

factsheet

INTRODUCTION

This factsheet is intended to assist UNISON members who are required to register with the Independent Safeguarding Authority (ISA) Vetting & Barring Scheme, with particular reference to negotiating a local agreement on this issue.

The ISA was established in January 2008 following the Safeguarding Vulnerable Groups Act 2006. The scheme is one of 31 recommendations made by Sir Michael Bichard in his inquiry into the Soham Murders.

The ISA is a non-departmental public body based in Darlington, which uses expert caseworkers to consider Vetting & Barring Scheme referrals. The overriding objective of the Authority is to help avoid harm, or risk of harm to children and vulnerable adults. This is to be achieved by preventing those who are deemed unsuitable to work with children and/or vulnerable adults from gaining access to them through their work in “controlled” or “regulated” activities.

The scheme will be phased in gradually over a period of five years starting from July 2010. Once the scheme has started individuals working with the same group of children or vulnerable people once a week or more cannot start in employment, paid or voluntary, if they are not ISA registered. An individual will be committing a criminal offence if they start in a new role and are not ISA registered.

THE NEW LEGISLATION

The Safeguarding Vulnerable Groups Act 2006 repeals all current barring legislation and gives the ISA responsibility for deciding who should be barred from working with children and vulnerable adults.

The ISA registered list will only accept applicants who are judged not to pose a risk to children and vulnerable adults. The Vetting and Barring scheme will deal with activities that are classified as “regulated or controlled.”

Regulated activity is “any activity of a specified nature that involves employed work or volunteering with children or vulnerable adults frequently, intensively and /or overnight.” Examples include: ambulance drivers, medical professionals, health care assistants, foster parents, childminders, prison officers, probation officers and school governors.

Following a review of the Vetting and Barring Scheme (VBS) published in December 2009, adults will now have to be vetted only if they see the same group of children or vulnerable people once a week or more.

Controlled activity is “frequent or intensive support work, employed or voluntary, in general health settings, the NHS, The Health Service Northern Ireland and further education settings. Also people working for specified organisations with frequent access to sensitive records about children and vulnerable adults and support work in adult social care settings. Examples of this kind of work includes: cleaners, caretakers, shop workers, catering, staff, car park attendants, receptionist, day centre cleaners, administrators in any setting where there is access to sensitive, records about children

or vulnerable adults i.e. hospitals, schools, children's detention centres and childcare premises.

There will be two separate but aligned ISA Barred Lists, one for those barred from working with children and one for those barred from working with vulnerable adults. Barred individuals can be placed on one or both of these lists.

NEGOTIATING AROUND THE ISA

The ISA registration fee for each individual is £64 in England and Wales, £100 in Scotland and £58 in Northern Ireland.

UNISON believes that the ISA registration fee should not be borne by the applicants, but by the employer. Payment of the fee will have a disproportionate impact on low paid female and part time workers and many of those requiring ISA registration have already paid a registration fee to be a member of a professional body. There is also a danger that if individuals have to pay the fee that it will impact on recruitment and retention.

UNISON reps should seek to negotiate an ISA registration agreement at local level. Reps should seek to include the following in any agreement:-

- the employer pays for ISA registration for all employees required to register
- the employer checks the ISA status of new employees after the July 2010 introduction of scheme
- The employer has responsibility for identifying employees under its care who are engaged in regulated or controlled activities
- Employers should have a list of posts where employees are not required to be ISA registered
- the employer is responsible for sending a letter explaining ISA registration, including an ISA application form, to all appropriate employees
- The employer will guarantee confidentiality on information provided by employees arising from the ISA application form
- Employees should be able to continue working whilst awaiting a response from ISA
- A procedure for the treatment of staff, such as redeployment, who are on the ISA barred list but are awaiting an appeal
- Employees should have the right to be represented at meetings with the employer to discuss ISA
- If, following rejection by the ISA, an appeal is unsuccessful employees should, where possible, be transferred to a post where ISA registration is not required.
- Pay, grade and allowances should be equivalent to previous position where possible.
- If the transfer is to a position of a lower pay & grade then the employees pay and grade must be protected

ORGANISING AROUND THE ISA

Some UNISON members will not be aware of the introduction of the ISA.. UNISON's role is to keep them informed and organise members around the implementation of the registration scheme.

This presents an excellent opportunity for involving members in the working of their branch. This can be done by sending newsletters, producing posters for notice boards or holding meetings to spread the word. You might consider surveying members to see what they think of should be a negotiating priority in any ISA agreement. Above all members should be kept informed about how negotiations are going.

By developing projects like this you can encourage more members into becoming involved in the union, possibly to be stewards or branch officers. Equally, non-members in the same work place will see how active and important the UNISON branch is, and may consider joining.

FURTHER INFORMATION

Further details on the ISA can be found here:

UNISON Procedural Guide on the ISA: <http://www.unison.org.uk/acrobat/B4235.pdf>

ISA Staff Side Principles Document: <http://www.unison.org.uk/acrobat/B4283.pdf>

ISA website: <http://www.isa-gov.org.uk/>

WORKING TOGETHER

A crucial further step once you have reached an agreement on ISA registration with the employer is letting Unison know about it. By sharing information your branch can help the union to spread best practice, identify obstructive employers and monitor the implementation of employment rights.

The way to do this is to fill out the Bargaining Information System (BIS) questionnaire and return it to Bargaining Support at the address below. This information will then be entered on to the system to help provide a more detailed picture of conditions in the workplace. A copy of the form is below.

The address for the Bargaining Support Group is: 1, Mabledon Place, London, WC1H 9AJ, or e-mail bsg@unison.co.uk.

CONTACT DETAILS	
Employer	
Branch	
Name and UNISON position of officer providing information We may have to seek clarification on responses to certain questions.	
Contact e-mail or address	

Contact phone number	
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Independent Safeguarding Authority Registration	
Does an Agreement exist? Yes <input type="checkbox"/> No <input type="checkbox"/> Not Known <input type="checkbox"/>	
Bargaining Level	<input type="checkbox"/> Local Agreement <input type="checkbox"/> National Agreement <input type="checkbox"/> Local variation on a National Agreement
Agreement start date (dd/mm/yyyy)	
Does the employer pay full costs of ISA registration?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If not, does the employer pay for any of the following?	<input type="checkbox"/> The CRB element of ISA registration <input type="checkbox"/> 50% of the full costs <input type="checkbox"/> Other (Please give details below)
Is there an agreement on which roles come under ISA registration?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If a current employee fails ISA registration, can the employee be redeployed to a non-ISA registered position pending appeal to the ISA?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If a current employee fails ISA registration, can the employee be redeployed to a non-ISA registered position pending appeal to the Care Standards Tribunal?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Please give any further details of your agreement/policy here:	

