

Frequently asked questions (FAQs) on both the CRB application process and the proposed Vetting & Barring scheme

*Please bear in mind that the CRB application process is **NOT YET AVAILABLE** in Jersey.*

CRB Application FAQs

1. Why do I need a CRB check?
2. How do I make an application for a CRB check?
3. How do I get an application form?
4. How do I pay for my CRB Check?
5. How do I find out if I am eligible to get a CRB check?
6. How long does a CRB check take?
7. What identity documents will I need to provide with my CRB application form?
8. What is the CRB's definition of a "Volunteer"?
9. Can I challenge the information revealed on my CRB check?
10. Can I start work before the CRB check is completed?
11. I am employed, but have only had a Police check, never a CRB check. Must I now be checked? Who will pay for my check?

Vetting and Barring Scheme FAQs

12. What is the Vetting and Barring Scheme and why was it set up?
13. How will the new vetting service improve on the current schemes?
14. How will the new vetting service work?
15. When will the VBS launch?
16. What changed on 12 October 2009?
17. What will change in July 2010?
18. What is a controlled activity?
19. What is a controlled activity?
20. How would an employer register with the Vetting and Barring Scheme?
21. Can employers still employ people while they wait for confirmation of their registration, providing they are being supervised?

1. Why do I need a CRB check?

If you are going to work as a paid employee or as a volunteer for an organisation and your work will bring you into contact with children or vulnerable adults, you may be asked to apply for a CRB check. For example, if you are to work as a teacher, care worker, scout & guide leader, registered childminder, sports coach, youth club worker, foster carer or adoptive parent.

2. How do I make an application for a CRB check?

You will need to speak to the person who told or asked you to apply for a CRB check. You will need to complete a paper application form (*not yet available*) handed to you by the person who asked you to apply or collect one from the Customer Services Centre, Cyril Le Marquand House, The Parade, St Helier between 09.00 and 17.00 Monday to Friday. You will have to provide evidence of your name, address and date of birth, to help the person who asked you to apply, confirm your identity. A guidance booklet on how to complete the form is available. You can also get advice or help by telephone or in person from the Customer Services Centre.

3. How do I get an application form?

CRB application forms are available only to organisations that are registered directly with the CRB or who use the services of an organisation that is registered with the CRB. The CRB does not currently offer an electronic application form or a form that can be downloaded from the internet. If you need a form you will need to speak to the person who told or asked you to apply for a CRB check.

4. How do I pay for my CRB Check?

The CRB charges an application fee of £36 for an Enhanced check, and £26 for a Standard check.

Payment for a CRB check can be made by personal cheque made payable to the Treasurer of the States or by postal order. If you are a volunteer, the CRB will issue the CRB check free-of-charge.

5. How do I find out if I am eligible to get a CRB check?

The Rehabilitation of Offenders (Exceptions) Jersey) Order lists the types of work, employment or professions on which you can legally obtain a CRB check. Please ring the Customer Services Centre on 445500, who will be able to advise you.

Alternatively, your employer is ultimately best placed to assess whether a Standard or Enhanced Disclosure is required for a specific role, bearing in mind their legal and other responsibilities.

6. How long does a CRB check take?

The CRB aims to process 90% of Standard checks in 10 days and 90% of Enhanced checks in 4 weeks from receipt of application.

7. What identity documents will I need to provide with my CRB application form?

You will be asked to provide 3 either: 3 documents (1 x group 1 document plus any 2 such from groups 1 or 2) or 5 documents from group 2. (See CRB website for a list of valid Group 1 and Group 2 identity documents). This booklet also contains step-by-step notes on how to fill in the application form. If you have any questions, please call 0870 90 90 844. A language interpretation facility can be requested if required.

8. What is the CRB's definition of a "Volunteer"?

The CRB will issue a Disclosure "free of charge" if the person for whom a Disclosure is required satisfies the following criteria:

'a volunteer is person who is engaged in any activity which involves spending time, unpaid (except for travelling and other approved out-of-pocket expenses), doing something which aims to benefit someone (individuals or groups) other than or in addition to close relatives'.

9. Can I challenge the information revealed on my CRB check?

Yes. If you have received the results of your CRB check and there is an error on it or you wish to dispute any of the information revealed, please call CRB immediately on **0870 90 90 778**. Disputes must be raised with the CRB within 3 months of the date of issue of the Disclosure.

10. Can I start work before the CRB check is completed?

This will depend upon your employer or in some cases the law. Please check with them directly.

11. I am employed, but have only had a Police check, never a CRB check. Must I now be checked? Who will pay for my check?

Ultimately, all employees will need to be CRB checked if they are in a role which is listed in the Rehabilitation of Offenders (Exceptions) (Jersey) Order. It will be for your employer to advise you as to whether this applies to you and on the timing, process and cost for application. Please check with them directly, as different sectors will have different policies.

