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**To:** Health Branches, England, Northern Ireland, and Wales  
For information Scotland

Dear Colleague,

### **ISA VETTING AND BARRING SCHEME LAUNCHES 12 OCTOBER 2009**

The Independent Safeguarding Authority (ISA) is a non-departmental public body, sponsored by the Home Office. The ISA is the decision making element of a new Vetting and Barring Scheme (VBS) for England, Wales and Northern Ireland which aims to prevent unsuitable people from gaining access to children and/or vulnerable adults through their work.

The new ISA Vetting and Barring Scheme launches on 12 October 2009.  
The scheme will be fully operational from July 2010.

This circular is to alert branches to the forthcoming changes so that you can seek reassurance from local employers/HR departments that systems are in place to manage these changes.

#### **What will change on 12 October 2009?**

1. New barring lists put in place

The three current barring lists, Protection Of Children Act (POCA), Protection of Vulnerable Adults (PoVA) and List 99, will be replaced by the creation of two new barred lists administered by the ISA – covering the children's and vulnerable adults' sectors.

2. New duties and criminal offences come into force.

New criminal offences will come into force as it will become a crime for an individual who is on a barred list to apply for or undertake a job working with vulnerable groups; and for employers to knowingly take them on.

Employers, social services and professional regulators will have a duty to refer to the ISA any information about individuals who may pose a risk to vulnerable groups.

3. New requirement for Enhanced CRB checks

The eligibility criteria for Enhanced CRB checks (or Enhanced ANI checks for those in Northern Ireland) will be extended to include anyone working in a 'regulated' position. Broadly, this includes all those who work regularly, intensively or unsupervised with children or vulnerable

adults. Therefore from 12 October 2009, all individuals who are changing jobs or starting a new job where they work directly with vulnerable groups will be subject to an Enhanced CRB check instead of a Standard CRB check.

Standard checks include information held on the Police National Computer (i.e. convictions, cautions) and on the lists held by the ISA. Enhanced checks contain the same information but with the addition of any locally held police force information considered relevant to the job role, by Chief Police Officers.

It is very unlikely that information revealed in an Enhanced CRB check will have an impact on an individual's post. To affect someone's ability to work with vulnerable groups, the check would have to reveal information of a serious nature that demonstrates to the ISA that the individual poses a risk of harm to vulnerable adults and children.

Despite this, some members will still be worried that an Enhanced CRB check could flag up information that they have not previously told their employer about. In some cases, employers may raise concerns regarding an individual's trustworthiness if information comes to light that has not previously been disclosed. There is a possibility that an employer may choose to investigate certain instances of non-disclosure. You may want to discuss with your employer what mechanisms can be put in place to manage this in a fair and proportionate manner.

#### **What can branches do to prepare?**

Branches are encouraged to raise the new Vetting and Barring Scheme locally with employers, to seek to have discussions on:

- what the employer is doing to inform staff of the ISA scheme and how they are preparing for its implementation
- the system the employer/HR department has in place to manage the new requirements for ISA Vetting and Barring Scheme registration
- the impact of the new requirement for Enhanced CRB checks for staff working with vulnerable groups, including any potential instances of non-disclosure.

#### **What will change in July 2010?**

- Individuals will be able to register with the ISA from 26 July 2010. From November 2010 all new entrants to the workforce and those moving jobs will be required to register with the ISA by law. The existing workforce will then be phased into the scheme over a five year period.
- Employers will be legally bound to check and confirm that the person they have engaged in 'regulated' activity is ISA registered.
- Employers will be able to 'subscribe' to check a person's ISA-registration status online. (Note: The online check will NOT state if a person is barred, nor any criminal convictions or other information. It will only show whether the individual is ISA-registered or not.)
- Once a person is registered on the scheme, they will be continuously monitored, so that any new, relevant information is passed to the ISA and their status reassessed. The ISA will make its decisions based on information provided by the police and other statutory agencies, regulatory bodies and referrals.

In the lead up to November 2010, UNISON will continue to actively lobby government, MPs, the Home Office and the ISA and campaign strongly to address a number of serious concerns on behalf of members, including the cost to the individual of registering with the ISA, the 'doubling-up' of regulation for those already on a professional register and the right to a fair hearing.

UNISON guidance on the ISA Vetting and Barring Scheme is available at:  
[www.unison.org.uk/professionalservices/isa](http://www.unison.org.uk/professionalservices/isa)

Further information is available from the ISA website at: [www.isa-gov.org.uk](http://www.isa-gov.org.uk)

Yours sincerely



Karen Jennings  
**National Secretary**  
Health Group  
UNISON