

# TONBRIDGE & MALLING BOROUGH COUNCIL

## GENERAL PURPOSES COMMITTEE

24 September 2008

### Report of the Central Services Director

#### Part 1- Public

#### Matters for Information

#### 1 INDEPENDENT SAFEGUARDING AUTHORITY (ISA)

##### Summary

The Government recently announced the creation of the above body with effect from 12 October 2009. This report serves to explain its function and allow Members to assess its impact on Services.

#### 1.1 Background

- 1.1.1 The creation of the ISA is as a direct response to the Bichard enquiry which sought to strengthen the protection for children and vulnerable adults after the Soham murders.
- 1.1.2 The enquiry found that the individual found guilty of the murders might have been prevented from accessing the employment that brought him into such close contact with children had all the intelligence held on him been available for one source to review.
- 1.1.3 The recommendation was the creation of one body to maintain a 'register' of those cleared to work with children and vulnerable adults. It has since been determined that this body, the ISA, will be responsible for deciding who is 'barred' from working with these groups and that the scheme will extend to paid workers, volunteers, the current workforce, and workers from overseas.
- 1.1.4 The ISA will take data from the Criminal Records Bureau (CRB) and other 'shared intelligence' from: police forces; social, probation and education services, etc. and decide whether or not that individual should be included on the 'register'.
- 1.1.5 Once the scheme has been rolled out it will be illegal for employing organisations to engage anyone in a regulated or controlled activity (see below) without first checking their ISA registration status. In the event that an individual is de-registered, the employer will be informed.
- A regulated activity is defined as contact with children or vulnerable adults which is of a specified nature (teaching, training, care, supervision, advice, treatment or transport), in a specified place, fostering and childcare, or a

defined 'office holder', e.g. school governor, LA Director or Childrens' Services, charity trustees.

- A controlled activity is defined as Ancillary support workers in FE, NHS and adult social care, or those working for specified organisations (e.g. Local Authorities) with frequent access to sensitive records about children or vulnerable adults.

1.1.6 New entrants from 12 October 2009 will have to be checked from that date. Staff engaged before then will have 5 years to apply.

1.1.7 Employers will be able to check whether an individual is on the 'register' on-line at no charge. However, a CRB check may also be necessary which attracts the usual charge.

## **1.2 Practicalities**

1.2.1 Applications to be included on the 'register' (which will be one-off checks) will be processed via the CRB and will cost £64 (which includes the CRB check charge). It will be necessary to factor this additional one-off cost of £28 per application into budgets for the 2009/2010 year (or subsequent years for existing staff).

1.2.2 Management Team have determined that it will be necessary to establish precisely which posts are deemed to be regulatory or controlled, in order that a register can be maintained and the establishment will be used for this purpose and Services will agree which posts should be 'checked'. Presently, casual employment is not captured by this and so it will be necessary to include some provision on the establishment for casual posts, which Services will identify.

1.2.3 Personnel Services will have responsibility for checking whether a potential appointee appears on the register, since the Service is already responsible for administering the CRB applications and referencing, but it will be the Services' responsibility to ensure that posts are identified as being a regulatory or controlled activity.

1.2.4 Management Team have agreed that the Senior Personnel Officer is requested to circulate current post establishment lists to Chief Officers who will be responsible for ensuring that posts are correctly identified as regulatory or controlled (more precise guidance on the definitions of these terms to be included), and that Chief Officers, having established the posts to be checked, make appropriate budgetary provision on the basis that current staff as at 12 October 2009 are checked as soon as possible.

## **1.3 Legal Implications**

1.3.1 From 12 October 2009 it will be illegal for the Council to employ an individual in a controlled or regulated post without having checked the register. It will also be illegal for employees to attempt to access employment in such jobs if they have

been denied access to or been removed from the register. As a responsible employer and to avoid prosecution, the Council will have to have a robust system of checking.

#### **1.4 Financial and Value for Money Considerations**

1.4.1 There will be an increased cost but this should provide a securer system of vetting that will ensure that the Council are less likely to be open to claims in the future.

#### **1.5 Risk Assessment**

1.5.1 The risks associated with not following this system are to: customer health and safety; confidence in the Council; and financial. The Likelihood is low but the Impact is high and overall is felt to be high.

Background papers:

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Nil

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