

Rushmoor Voluntary Services

ISA briefing for Community Organisations – Autumn 09

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 focuses on the recruitment of staff.

ISA started to be set-up during 2007, the agency took over the responsibility for barring decisions in January 09 and will begin registering individuals in July 2010. **It will be a requirement that any person joining an organisation in a “regulated” position after October 2010 must be registered with ISA.** It 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

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 more than once per month (referred to as “frequent”) or more than 3 days in a 30 day period or any overnight activity (referred to as “intensive”).

Controlled activity is when the activity is for support type work is 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	P	P	O
“Regulated” domestic employment	P	O	O
Controlled activities	O	P	P (with Safeguards)

Regulated refers to engagement in any activities where there is direct contact or positions of responsibility eg governors & management committee members.

Controlled refers to engagement in tasks such as cleaners, caretakers, catering staff, car park attendants, receptionists and administration staff (who have access to sensitive records) in places where regulated activity takes place.

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. Forms are being redesigned and it will only require an extra tick for the ISA registration. These forms will be issued in 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 access the record to check. If a registered person offends in any way then the information will be passed to ISA who will review the case. If ISA bars the person as a result then all employers will be contacted by ISA.

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 – this can be up to £35 (Community Action Fareham charge £7.50)

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 an estimated 11.5 million people to register it will not all happen instantly, it is expected to be completed within 5 years. 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.

New CRB Code of Practice

The CRB issued a new code of practice in April. It is a requirement that all users of the disclosure service observe the Code of Practice. A significant amount of the code is aimed at the umbrella body – we have requested a version specifically for the employers using umbrella bodies!

Additional

- ◆ Personal and family relationships of childcare are not included in the remit to obtain ISA registration.
- ◆ 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”
- ◆ Professional misconduct, eg a teacher showing exam papers in advance, would not lead to barring.
- ◆ 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 is not fully understood by all! For example, recently reference was made by a radio presenter for the need for a CRB disclosure for singing in a mixed age choir.

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 and www.crb.gov.uk

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