

EMPLOYMENT MATTERS COMMITTEE

1 APRIL 2010

REGISTRATION COSTS FOR THE INDEPENDENT SAFEGUARDING AUTHORITY (ISA)

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Summary

This report follows on from the decision taken at the Council meeting on 25 February 2010 when it was decided to set aside corporate funding in the 2010/11 Council Budget for the costs of ISA registration for existing non schools based employees. Schools will be required to fund the registration costs for their existing staff. The report sets out proposals on how this decision should be implemented.

1. Budget and Policy Framework

- 1.1 The policy lies within the Council's policy and budget framework and the Committee's terms of reference. Therefore, this is a matter for the Employment Matters Committee.

2. Background

- 2.1 On 9 September 2009, this Committee agreed to the implementation of the ISA Vetting and Barring Scheme (minute no. 250/2009 refers).
- 2.2 On 10 February 2010, this Committee decided not to fund the additional cost of £28 per individual ISA registration.
- 2.3 However, at the Council meeting on 25 February 2010, it was decided to set aside corporate funding of £20,000 in the 2010/11 Council Budget for the costs of ISA registration for existing non schools based employees on a recurring basis (minute no. 629A(b) refers).

3. Issues for consideration

- 3.1 From 26 July 2010 all new entrants to roles working regularly with vulnerable groups and those switching jobs to a new provider within these sectors (paid and unpaid), will be able to register with the ISA and be checked. This covers:

- New recruits working in areas of “Regulated” Activity – see Appendix 1 for more details
- Applicants for fostering/adoption
- Applicants for carers in the Shared Lives Service for adult placements

In the light of the guidance issued by the Government on 22 March 2010, HR Services will now produce a detailed implementation plan to ensure that the Council is compliant with the new arrangements from 26 July 2010.

- 3.2 Volunteers are not required to pay and this presently includes Members and School Governors.
- 3.3 Independent taxi drivers conveying vulnerable children and adults are required to register and they presently pay for their own Criminal Records Bureau (CRB) Check so will also be expected to pay for their ISA registration costs.
- 3.4 The cost of applying to register with the Vetting and Barring Scheme has been set at £64. This is comprised of a £28 fee to cover the CRBs costs as administrator of the applications and £36 for an enhanced level CRB check. If an enhanced CRB check is not required (for example if there is already a live CRB check in place), then the cost of ISA registration is still £64. Council policy is to recheck CRB records every 3 years. There are no proposals to change this policy at this point but once ISA registration is embedded and rolling out over the 5 year implementation period, this policy could be reviewed.
- 3.5 From 2011, the provisions extend to existing employees and others involved in Regulated Activity.
- 3.6 The Council is a single employer and therefore, whilst the corporate funding for 2010/11 will cover existing non-schools based employees, the schools will be required to fund the registration costs for their existing staff.

4. Risk Management

- 4.1 There is no statutory requirement to pay for the ISA registration fee. There could be a risk if the Council pays the registration fee for new recruits with the intention of deducting that amount from the first salary and then the person does not commence work for whatever reason. However, this happens very rarely and therefore is considered to be a low risk.

5. Consultation

- 5.1 The trade unions hold a strong view that the Council should pay for the additional cost of registration with ISA.

6. Diversity Impact Assessment

- 6.1 A Diversity Impact Assessment (DIA) was undertaken on the policy proposals agreed at the previous Committee and it was found that it was not necessary to carry out a full impact assessment.
- 6.2 However, the decision that new employees and others involved in Regulated Activity will be required to pay the £28 ISA registration fee themselves will mean that lower paid employees are more disadvantaged. This disadvantage could be mitigated by the Council paying the fee initially and then deducted the fee from the first salary or in cases of hardship, over a period of months.

7. Legal Implications

- 7.1 There are no legal implications in relation to whether or not the Council decides to pay the ISA registration costs.

8. Financial implications

- 8.1 The £20,000 costs for existing non-schools based employees and others involved in Regulated Activity have now been built into the 2010/11 budgets. This will be sufficient to fund the costs in the financial year 2010/11.
- 8.2 Future additional costs for these groups will be built into budgets from 2011/12 onwards.

9. Recommendation

The Employment Matters Committee is recommended to approve the following proposals:

9.1 New recruits and others involved in Regulated Activity:

- 9.1.1 The Council will continue to pay the £36 CRB charge and individuals will have to pay the additional £28 registration fee for ISA from 26 July 2010.
- 9.1.2 The Council would pay both costs together and then deduct the ISA registration element of £28 from the first monthly salary payment (or over a longer period in cases of hardship).
- 9.1.3 The same principle would apply to applicants not on the payroll, such as fostering/adoption and carers in the shared lives service for adult placements.

9.2 Existing non schools based employees and others involved in Regulated Activity:

- 9.2.1 The Council will continue to pay the £36 CRB charge and the additional £28 registration fee for ISA.

9.3 Existing schools based employees (including Foundation and Voluntary Aided Schools), where the Council is the employer:

9.3.1 The Council will continue to pay the £36 CRB charge and the additional £28 registration fee for ISA will be paid for from the schools' budgets.

9.4 **Policy on rechecking CRB checks every 3 years:** This policy to be reviewed in 2012 once the ISA registration process has been embedded.

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Background papers

Employment Matters Agenda and Minutes of the meetings on 9 September 2009 and 10 February 2010.

Minutes of Council Meeting 25 February 2010.

The Vetting and Barring Scheme Guidance March 2010 – available from HR Services

What is a 'regulated activity'?

1. Any activity of a specified nature that involves anyone working closely with children or vulnerable adults frequently, intensively and/or overnight. (Such activities include teaching, training, care, supervision, advice, treatment and transportation.)
2. Any activity allowing contact with children or vulnerable adults that is in a specified place frequently or intensively. (Such places include schools, children's homes, hospitals, juvenile detention facilities and care homes.)
3. Fostering and childcare.
4. Any activity that involves people in certain defined positions of responsibility. (Such positions include school governor, director of children's services, director of adult services and trustee of certain charities.)
5. 'Regulated activity' is when the activity is frequent or 'intensive'

The definitions of frequent and intensive have been redrafted to take on board Sir Roger Singleton's recommended definitions in his report to the Government "Drawing the Line". It was confirmed on 22 March 2010 that these are:

- Once a week for most services but once a month or more for health or personal care services
- Takes place on 4 days in one month or more
- Overnight

Regulated roles will include:

Child care workers
GPs and Nurses
Care Workers
Prison Officers
Youth Workers
Opticians Dentists
Many sports coaches
All staff in schools
All staff in children's hospitals

ISA will be issuing a self-assessment tool in the near future to assist employers in determining which posts should be covered by the scheme.

How does 'regulated activity' work?

Anyone providing a regulated activity must be registered with the ISA.

It will be a criminal offence, punishable by up to five years in prison, for a barred individual to take part in a regulated activity for any length of time.

It will be a criminal offence for an employer to take on an individual in regulated activity if they fail to check that person's status.

It will be a criminal offence for an employer to allow a barred individual, or an individual who is not yet registered with the ISA, to work in any regulated activity.