

# Fareham Community Action

## ISA briefing for CVSSs – Dec 07

### Introduction

The Independent Safeguarding Authority (ISA) has been established following the Bichard Enquiry into the organisational failings related to the Soham murders and the subsequent Safeguarding Vulnerable Groups Act 2006. The regulation centres around the recruitment of staff.

ISA has been set-up during 2007 and is intended to be fully operational by Autumn 2008. 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. It is currently recruiting caseworkers at £25k pa. These notes are made following the briefing by ISA in Southampton on 29<sup>th</sup> Nov.

### 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 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” work in the places where children or vulnerable adults have activities provided.

	Duty on Individual; Bar applies	Duty on Employer to check	A barred person can be employed
“Regulated” Employment and Volunteer Settings	<b>P</b>	<b>P</b>	<b>O</b>
“Regulated” domestic employment	<b>P</b>	<b>O</b>	<b>O</b>
Controlled activities	<b>O</b>	<b>P</b>	<b>P</b> (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.

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.

### Route to ISA checks

CRB disclosure applications will be the route in. Forms are being redesigned and it will only require an extra tick.

### 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.

The barring process of ISA does not in anyway reduce the need for good recruitment processes including consideration of convictions and cautions.

## Cost

The decisions about cost are being made now (Dec 07). 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!! Discussions between attendees at the briefing in Southampton speculated that the fee might be about the same as the current CRB fee of £36.

## 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.

## 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.
- ◆ Understanding of current CRB code of practice is not fully understood by all! Reference was made by a presenter for the need for a CRB disclosure for singing in a mixed age choir

## Consultation

ISA is currently consulting on the following questions; full details and online response forms are at <http://www.dfes.gov.uk/consultations/conDetails.cfm?consultationId=1516>

*The definition of vulnerable adults – the groups who the scheme will serve to protect*

- *What is regulated and controlled activity – the range of activities which will be regulated by the new scheme and what requirements will need to be met under the Safeguarding Vulnerable Groups Act*
- *Eligibility to check a person’s ISA status – who is entitled to check a person is ISA-registered, and under what circumstances*
- *Phased introduction of the scheme – our intended arrangements for the introduction of the ISA scheme*
- *Checking a person is ISA-registered – who will need to check a person is ISA-registered and how they will be able to do this*
- *Making referrals – what information will organisations be required to refer to the ISA and in what circumstances should this happen.*

## Timescales

With an estimated 11.5 million people to register it will not all happen before Christmas 08, 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.

## Briefing

CVSs in Hampshire expect to organise local briefing sessions early in 2008. Further information is available from the ISA website [www.isa-gov.org.uk](http://www.isa-gov.org.uk)