

ISA briefing for Community Organisations – September 2010

Introduction

The Independent Safeguarding Authority (ISA) has been established following the Bichard Enquiry into the organisational failings related to the Soham murders. Legislation followed in the Safeguarding Vulnerable Groups Act 2006 (SVG). The regulations of SVG focus on the recruitment of staff. ISA started to be set-up during 2007, the agency took over the responsibility for barring decisions in January 2009. The scheme was to have been available from July 2010 and would have been a requirement for new staff and movers from November 2010. However in June 2010 the new Government halted the scheme and is reviewing it.

It was to be a requirement that any person joining an organisation in a “regulated” position after November 2010 must be registered with ISA. ISA is a “non-departmental public body”. This means that it has its own Board and is not directly controlled by a minister, it also means that it must be self financing! ISA is chaired by Sir Roger Singleton formally Chief Executive of Barnardo’s and its Chief Executive is Adrian McAllister formerly Acting Deputy Chief Constable of Lancashire Police. ISA will have a staff of 250 and is based in Darlington.

Process – please regard this as subject to review, especially as a consultation on the Controlled category has just closed and decisions are being made now.

The process will require people in “regulated” and “controlled” employment activities to work through ISA registration. Employment includes all types of engagement including volunteering and management committees of charities. Regulated involves any contact with children or vulnerable adults, or in a “specified place”, when activity is once per week or more (referred to as “frequent”) or 4 or more days in a 30 day period or any overnight activity (referred to as “intensive”). Except that in health or personal care, frequent means once a month or more. Controlled activity is when the activity is for support type work done in “specified places”.

	Duty on Individual; Bar applies	Duty on Employer to check	A barred person can be employed
“Regulated” Employment and Volunteer settings	Yes	Yes	No
“Regulated” domestic employment	Yes	No	No
Controlled activities	No	Yes	Yes (with safeguards)

Regulated refers to engagement in any activities where there is direct contact or positions of responsibility eg governors & management committee members. The Controlled category refers to cleaners, caretaking staff, etc However the need for this category is being reviewed (Aug 2010). It will be a criminal offence (up to 5 years imprisonment) to allow employment to commence before receiving the result of the ISA check. New employers of a registered person will be able to check their "barring status" by going online and using the person's name, date of birth and an ISA reference number given to the person by ISA. Some offences would lead to barring with no right to appeal / representation, for others the person would be allowed representation.

Obtaining ISA checks

CRB disclosure applications will be the application route. New forms are in use from July 2010.

Turnaround

ISA say that they will turnaround simple applications within 7 days. 90% of CRB disclosures are entirely blank; these are the simple applications.

Updates

A critical aspect of the ISA function is that individuals will only have to register once. They will then be given a registration number that will enable future employers to check their registration. If a registered person offends in any way then ISA will review the case. If ISA bars the person as a result then employers who have expressed an interest will be informed. However offences that do not change the barring status of a person will not be notified to employers. It is a common misconception that ISA will notify employers of any conviction or caution. The barring process of ISA does not in anyway reduce the need for good recruitment processes including consideration of convictions and cautions.

Cost

The cost of the joint CRB / ISA registration is announced as £64 and free for volunteers. Registration for volunteers will be free though when a volunteer subsequently requires registration status to be given for paid employment an invoice will be generated!! There would still be an administration cost if you use an umbrella body.

Duty to refer

Organisations have a duty to refer names to ISA when behaviour of staff gives cause for concern. This is subject to penalty for non-compliance.

Timescales

With about 10 million people to register it will not all happen instantly, it is expected to be completed within 5 years - by July 2015. For the first 2 years ISA will focus on new entries to regulated and controlled jobs including moving between employers. Only after that will employers be invited to

check firstly, longstanding employees without CRB checks and then secondly, existing employees with CRB checks.

Employers registering with ISA

There is no particular "employer registration process" – so no cost either. Employers would register an interest in an individual when checking their registration status.

Additional

- Personal and family relationships of childcare are not included in the remit to obtain ISA registration.
- Trustees of children's charities are required to be registered. Trustees of charities for vulnerable adults are not required to register unless they have direct contact with clients.
- Only staff providing a service explicitly for vulnerable adults are required to register.
- Those over the age of 16 living in the house of a childminder should be CRB checked and registered with ISA – presumably as volunteers and it is not clear about value of a report of barring to the "employer"
- It should be noted that "elderly" does not equate to "vulnerable"
- Of 1.5m new offences entered onto the Police National Computer, 1.1m were for summary motoring offences. These would not have any impact on a barring decision.
- The CRB code of practice still stands and is not fully understood by all! For example, recently reference was made by a radio presenter for the need for a CRB disclosure for all who sing in a mixed age choir.
- Since the Media storm in Sept 09 that focussed on the need to register if a parent was taking another's child to scouts or football, Sir Roger Singleton has reviewed and reported conclusions to government resulting in new criteria
- ISA updated guidance in March10 http://www.isa-gov.org.uk/PDF/VBS_guidance_ed1_2010.pdf
- The report to government will update some aspects of this
- <http://www.isa-gov.org.uk/Default.aspx?page=414> this has a link to Sir Roger's report.

Clearly this is a briefing rather than a full statement of the law and regulation; those requiring a full statement are guided to seek professional advice or from CRB or ISA directly.

See www.isa-gov.org.uk and www.crb.gov.uk