

APPENDIX B

Guidance on the ISA Vetting and Barring Scheme



On 15 June, 2010 the Government announced that it was halting the Vetting and Barring Scheme including the measures due to come into effect in July 2010. Regulations introduced in October 2009 continue to apply. It is therefore important to note that the barring part of the scheme is already implemented. It is the vetting part of it which is being reviewed.

Please check www.isa-gov.org/ for up to date information.

From October 2009, the Independent Safeguarding Authority (ISA) vetting and barring scheme replaces the Department of Health's Protection of Vulnerable Adults Scheme (PoVA).

The ISA vetting and barring scheme was introduced as part of the Safeguarding Vulnerable Groups Act 2006 to help prevent unsuitable people from undertaking paid or voluntary work with children or vulnerable adults.

The ISA will keep two barred lists. One is for work with vulnerable adults, which replaces the PoVA list. The other is for work with children, which replaces PoCA and list 99.

If the ISA considers that a person becomes unsuitable to work with vulnerable adults, they will be barred. It is a criminal offence for a person who is on the barred list to work - whether paid, voluntary, or domestic - with vulnerable adults. It is a criminal offence for an employer to knowingly take on a barred person.

From October 2009, the Independent Safeguarding Authority has made all decisions about who should be barred from working with vulnerable adults. The ISA is a non-departmental public body.

Employers have a legal duty to refer concerns to the Independent Safeguarding Authority. A referral **MUST** be made when an employee or volunteer is removed from working with children or vulnerable adults (even temporarily) because the employer thinks the person has engaged in relevant conduct. Relevant conduct is when a person has harmed or may have harmed a child or vulnerable adult. Inciting or encouraging another person to harm a child or vulnerable adult is also relevant conduct.

If an employee is suspended without prejudice prior to a disciplinary investigation, employers are not bound to refer the information to the ISA. However, as you proceed to gather information, at the point you have reason to believe the employee has engaged in relevant conduct, you should refer to the ISA.

If the employee left the post prior to the conclusion of information gathering or disciplinary action, you **MUST** refer to the ISA.

The Plymouth Safeguarding Adults service **MUST** also refer concerns to the ISA whenever they become aware that:

- an individual who is working closely with vulnerable groups has harmed, or may harm, a child or vulnerable adult;
- an individual who might in the future work closely with vulnerable groups has harmed, or may harm, a child or vulnerable adult; OR
- the local authority/social services think the ISA may consider it appropriate to bar the individual.

All groups, including employers, are welcome to share information of concern with the ISA even if concerns cannot be proven locally.

When new information about a person on the register becomes known to the ISA (such as a conviction, caution, or referral from an employer) the ISA will review that person's registration.

There will not be "provisional listing" under the ISA vetting and barring scheme. Employers will be notified of information passed to the ISA only if/when the ISA decide that they are "minded to

bar” the person from the register. This may be up to 8 weeks before a final decision to bar the person has been reached. The information can be used by employers to inform HR decisions such as suspension, increased supervision, or limited duties.

More information about the duties of employers under this scheme can be found at <http://www.isa-gov.org/>

Queries about referrals should be directed to:

isadispatchteam@homeoffice.gsi.gov.uk

Or Telephone: 01325 953795

Following this summary guidance is a referral form requesting that the Independent Safeguarding Authority consider whether a person should be placed on the vulnerable adult’s barred list.

All referrals should be sent to:

Independent Safeguarding Authority

PO Box 181

Darlington

DLI 9FA

The referral form is available to download from http://www.isa-gov.org/pdf/SVGA_referral_form_final.pdf

It may also be removed and photocopied from this guidance.

This guidance is not intended to replace the official guidance for making referrals to the ISA which has been produced by the Independent Safeguarding Authority. Please read the ISA Referral Guidance which includes step-by-step instructions on completing each section of the form. It is available from http://www.isa-gov.org/Docs/SVGA2006_ISA_Referral_guidance_19-09-2009.pdf

Further information on the Vetting and Barring Scheme can be found at <http://www.isa-gov.org/> or by phoning 0300 123 1111.

This form is for use when making a referral (i.e. providing information) to the Independent Safeguarding Authority. A referral is made when there is harm or risk of harm to children or vulnerable adults in the work place (paid or voluntary), *relevant conduct* has occurred or an individual has received a caution or conviction for a *relevant offence*.

