

EMPLOYMENT MATTERS COMMITTEE

28 JULY 2010

THE INDEPENDENT SAFEGUARDING AUTHORITY (ISA) REGISTRATION

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Summary

This report follows on from the decisions taken at the Employment Matters Committees on 9 September 2009 and 1 April 2010 when the implementation of the ISA Vetting and Barring Scheme was agreed and it was decided to fund the registration costs for existing staff. The report informs the Committee that the Government has put the registration requirements of the ISA Vetting and Barring Scheme on hold.

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 1 April 2010, this Committee decided to fund the additional cost of £28 per individual ISA registration for existing employees.

3. Issues for consideration

- 3.1 On 15 June 2010, the Government announced their intention to remodel the Vetting and Barring Scheme (VBS) back to "proportionate, common sense levels".
- 3.2 Voluntary registration with the VBS for new employees and job-movers working or volunteering with children and vulnerable adults was due to start on 26 July and become a requirement for new staff in November

2010 and for existing staff from April 2011. This registration programme has now been stopped.

- 3.3 The Press Release issued on 15 June 2010 stated “The government recognises that many businesses, community groups and individuals see the current scheme as disproportionate and overly burdensome, and that it unduly infringes on civil liberties”.
- 3.4 Although the full details and scope of this remodel are still to be finalised:
- it is business as usual for the Criminal Records Bureau (CRB);
 - the elements of the VBS put in place back in October 2009 continue; and
 - existing requirements concerning CRB will remain in place, and those entitled to such checks can continue to apply for them.
- 3.5 We have been advised that the scope of the remodelling process, to be co-ordinated by the Home Office in partnership with Department of Health and Department for Education, is currently being finalised and will be announced shortly.
- 3.5 The elements of the VBS put in place in October 2010 which will continue are:
- 3.5.1 **Reduction of red tape** – two barring lists (the Children’s Barred list and the Adult’s Barred list) are now administered by a single organisation, the ISA rather than the three lists previously maintained by two different Government Departments: Protection of Children Act (PoCA), (Protection of Vulnerable Adults) PoVA and List 99.
- 3.5.2 **The introduction of barring from “regulated activities”** – people included on the new barred lists by the ISA will be barred from a much wider range of jobs and activities than before, particularly in areas of work with vulnerable adults such as the NHS.
- 3.5.3 **A new duty to share information** – employers, social care and professional regulators will have to notify the ISA of relevant information so individuals who pose a threat to vulnerable groups can be identified and barred from working with those groups.
- 3.5.4 **New criminal offence** – it will become a crime for a barred individual to seek or undertake work with vulnerable groups; and for employers to knowingly take them on.

4. Risk Management

- 4.1 The reason for the introduction of the ISA Vetting and Barring Scheme was to increase the safeguarding of children and vulnerable adults and to have a registered workforce in these areas. As the registration of the workforce is now on hold pending a remodelling of the scheme, employers will not have the benefits that registration would have brought.

5. Consultation

- 5.1 There has not been any consultation on this matter as it was a decision taken by Government.

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.

7. Legal Implications

- 7.1 There are no legal implications in relation to this matter.

8. Financial implications

- 8.1 The £20,000 costs for existing non-schools based employees and others involved in Regulated Activity was built into the 2010/11 Children and Adults Directorate budget. As it is not known how long it might be before the scheme is re-modelled, it is advised that these funds are left in those budgets for now.

9. Recommendations

Employment Matters Committee is recommended to:

- 9.1 Note this report;
- 9.2 Ask officers to report back to the committee when details of the remodelled scheme are announced.

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Background papers

Employment Matters Agenda and Minutes of the meetings on 9 September 2009, 10 February 2010 and 1 April 2010.

Minutes of Council Meeting 25 February 2010.

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