have to check an individual they wish to employ – such as a home tutor, nanny or carer – but the new scheme will give them the opportunity to check the status of an individual (with his/her consent) if they wish to do so.

What is a 'controlled activity'?

- Frequent or intensive support work in general health settings, the NHS and further education. (Such work includes cleaners, caretakers, shop workers, catering staff, car park attendants and receptionists.)
- Individuals working for specified organisations (e.g. a local authority) who have frequent access to sensitive records about children and vulnerable adults.
- Support work in adult social care settings. (Such jobs include day centre cleaners and those with access to social care records.)

'Controlled activity' is when this type of activity is 'frequent' (once a month or more) or 'intensive' (takes place on three or more days in a 30-day period).

How does 'controlled activity' work?

- It will be a criminal offence for an employer to take on an individual in a controlled activity if they fail to check that individual's status.
- An employer can permit a barred individual to work in a controlled activity **only if sufficient safeguards are put in place.**

Summary of Rules

Bar applies (Duty on individual)

Regulated activities

Employment and
volunteer settings YES

Regulated activities

Domestic employment
settings YES

Controlled activities

Employers NO

Individual must be checked (Duty on employers)

Regulated activities

Employment and
volunteer settings YES

Regulated activities

Domestic employment
settings NO

Controlled activities

Employers YES

Barred individual can be employed (Duty on individual)

Regulated activities

Employment and
volunteer settings NO

Regulated activities

Domestic employment
settings NO

Controlled activities

Employers YES – With safeguards

NOTE: In this definition the term 'employers' refers to both employers and managers of volunteers. The term 'employees' refers to both paid and unpaid (volunteer) work/activities.

Simon Scott
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