12. The UK is introducing a new Vetting & Barring Scheme (VBS) – will this also be introduced in Jersey?

- The Island is considering the possibility of introducing a similar scheme and this has been endorsed in principle by the Council of Ministers. It is considered that there would be a risk, should Jersey not maintain equivalent standards to the UK; the Island would not wish to provide a haven for individuals, barred in the UK, who may then seek employment locally.
 - The UK Vetting & Barring Scheme is established under the Safeguarding Vulnerable Groups Act 2006 (SVGA); there is no equivalent legislation in Jersey currently. In order for a similar scheme in the Island, the legislation would have to be extended by Order in Council, or Jersey would have to develop its own equivalent legislation. Current discussions suggest that extension of SVGA may be the only viable option, in order to keep in step with the UK changes.
 - The introduction of new Island legislation, by either route, would be the subject of debate by Members in the States.
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13. What is the Vetting and Barring Scheme (VBS) and why was it set up?

- The VBS was established as a result of the Bichard Enquiry, following the Soham Murders, which recommended that all those who work with vulnerable groups should be registered.
 - The VBS is a partnership of the Independent Safeguarding Authority (ISA) and Criminal Records Bureau (CRB).
 - The CRB are responsible for applications and monitoring.
 - The ISA are responsible for the decision making and maintenance of two barred lists covering the children's and vulnerable adults' sectors.
 - The new barred Lists will replace the existing Protection of Children Act (PoCA) List, List 99 (barring information held under Section 142 of the Education Act 2002) and the Protection of Vulnerable Adults (PoVA) List in England and Wales.
 - The VBS is designed to ensure that anyone who presents a known risk to vulnerable groups is, quite simply, prevented from working with them. However, what it cannot do is guarantee that anyone not barred is 'suitable' or 'safe' to work with the vulnerable.
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14. How will the new vetting service improve on the current schemes?

- **Integrating the existing lists**

The new vetting service will have a single list of all those who are barred from working with children and another, related, list of those barred from working with vulnerable adults. These are called the Barred Lists and will replace the existing Protection of Children Act (PoCA) List, List 99 and the Protection of Vulnerable Adults (PoVA) List. Thus all relevant information will be held at a single source.

- **Vetting applicants before they are employed**

The new service is designed to ensure that anyone who presents a known risk to vulnerable groups is prevented from starting to work with these groups.

- **Making decisions independently**

The ISA is being set up to make decisions where appropriate about whether or not to place an individual on the Barred Lists. These decisions have previously been made in the name of the Secretary of State by different agencies, with a resulting lack of consistency.

- **Introducing continuous monitoring**

When new information becomes known about an ISA-registered individual who is in the workforce, the ISA will automatically be informed. ISA will then reconsider the suitability of this person. Assuming their employer has registered for notification, they will immediately be advised if the employee has been put on one of the Barred Lists, or barred status has changed.

- **Covering a greater proportion of the workforce**

ISA registration will be required for those wishing to work in several sectors not covered under the current schemes. In particular, this improves upon the existing Protection of Vulnerable Adults (PoVA) scheme, which applies only in regulated social care settings.

- **Reducing bureaucracy**

Once an individual is ISA-registered, subsequent employers can check their registration status online free of charge. Employees may still, however, require an Enhanced CRB check for particular roles; CRB checks give conviction information (spent and unspent) and intelligence information.

- **Using information from a wide range of sources**

As well as integrating the existing lists, the vetting service will bring together information from employers and voluntary organisations, local authority social services, professional bodies such as the General Medical Council and General Social Care Council, and inspectorates such as Ofsted and the Healthcare Commission.

15. How will the new vetting service work?

15.1 Making an application

Those people who are applying to work or volunteer with children or vulnerable adults will have to apply to the vetting service via the Criminal Records Bureau (CRB). For individuals undertaking paid employment, there will be a registration fee of £64 per person - a one off payment which will cover an applicant for the duration of their career in regulated activity. A nominal administration cost charge will also be made locally. Volunteers will have to apply in the same way as an employee; however, they will not be charged for registering, but may be charged an administrative fee.

15.2 The vetting process

The CRB will check whether there is any relevant information from the police or referred information from other sources, such as previous employers or professional bodies.

If there is no information the CRB will inform the applicant that they are ISA-registered.

If there is relevant information, the CRB will pass this to the ISA, who will decide whether the applicant should be placed on a Barred List.

Individuals placed on the ISA Barred Lists will have the right to make a representation against this decision and also appeal to the Upper Tribunal, except where they have committed a serious offence.

15.3 Continuous monitoring

All ISA-registered individuals will be subject to continuous monitoring. This means that the ISA decision not to bar them could be reviewed in the light of new police or referral information. Where this happens the ISA will immediately notify the employer or service provider concerned, wherever they have registered an interest.

15.4 Online checking

Subsequent employers or service providers will be able to check an individual's registration status online, free of charge. To do this they will need the applicant's unique identification number, name and date of birth, and must register their own interest on the site. This will ensure that they will be updated automatically under continuous monitoring.

16. When will the VBS launch?

The new Vetting and Barring Scheme (VBS) was launched on 12 October 2009 in the UK. Individuals will be able to register from July 2010.