Please read the accompanying *ISA Referral Guidance* to understand your duty in relation to making a referral to the ISA and in providing information requested by the ISA.

All information provided to the ISA will be handled in accordance with the Data Protection Act 1998.

Detailed information on the ISA and the Vetting and Barring Scheme can be found on the ISA website www.isa.gov.org.uk

Please download or print out this form and complete in black ink making sure that all information is clearly legible. All documents provided with the Referral Form should be originals or clearly legible copies. If you do not hold the information requested, please leave the section blank. If more space is needed please attach additional sheets at the back of the Referral Form.

Referral Form Information

- Part 1: The individual being referred and their job or role**
- Part 2: The referring party**
- Part 3: The harm (*relevant conduct*) or risk of harm**
- Part 4: Documentation - investigations, information & evidence**
- Part 5: Referral documentation checklist**
- Part 6: Declaration by referring party**
- Part 7: Checking and posting the ISA Referral Form**
- Part 8: Data Protection Statement**

The following documents are relevant for Part 1 and should be sent to the ISA with the completed Referral Form if you have them.

- ◆ Job Description / Role Statement / Person Specification
- ◆ Application for employment
- ◆ References
- ◆ Interview report
- ◆ Letter of employment
- ◆ Documentation on any past disciplinary action or complaints
- ◆ Dismissal / resignation letters
- ◆ File notes concerning conduct, behaviour or attitude

Part 1: The Individual being referred

ISA Registration Number

Surname

Forename(s)

Title

Other names 1: aliases

Other names 2: maiden names

Gender (please indicate) - Male Female

Date of Birth (DD/MM/YYYY)

Nationality

National Insurance Number

Teachers Pension Number /

Northern Ireland Teacher Reference Number (if applicable)

Professional Membership

Professional Regulator

Registration Number

Date of first Registration (DD/MM/YYYY)

Last Known Home Address

Address Line 1
Address Line 2
Address Line 3
Address Line 4
Postcode

Current Postal Address (if different from home address)

Address Line 1
Address Line 2
Address Line 3
Address Line 4
Postcode

Previous Home Addresses (if at last known address less than 3 years)

Address Line 1
Address Line 2
Address Line 3
Address Line 4
Postcode

Contact Telephone Numbers

Work
Home
Mobile

The Individual being Referred's Job or Role

Title of Position Held

Date Appointed to the Position Held (DD/MM/YYYY)

Main Duties/Responsibilities

Qualifications held by Individual

Training Undertaken by Individual in Current Post

Training Undertaken by Individual in Previous Posts (if known)

Previous Employment / Volunteering History (if known)

Organisation	Job Title/Role	From (DD/MM/YY)	To (DD/MM/YY)

History of any Misconduct, Disciplinary Action or Complaints (if known)

If Still Employed / Volunteering – Current Job, Role and Duties

If No Longer Employed / Volunteering – Date Employment Ceased (DD/MM/YYYY)

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Reason for Employment / Volunteering Ceasing (please tick one)

Dismissed

Resigned

Retired

Part 2: The Referring Party

Name of Referring Organisation/Person

Type of Organisation eg, School, Care Home etc
(if school what category or type of school).

Address

Address Line 1

Address Line 2

Address Line 3

Address Line 4

Postcode

Primary Contact Officer

Name

Position

Telephone Number

Mobile Number

Email Address

Alternative Contact Officer

Name	
Position	
Telephone Number	
Mobile Number	
Email Address	

Part 3: The Harm (*Relevant Conduct*) or Why You Think there is a Risk of Harm

The following documents are relevant for Part 3 and should be sent to the ISA with the Referral Form if you have them.

- ◆ Statement by the Referred Individual about what happened
- ◆ Harm Assessment Report

Please provide a brief summary of the *relevant conduct*, harm or risk of harm.

Please provide details of the harm caused (or risk of harm) to the child or vulnerable adult and how this harm was assessed.

Has the referred person admitted or accepted responsibility for the *relevant conduct*, harm or risk of harm?

Yes No

Please provide details of the child or vulnerable adult harmed

Name

Date of Birth (DD/MM/YYYY) Or approx. age if DOB unknown

Gender (please indicate) - Male Female

Details of any vulnerability, eg, emotional, behavioural, medical or physical

Relationship between referred person and person harmed

Please attach additional sheets if more than one child or vulnerable adult harmed.

