

VETTING & BARRING UPDATE FOR UNISON MEMBERS



UNISON Health Conference , April 2010

New vetting and barring registers in force from July 2010—*are you ready?*

Over 11 million people working with vulnerable adults and children, including health and social care staff, will be required to be on new vetting & barring registers from July 2010.

From July this year, if you work or volunteer with vulnerable adults or with children you will have to register with one of two new vetting and barring schemes - the Independent Safeguarding Authority (England, Wales & Northern Ireland) or the Protecting Vulnerable Groups Scheme (Scotland).

Millions of people, from health and social care staff through to swimming instructors and dinner ladies will be required to register. People starting work or moving jobs will be the first to go through the scheme, fol-

lowed by the rest of the workforce over the next five years.

If you are in paid work, registration in England and Wales will cost £64, in Scotland it is £59 and in Northern Ireland it is £58. It's a one-off payment to cover your whole career. Those involved only in voluntary activity will be exempt from payment.

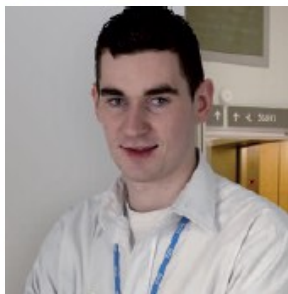
UNISON is leading a wide coalition of trade unions to lobby ministers to guarantee that the new safeguarding process is robust and fair.

While it is essential that those individuals who may pose a risk to vulnerable groups should be

prevented from working with them, it is also vital that everyone has the right to a transparent process, a fair hearing and the opportunity to defend themselves against any allegations.

Alongside the campaign for a just process, UNISON is also campaigning for the cost of the scheme to be borne by employers. We are also concerned about duplication of regulation processes for staff who are already on a professional register.

Make sure you find out about how the new vetting and barring registration will affect you.



NEW "VETTING AND BARRING SCHEME GUIDANCE" NOW AVAILABLE

The Home Office has published full statutory guidance on the ISA Vetting and Barring Scheme (1st edition, March 2010) for England, Wales and Northern Ireland. The guidance includes detailed information on the scope of the Scheme; how it will affect employees and the timetable for implementation. The Home Office guidance and UNISON briefings are available from www.unison.org.uk/pru/isa

For the latest news on Vetting and Barring in Scotland see the article overleaf.

Barring — what you need to know

Once you are registered with the ISA, you will be continuously monitored. If the ISA receives new information about you (for example, because you have committed an offence or have undergone a disciplinary procedure at work), your registration may be reconsidered. The ISA will only consider information which suggests that you pose a *risk of harm* to vulnerable groups. If the ISA is 'minded to bar', it will contact you to tell you why you are under investigation, and share all information it has received. It will also tell your employer. You will then have eight weeks to make representations in writing.

Govt consult on 'controlled activity'

Following pressure from UNISON and others, the Government is undertaking a public consultation on whether to reduce the 'controlled activity' category in the ISA Vetting & Barring Scheme or remove it entirely. UNISON believes that the removal of 'controlled activity' from the Scheme will simplify the scheme and reduce the number of individuals who are required to register with the ISA. We welcome your views as we prepare our response to the consultation.

See Health Circular HC/41/10 for more info or go to www.dcsf.gov.uk/consultations

What about Scotland?

The timetable for implementing the Protecting Vulnerable Groups Scheme - Check to Protect (Scotland) is slightly behind the ISA. An exact 'go live' date towards the end of 2010 is still to be determined. The two schemes are expected to be very similar and a person who is barred in Scotland will be barred throughout the UK and vice-versa. UNISON has submitted a response to the Scottish Executive consultation on the implementation of the Scheme. As with the ISA, this response raised concerns regarding the cost of registration, the duplication of regulation and the right to a fair hearing. For the latest news on the PVG Scheme go to: www.scotland.gov.uk/Topics/People/Young-People/children-families/pvglegislation

You should contact your local UNISON branch as soon as you receive a letter and seek advice before responding.

There will be a right to seek an appeal but only on points of law or findings of fact. The only way to challenge the *appropriateness* of a decision is via a judicial review. UNISON is pushing government to put in place an appeals process which will consider all facts, including appropriateness.

Further guidance on handling ISA cases will be published by UNISON's Professional Registration & Representation Unit.

UNISON's campaign



UNISON continues to campaign strongly around key areas of concern regarding vetting and barring and leads a special TUC coalition. The coalition, led by General Secretary Dave Prentis, has met with Home

Office Minister Meg Hillier. UNISON has also met regularly with the ISA & the Dept of Health.

As a result of UNISON lobbying, there have been changes to the definition of 'frequency' in the ISA scheme and government consultations are underway regarding the removal of 'controlled activity' from the scheme and on the transferability of CRB checks.

There is still more to be done. We must continue to meet with the ISA and Home Office to address our concerns. We must also continue to lobby employers across all service groups at both national and local level regarding payment of registration fees. Branches are encouraged to raise the issue of registration costs with your employer. See the Bargaining Support guidance at www.unison.org.uk/bargaining. Lobby your MP and make sure your colleagues are up-to-date on the latest vetting and barring news.

Want more info?



UNISON: www.unison.org.uk/prru/isa

ISA: www.isa.homeoffice.gov.uk

Directgov: www.direct.gov.uk/vetting

AccessNI www.accessni.gov.uk

CRB: www.crb.homeoffice.gov.uk

Scotland PVG Scheme: www.scotland.gov.uk