

RCPA LTD – IMPORTANT INFORMATION FOR ALL

THE LAW IS CHANGING.....

IT IS VITAL THAT YOU AND YOUR MANAGER/ADMINISTRATOR FAMILIARISE YOURSELVES WITH THE CHANGES.

From **12 October 2009**, new measures will be introduced to help prevent unsuitable people from undertaking paid or volunteer work with children or vulnerable adults. This is called the **Vetting and Barring Scheme (VBS)**. **NB. You will continue to use the current CRB application form for the time-being.**

So what exactly will change on 12 October?

- The 3 current barred lists (**PoVA/PoCA & List 99**) will be replaced by 2 new barred lists administered by the ISA, the 'Children's List and the 'Vulnerable Adults' List'.
- Employers, social services and professional regulators will have a duty to refer information about individuals who may pose a risk to children and vulnerable adults to the ISA. This will ensure that any potential threats to vulnerable groups can be identified and dealt with effectively.
- There will be criminal penalties introduced for barred individuals who seek to undertake work with vulnerable groups and for any employers who knowingly take them on.
- The eligibility criteria for Enhanced CRB checks will be extended to include anyone working in a regulated activity with a Regulated Activity Provider. (See chart below.)
- The current **PoVAFirst** service will continue until the ISA-Registration commences in July 2010 but will be re-named to reflect the introduction of the new ISA bared lists. **From October 2009 the service will be referred to as "ISA Adult First"**.

So what do the changes on 12 October mean for you?

- You can continue to use the current application form. There will be a new application form from July 2010 which will incorporate applications for ISA-registration.
- Standard CRB checks will no longer be available for those working with children or vulnerable adults. From this date, a Standard CRB check, will only reveal information held on PNC (Police National Computer) and will no longer reveal information from the three current lists or the new barred lists.
- Anyone who applies to work in a regulated activity under the new eligibility criteria should apply for an Enhanced CRB check.
- If you request a check on the barred lists with an Enhanced CRB, then Enhanced certificate will show the results of a check of the two new barred lists.
- PoVAFirst will change its name to the 'ISA Adult First' service, but it will offer you the same service as before.

To help implement the Scheme a new public body called **the Independent Safeguarding Authority (ISA)** has been created. The ISA make decisions over who should be barred from working with vulnerable people. These decisions are legally binding so a barred person must not undertake certain roles under any circumstances. Failing to comply could result in both the employer and the employee or volunteer being prosecuted and even going to prison.

From **July 2010** all new employees, those moving jobs and volunteers who want to work with children or vulnerable adults can register with the ISA. From **November 2010**, all new employees and volunteers **must** register before they start work. From then it will be illegal to employ people who are not ISA-registered.

Working with the CRB

ISA-registration **will not** replace the need for Criminal Records Bureau (CRB) Disclosure but represents an extra level of protection. This new Scheme helps to ensure that employers can be more confident than ever before that they are hiring a suitable person by making it a legal requirement for everyone who is working with children or the vulnerable to be ISA-registered. A CRB Disclosure will reveal if the person has convictions that would make an employer consider them unsuitable to do the specific job, such as convictions for theft, fraud or dishonesty. When used together, the ISA-registration and CRB checking process will provide employers with one of the most comprehensive assessment and review services available to date.

How employees and employers are affected

From **November 2010**, all new employees and volunteers who want to work with children and vulnerable adults in a wide variety of settings **must be** ISA-registered before they can be legally employed. Obtaining ISA-registration is the **employee's** responsibility. It is not a difficult or time-consuming process and there is a one-off cost of £64 (£28 ISA/£36 CRB administration costs) **PLUS RCPA LTD ADMIN CHARGES (to be reviewed but currently are £4 per application for members & £6 per application for non RCPA Ltd members)**. ISA-registration for **unpaid volunteers is free, but subject to the RCPA Ltd admin charges, as stated above**. There are two areas of ISA-registration, one covering working with children and one covering working with vulnerable adults. Once successfully ISA-registered, for either or both groups, an individual is ISA-registered for life in most cases and does not need to reapply. For employers wanting to hire that person they will need to first check their registration status. This can be done online for free. Only then, when a candidate's ISA-registration has been confirmed, can they be taken on. At first, the Scheme will affect new employees and volunteers only. Over time, the registration process will be phased in to include current employees and volunteers.

Does this affect me or my organisation?

To find out who is affected by these changes and what, if anything, needs to be done, please visit **www.isa-gov.org.uk**. **It will affect you and your business, so you MUST look at the website and familiarise yourself with the new changes.**

As an organisation or individual who undertakes work in a paid or unpaid capacity with children or vulnerable adults, these changes to the law **will affect you**. If your organisation has an HR or a finance department, then those staff should be made aware of the Scheme and the legal requirements around ISA-registration. Smaller organisations, without these departments, must familiarise themselves with the new rules to ensure that they too comply with the changes. We appreciate that you may not have done anything like this before, so the ISA and CRB are there to help you every step of the way.

Together we can help prevent the unsuitable from working with the vulnerable.

For more information about the Vetting and Barring Scheme, the Independent Safeguarding Authority, the registration process, who is affected and how, please visit **www.isa-gov.org.uk** or call **0300 123 1111***.

*Calls to 03 numbers should cost no more than geographic 01 or 02 calls, and may be part of inclusive minutes subject to your call provider and your call package.

BELOW IS A TABLE DEFINING “REGULATED ACTIVITIES”.

REGULATED ACTIVITIES

Involve contact with children or vulnerable adults and are:

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, adult care homes

Frequently, Intensively and/or overnight

- Once a month

Or

- Three or more occasions in a period of 30 days

Or

- Overnight: Between 2 – 6 am

- Also covers Fostering and “Defined Office Holders” e.g. Directors of Children’s Services, Trustees of children’s charities, School Governors.
- No distinction made between paid and voluntary work.