Please provide a chronology of events in relation to the harm (*relevant conduct*) or why you think the person you are referring may pose a risk of harm.

The chronology should provide in date and time order, a complete, clear and accurate description of what happened, what action has been taken and why. You need to be specific on details - dates, times, locations, what happened, who was involved who witnessed the event(s), who did what and who said what. When providing a chronology of events please refer to the ISA Referral Guidance for further information and see the example below.

Example

Date (DD/MM/YYYY)	Events	Relevant Documents	Persons Involved
01/01/2009	Allegation made against member of staff by colleague	Written allegation	Member of staff, Senior Manager
02/01/2009	Allegation put to individual	Individuals statement/ denied allegation	Individual, Senior Manager

Chronology of Events

Date (DD/MM/YYYY)	Events	Relevant Documents	Persons Involved

Part 4: Investigations, Information and Evidence

In this section you are not required to provide any information other than the documents requested if you have them. The documents listed below are representative of the information required by the ISA in order to process your referral. If you have additional documentation you believe is relevant please include it and complete section 5 accordingly.

The following documents are relevant for Part 4 and should be sent to the ISA with the completed Referral Form if you have them.

- ◆ **Witness Statement(s)**
- ◆ **Harmed person's care plan (where appropriate)**
- ◆ **Details of internal investigations and outcome**
- ◆ **Details of internal disciplinary action and outcome**
- ◆ **Police investigations and reports**
- ◆ **Local Authority / Health and Social Care Trust investigations and reports including Adult Social Care and Children's Services reports and minutes of Strategy Meetings**
- ◆ **Investigations and reports of any other regulatory bodies**
- ◆ **Investigations and reports of any other agencies or bodies**
- ◆ **Victim Impact Report or statement(s) including details of who made the assessment and their position or qualifications to make the assessment**
- ◆ **Any other information either listed in the chronology or relevant to decision making by the ISA**

Part 5: Referral Document Checklist

The following documents should be provided with the Referral Form if you have them.

Please tick all the documents (originals or clearly legible copies) that you are providing with this referral:

- Job Description / Role Statement / Person Specification
- Application for employment
- References
- Interview Report
- Letter of Employment
- Documentation on any past disciplinary action or complaints
- Dismissal / resignation letters
- File notes concerning conduct, behaviour or attitude
- Statement by Referred Individual about what happened
- Witness Statements
- Harmed person(s) Care Plan
- Details of internal investigations and outcome
- Details of internal disciplinary action and outcome
- Police investigations and reports
- Local Authority investigations / Health and Social Care Trust Investigations and reports including Adult Social Care or Children's Services reports and minutes of Strategy Meetings
- Investigations and reports of any regulatory bodies
- Investigations and reports of any other agencies or bodies
- Victim impact report or statement(s)

Please list any other relevant document(s) you are providing with the referral.

Please list any relevant documents that you have/ or are aware of others having, but you are **not** providing with this referral. Please outline the reasons why you are **not** providing the document(s) and who has the document if it is not in your possession.

Relevant Document	Reason the document is not provided with this referral	Who holds this document

Part 6: Declaration

I confirm to the best of my knowledge that the information contained in this form is complete and accurate and that all relevant documents that I hold are either provided with the Referral Form or recorded in Part 5.

Signature	
Name (in print)	
Position	
Organisation	
Relation to individual being referred	
Date (DD/MM/YYYY)	

Part 7: Checking and Posting the ISA Referral Form

Please check that you have answered all the questions that you can on the ISA Referral Form, signed the Declaration and enclosed the documentary evidence you have listed in Part 5.

Post the completed ISA Referral Form and documentary evidence, suitably secured and marked CONFIDENTIAL to:

Independent Safeguarding Authority
PO Box 181
Darlington
DL1 9FA

Part 8: Data Protection Statement

The Independent Safeguarding Authority respects individual privacy and has notified (registered with) the Information Commissioner, who is responsible for the administration of the Data Protection Act 1998.

The Independent Safeguarding Authority obtains and processes “*personal data*” (as defined by the Act) for the purpose of administering its statutory functions under the Safeguarding Vulnerable Groups Act 2006 and associated legislation. In addition, the Independent Safeguarding Authority may use information for the purpose of fulfilling its statutory responsibilities under the Data Protection Act 1998.

Information will be kept secure and confidential, and will only be disclosed to those parties who have a legal and legitimate need to know.