



Independent Safeguarding Authority

Purpose

This factsheet is intended to help people with past offences who work or volunteer with children or vulnerable adults to understand how the Vetting and Barring Scheme (VBS) may affect them.

ISA Barring Decisions

When the ISA makes a barring decision, the key issue it considers is whether or not the person poses a future risk of harm to children or vulnerable adults. The ISA's decision-making process is directed at preventing future harm to children or vulnerable adults, not with punishing those who may have harmed in the past.

ISA Registration and Barring Decisions

People who work or volunteer with children or vulnerable adults in regulated activity will be required to be ISA registered. ISA registration will commence in July 2010 and will be phased in over five years. Applications for ISA registration are initially handled by the Criminal Records Bureau (CRB) and Access NI in Northern Ireland.

In England and Wales a person will usually be ISA registered within 7 days if they are not barred from working with children or vulnerable adults. However, if during the CRB disclosure process that follows ISA registration, conviction information is disclosed, this information will be forwarded to the ISA. The ISA will sift this conviction information and consider whether it is relevant to the protection of children or vulnerable adults. In Northern Ireland ISA registration will be issued once the full disclosure process is complete.

The ISA considers each case on its merits. The offence itself is considered in its context and the following circumstances are taken into account:

- Whether the offence was related to children or vulnerable adults;
- How long ago the offence occurred;
- The circumstances in which the offence happened;
- Any details of mitigating circumstances provided to the ISA regarding the referred person; and
- Any relevant changes that have occurred in the person's life since the offence(s) occurred.

Representations

If the ISA reaches a point in its decision-making process where it decides it may bar a person, the person is contacted and informed that the ISA is 'minded to bar'. The ISA will then share with the person all the information that it has relied upon to make its decision. The person has eight weeks to provide 'representations' (or their side of the story) which could include new information or material which could support the rebuttal of any information that they consider to be inaccurate or that may affect the ISA's assessment of 'risk of harm'.

Factsheet 4:

People who have previous offences seeking ISA registration



Following representations, the case is reassessed by the ISA and the barring decision is reviewed in light of any new information provided. A final barring decision is then made.

Appeals

If a person is barred by the ISA they have the right to seek an appeal on the grounds of an 'error of fact' or an 'error of law'. Appeals are dealt with by the Administrative Appeals Chamber of the Upper Tribunal or, where appropriate, the Care Tribunal in Northern Ireland.

ISA barring periods before eligibility for review

Barred individuals can request a review under the following criteria:

Under 18 years old when barred	1 year
18 to 24 years old when barred	5 years
25+ years old when barred	10 years

People who are on an ISA Barred List

If you are on the ISA Children's Barred List or the ISA Vulnerable Adults Barred List it is a criminal offence for you to seek or to undertake paid or voluntary work with children and/or vulnerable adults.

Exemption for prisoners in custody

Under the Safeguarding Vulnerable Groups Act (SVGA) 2006 and Safeguarding Vulnerable Groups (Northern Ireland) Order (SGVO) 2007, a person in lawful detention is a vulnerable adult. However, the legislation provides an exemption to the requirement to register with the ISA where there is a peer relationship. This means that prisoners in a prison setting may undertake work with other prisoners where the prison has ultimate responsibility for the activity.