

**EDUCATION EMPLOYMENT COMMITTEE
26 JANUARY 2010**

**INDEPENDENT SAFEGUARDING AUTHORITY – VETTING AND BARRING SCHEME
(Director of Children, Young People and Learning)**

1 PURPOSE OF REPORT

- 1.1 To update the committee on the status of the Independent Safeguarding Authority (ISA) – Vetting and Barring Scheme

2 RECOMMENDATION(S)

- 2.1 To note content of the report.

3 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 3.1 The relevant legal provisions are contained in the main body of the report.

Borough Treasurer

- 3.2 As part of the budget setting process for 2010-11, the Schools Forum agreed that funding for ISA registration for new starters will be met through the dedicated school grant.

Equalities Impact Assessment

- 3.3 Registration to the scheme will be required for all school based workers irrespective of any equality strands.

Strategic Risk Management Issues

- 3.4 Schools will need to have robust recruitment processes to ensure that all new starters are registered before commencing duties from November 2010. Recruitment procedures are continuing to be developed to ensure that this can be achieved.

Workplace contingencies will need to be in place to ensure that any delay in the process of registration does not hinder the operations of the school. This could be simply ensuring adequate supply cover is available for business continuity purpose.

4 SUPPORTING INFORMATION

- 4.1 The introduction of the ISA follows recommendation 19 of the Bichard report and the subsequent Safeguarding Vulnerable Groups Act 2006.
- 4.2 The first phase of the scheme has begun with the ISA compiling the existing lists of people banned from working with children, List 99/ POCA, and replacing with the ISA Children's Barred List.
- 4.3 As from October 2009, employers have a legal duty to refer cases to the ISA where an employee/volunteer is dismissed for misconduct or if they leave while under

investigation for allegedly causing harm or posing a risk of harm. As the scheme covers both employees and volunteers, the term worker will be used to cover all school based people.

- 4.4 Any person who has been barred from working in regulated activity will be committing a criminal offence if they work, or seek to work, with children in regulated activity.
- 4.5 The next phase for the scheme is for workers to begin registration to the scheme. ISA registration begins in July 2010 for newly appointed workers.
- 4.6 Those posts that are required to be registered with the ISA will be differentiated between 'regulated' and 'controlled' activity. There is still some clarification required as to which settings will be considered as regulated against controlled. For schools, however, the position is clear as all school based workers will be designated as working in a regulated position. This means that should a worker have previously been barred from working with children then they will not be able to work in schools.
- 4.7 On 1st November 2010 it becomes mandatory for new workers or those moving position to be registered with the Scheme. This registration needs to be confirmed before the worker can start in their role.
- 4.8 From this date the employer is under a legal duty to check that potential new workers are ISA registered before allowing them to engage in regulated activity. This will be done using the facility of an online check. It will be a criminal offence to employ a 'barred person' in regulated activity
- 4.9 Those staff already employed, who do not change role, will need to become registered but this process will not commence until April 2011. The process for registering the current workforce is expected to be undertaken over a 5 year period.
- 4.10 An individual will only need to register once. By undertaking an online check to identify a worker registration status the employer will have "registered an interest" in that worker. Should any information subsequently come to the attention of the police or professional body then the local authority will be advised. Similarly, the ISA will automatically update employers, regulatory and professional bodies when someone is barred.
- 4.11 The role of the ISA will not replace the functions of the Criminal Records Bureau. Local employers will still be responsible for following Safe Workforce practice to decide on suitability. CRB checks will still need to be sought on applicants, in order to identify additional criminal offences or intelligence that may be relevant to local employers' decision making.

LEGAL IMPLICATIONS

- 5.1 The legislative context for the development of ISA functions is being managed nationally.

FINANCIAL IMPLICATIONS

- 6.1 There will be a fee of £64 for each individual registering with the scheme. The cost of this registration will be met by the schools through the dedicated school grant. Individuals will not be required to pay.

For the existing workforce, where possible, registration will be undertaken at the time

of the CRB rechecks so to reduce the costs.

Those individuals involved in unpaid voluntary work will pay no application fee. Where a volunteer later applies for a paid employment then, when the ISA registration is checked, the employing organisation will be charged £64.

Background Papers

Education Employment Committee report 21 April 2009 - CRB 3 Year Rechecks

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