

## What are my rights?

- If you are suspended by your employer for misconduct which harmed a vulnerable adult (or placed them at risk), you will normally be invited to participate in the disciplinary proceedings. You can seek legal advice or advice from your trade union about your employment rights.
- If you are put on the provisional list, you have the right to see all the papers sent by your employer with the referral. These papers may include notes taken at disciplinary meetings, witness statements, records of appraisal meetings and training records. You will have 28 days to write back and explain your side of the story.
- Being referred to the POVA List does not affect your rights under employment law and you may still appeal to an employment tribunal against wrongful dismissal. However, a finding under unfair dismissal does not automatically mean you will be taken off the POVA list.
- If you are confirmed on the POVA list, you have the right of appeal to the Care Standards Tribunal. You will be able to put your side of the story in person. You will be told how to make an appeal.

## What happens if I am sacked unfairly but a referral is still made?

- You have the right to bring a case of unfair dismissal. You could still be put on the provisional list.

## Where can I get more information?

[www.dh.gov.uk/pova](http://www.dh.gov.uk/pova)

The Manager  
Safeguarding Operations Unit (PoVA)  
DfES, Area GF – E, Mowden Hall, Darlington, DL3 9BG

Telephone 01325 391 328

*\* This guidance does not aim to provide detailed or authoritative legal advice on the implementation of the POVA scheme, and care workers, providers of care, employment agencies and businesses must take their own legal advice if they are unsure as to how this guidance might apply to them.*



# POVA

## Employees Guidance on Protection of Vulnerable Adults List

## What is POVA?

- The Protection of Vulnerable Adults (POVA) scheme ensures that those who have harmed or mistreated vulnerable adults in their care cannot work with vulnerable adults again.
- Many care workers treat vulnerable adults with dignity. But some care workers harm or steal from the vulnerable adults in their care. When this happens, the care worker's name has to be reported by their employer to the POVA list. This is a legal requirement.

## What services does it cover?

- POVA covers care services that are regulated like adult placement schemes, care homes and domiciliary care. The care providers for these services are registered with the Commission for Social Care Inspections (CSCI)
- The Secretary of State for Health keeps the POVA list. It has the names of the care workers who harmed or put at risk of harm a vulnerable adult
- POVA does not cover NHS, schools or colleges, or other social care settings, which are not covered by the Care Standards Act 2000.

## Who is covered?

- Anyone who has regular contact with vulnerable adults in care homes, domiciliary care services or adult placement schemes
- This includes managers and volunteers if they have regular contact with service users

## Who makes referrals?

- Only employers or CSCI can make referrals to the list.

## What happens if I am referred to the list?

- The referral will be checked to make sure:

- it is from a care home, domiciliary care service or adult placement scheme
  - you are no longer working with the employer who made the referral
  - a vulnerable adult has been harmed or placed at risk of harm.
- If all this information is in the referral, then you will be provisionally (temporarily) listed on the POVA list

## What happens if I am put on the list provisionally?

- You will be sent all the information in the referral. You will have 28 days to explain what you think happened and provide any other relevant documents or information about your case. **It is important you read the papers carefully and put your side of the story.**
- The person making the referral will be given the opportunity to comment on your observations.
- These exchanges continue until the Secretary of State believes that she is in possession of all the facts needed to make a decision.
- When all the information has been considered, the Secretary of State will decide whether or not to confirm your name on the list, or whether to take your name off the provisional list.
- While your name is on the provisional list, you will not be able to work in care homes, domiciliary care or adult placement schemes

## What happens if I am confirmed on the POVA list?

- If you are confirmed on the POVA list, you will be guilty of an offence if you knowingly apply for, or offer to do, or accept any work in a care home, domiciliary care or adult placement schemes. You can be fined, sent to prison or both.
- You may also have your name confirmed on the Protection of Children's Act list, which means you will not be able to work with children.

## How long does it take to decide on a referral to the list?

- It takes about 9 months but this could change depending on the circumstances of your case.
- If you have been on the provisional list for more than 9 months you can ask the Care Standards Tribunal to decide whether or not to confirm your name on the list