17. What changed in the UK on 12 October 2009?

- Increased safeguards were introduced, further enhancing protection of children and vulnerable adults.
 - The three current barring lists (POCA, POVA and List 99) were replaced by the creation of two new barred lists administered by the ISA rather than several government departments. Checks of these new lists can be made as part of an Enhanced CRB check.
 - Under Safeguarding Vulnerable Groups legislation (SVGA), Employers, Social Services and professional regulators have a duty to refer to the ISA any information about individuals who may pose a risk ensuring potential threats to vulnerable groups can be identified and dealt with.
 - Under SVGA, there are criminal penalties for barred individuals who seek or undertake work with vulnerable groups and for employers who knowingly take them on.
 - The eligibility criteria for Enhanced CRB checks is extended to include anyone working in a regulated position, as defined under SVGA.
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18. What will change in July 2010?

- From 26 July 2010 in the UK all new entrants to roles working regularly with vulnerable groups and those switching jobs to a new provider within these sectors will be able to register with the ISA and be checked.
 - Individuals will be able to apply for ISA-registration and a CRB check (including an ISA check) on one new application form, through the local Vetting Bureau.
 - When a person becomes ISA-registered they will be continuously monitored and their status reassessed against any new information which may come to light.
 - Employers can 'subscribe to' (register an interest) in an individual's ISA-registration status to be continuously informed of changes in an employee's registration status.
 - So as not to disrupt normal recruitment over the traditionally busy summer period, the legal requirement for employees to register with the ISA, and employers to check their status, will come into force in November 2010.
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19. What is a regulated activity?

Regulated activity is any activity which involves contact with children or vulnerable adults. This could be paid or voluntary work.

Such activities include:

- Any activity of a **specified nature** which involves contact with children or vulnerable adults frequently, intensively and/or overnight.
- Any activity allowing contact with children or vulnerable adults that is **in a specified place** frequently or intensively.
- **Fostering and childcare.**

- Any activity that involves people in **certain defined positions** of responsibility.

'Frequent' is defined as once a month or more and 'intensive' takes place on three or more days in a 30-day period.

Employers' duties and responsibilities

- Under SVGA, it will be a criminal offence for an employer to allow a barred person, or a person who is not yet registered with the ISA, to work for any length of time in any regulated activity.
- Under SVGA, it will be a criminal offence for an employer to take on a person in a regulated activity if they fail to check that person's status.

Employees' duties and responsibilities

- A barred individual must not take part in any regulated activity.
- An individual taking part in a regulated activity must be registered with the ISA.
- It will be a criminal offence for a barred person to take part in a regulated activity for any length of time.

Domestic employment

Domestic employers (eg parents and carers) do not have to check that their employees are ISA-registered but the new scheme will give them the opportunity to check the status of an individual (with their consent) if they wish to do so.

It will be an offence for a barred person to take part in any regulated activity in a domestic circumstance.

20. What is a controlled activity?

Controlled activities include:

- Frequent or intensive **support work in general health settings, the NHS and further education settings.**
- People working for **specified organisations** with frequent access to sensitive records about children and vulnerable adults.
- **Support work in adult social care settings.**

Employers' duties and responsibilities

- Under SVGA, it will be an offence for an employer to take on an individual in a controlled activity if they fail to check that person's status.
 - Under SVGA, an employer can permit a barred person to work in a controlled activity as long as safeguards are put in place.
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21. How would an employer register with the Vetting and Barring Scheme?

Employers in the UK will be required to ensure that any staff they have working with children or vulnerable adults are checked by the ISA and have gone through the registration process with the Criminal Records Bureau (CRB). If Jersey adopts the VBS, this will be via the Jersey Vetting Bureau, a registered or umbrella body, the same system currently being developed for obtaining CRB Enhanced Disclosures.

Once their worker is registered, the employer will receive a certificate showing the person's ISA status (plus any information revealed during the CRB searches). Subsequent employers will be able to check their ISA status online and free of charge (unless they are under a duty to apply for an Enhanced CRB check).

All ISA-registered individuals will be subject to continuous monitoring. When new information, such as a conviction, caution or a referral from an employer, becomes known about an individual already registered with the ISA, the Authority will review its original decision not to bar. Where an employer has already checked on an employee's status with the ISA, that employer will be notified automatically if their employee's barred status changes

22. Can employers still employ people while they wait for confirmation of their registration providing they are being supervised?

No. From November 2010, if an employer in the UK wishes to employ a person who will be working with children or vulnerable adults then they must ensure that the individual is ISA-registered before they start work. If an applicant isn't ISA-registered, this could mean that they haven't applied to the ISA or that they are on a barred list. In either case they must not be hired. Anyone who applies for a job will need to provide an ISA registration number to their prospective employer, who will then be able to check on that person's registration status online, free of charge. The employer will not have to wait for written confirmation.

The arrangements will not apply to all staff immediately. Members of the workforce already in regulated activity will have their registrations gradually phased in over a five year period starting with staff with no CRB check, followed by those whose CRB checks are the oldest.