



His references  
show he's  
perfect for  
the job

**But until he's  
ISA-registered you  
can't hire him**



# A change for the better

**The law is changing. 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).**

**To help implement the Scheme a new public body has been set up called the Independent Safeguarding Authority (ISA). They have powers to bar unsuitable people from positions where they might pose a risk to vulnerable people.**

**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 who want to work with children or vulnerable adults must be ISA-registered. From then it will be illegal to employ new people who are not ISA-registered. Until they have been registered (and it is the employee's responsibility to register) they cannot legally be employed. As an employer you are required to check they are ISA-registered before you can legally take them on. You can do this online for free.**

## What prompted these changes to the law?

This legislation has come into force as a direct result of the Bichard Inquiry, which was commissioned following the murder of schoolgirls Jessica Chapman and Holly Wells by caretaker Ian Huntley in 2002. The inquiry was set up to examine what lessons could be learnt from this tragic event, particularly the effectiveness of the relevant intelligence-based record keeping, vetting practices and how information was shared between agencies.

Amongst a number of changes, the inquiry recommended the need for a single system to vet all individuals who want to work or volunteer with vulnerable people. This system is now being delivered and is called the Vetting and Barring Scheme.

# Does the VBS replace the Criminal Records Bureau (CRB)?

The simple answer is no. Anyone who wishes to work in regulated activity with children or vulnerable adults will need to become ISA-registered. This is a mandatory condition that they must fulfil before a new employer can consider taking them on. ISA-registration does not replace the CRB Disclosure process, which still needs to be carried out as before, where required. However, applicants will be assessed using data gathered by the CRB, including relevant criminal convictions, cautions, police intelligence and other appropriate sources.

What the new Scheme does is to help streamline the vetting and barring process by pulling a number of barring regulations and replacing them with a single, centrally organised system. By widening the Scheme to encompass more people in more roles, over 11.3 million people across England, Wales and Northern Ireland will require ISA-registration, thus strengthening the protection afforded to vulnerable groups. This means vulnerable people will be better protected as millions of people who were not previously assessed, will now be vetted and, if necessary, barred.



# How does this affect me?

To determine whether you will be affected, and if so, what action you will need to take, please consult the 'Am I affected?' step-by-step guide to your right. From July 2010 onwards, if you employ anyone to work with vulnerable people in a paid or voluntary capacity, you can check that they are ISA-registered. Once the individual has joined the Scheme you will be able to carry out this check online for free.

For employees, applying for ISA-registration is straightforward, quick and easy. There is a one-off application fee of £64, which lasts for life, in most cases. Because an individual's records are constantly updated it will not be necessary to apply for periodic repeat checks. Instead, employers will be able to 'register an interest' in an employee or volunteer and will be automatically notified if they no longer have ISA-registration and are therefore unable to work with vulnerable groups.

Please remember that from November 2010 ISA-registration is mandatory. Failing to comply could result in both the employer and the employee or volunteer being prosecuted and even going to prison.

At the back of this brochure you'll also find some frequently asked questions that you might find useful. Should you have any further questions, please visit [www.isa-gov.org.uk](http://www.isa-gov.org.uk) or call us on **0300 123 1111**.



# Start here:

Will you be employing or taking on people whose type of work or location of work means they come into contact with children or vulnerable adults?

YES

NO

**Your employees or volunteers may need ISA-registration. For more information about this process, who is affected and how, please visit [www.isa-gov.org.uk](http://www.isa-gov.org.uk) or call 0300 123 1111**

Will this happen frequently (once a month or more) or intensively (3 or more days in a single month)?

Are you likely to work or tender to work where this may happen in the next year?

YES

NO

YES

NO

Will the work take place in a location where your employees are likely to come into contact with children or vulnerable adults?

YES

NO

Will the work involve access to the records of children or vulnerable adults?

YES

NO

**You will need to reassess your situation. Your employees or volunteers may need ISA-registration.**

**There should be no need for ISA-registration. If in any doubt please visit [www.isa-gov.org.uk](http://www.isa-gov.org.uk) or call 0300 123 1111**

# A few questions and answers

## **Q: How does an employee become ISA-registered?**

Employees will have to register via the CRB, using their existing network of registered and umbrella bodies to process their applications. The process is very similar to the way you currently obtain a CRB Enhanced Disclosure. As an employer, please inform prospective employees that it is their responsibility to register. Without ISA-registration you can't hire them.

## **Q: How does ISA-registration differ from CRB Disclosure?**

The ISA is an independent body with decision-making powers to bar people from working or volunteering with children or vulnerable adults. The CRB do not have decision-making powers – they can only say whether a person has a criminal record.

## **Q: How much does ISA-registration cost?**

It costs £64 to register. This is a one-off payment that lasts for life, in most cases. Only those involved in unpaid voluntary work will be able to register for free. For employees, registration is quick and easy. For employers, checking an individual's registering can be done online for free.

## **Q: How long does it take?**

In the majority of cases registration should take no longer than seven working days.

## **Q: What happens if the ISA declines a registration?**

If an employee or volunteer is barred from working with children or vulnerable adults, they will not receive ISA-registration and cannot be employed to work with these groups.

## **Q: Is there an appeal process?**

Yes. An individual can request the right to appeal to the Upper Tribunal. If an appeal is unsuccessful, they have the ability to apply for a review of the bar after serving a minimum barred period of five or ten years, dependent on their age when first barred. Those who have committed the most serious offences against children and vulnerable adults will be barred with no right to make representation.

## **Q: Are my existing employees affected?**

Not yet, however over the next five years the Scheme will be phased in to include existing employees. By 2015 only those individuals who are ISA-registered – including all current employees and volunteers – will be allowed to undertake regulated activity with children or vulnerable adults. We will be in touch nearer the time with more guidance on this.

## **Q: What happens if I employ an unregistered person?**

Failure to comply with this new law could result in both employers and their new employees or volunteers having legal action taken against them. In the worst cases this can include custodial sentences for both the individual and their employer.

If you need any further help

For further information on about the VBS, ISA-registration and its implication for your business, or for any other queries related to these changes, please visit **[www.isa.gov.org.uk](http://www.isa.gov.org.uk)** or call **0300 123 1111**.

Calls to 03 numbers should cost no more than geographic 01 or 02 UK-wide calls.

