

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:	Cabinet Member for Resources
2.	Date:	9th November 2009
3.	Title:	Independent Safeguarding Authority Vetting and Barring Scheme
4.	Directorate:	Chief Executive's

5. Summary

On October 12th 2009, the Independent Safeguarding Authority's (ISA) responsibilities for barring individuals who pose a known risk from working or volunteering with children and vulnerable adults will be further strengthened. From this date the first phase of the implementation of the Vetting and Barring Scheme (VBS) will commence leading up to its full roll out from July 2010 onward. Once full roll out commences there will be potentially significant financial challenges arising from increased charges associated with individuals registering under the Vetting and Barring Scheme.

6. Recommendations

6.1 That Cabinet Member note the changes arising from the implementation of the Vetting and Barring Scheme

6.2 That consideration is given to the issue of whether the Council or Individuals will be asked to cover the cost of registration with the ISA under the Vetting and Barring Scheme

7. Proposals and Details

Background

The VBS was established as a result of the Bichard Enquiry, which followed the Soham Murders. The enquiry recommended that all those who work with vulnerable groups should be registered. The VBS is a partnership of the Criminal Records Bureau and the ISA. Whilst the CRB are responsible for the application and monitoring elements of the scheme the ISA are responsible for the decision making and maintenance of two barred lists for England and Wales and Northern Ireland covering the children's and vulnerable adults' sectors. These two new lists will be launched on 12th October 2009. The new Barred Lists will replace the existing Protection of Children Act (PoCA) List, List 99 and the Protection of Vulnerable Adults (PoVA) List in England and Wales, and the Disqualification from Working with Children (DWC) List, the Unsuitable Persons List (UP List) and the Disqualification from Working with Vulnerable Adults (DWVA) List In Northern Ireland as well as the current system of Disqualification Orders, which is operated by the Criminal Justice System. The VBS is designed to ensure that anyone who presents a known risk to vulnerable groups is prevented from working with them and is an additional recruitment tool. It is not a guarantee that an individual is suitable for the position.

All staff undertaking roles that are deemed as "regulated activity" will be required to be registered with the ISA under the VBS and it will be illegal for an employer to employ someone to undertake "regulated activity" if they are not registered. The definition for a "regulated activity" is slightly different (wider) than that of the CRB definition but is still centred on those working with Children and Vulnerable Adults. Detailed sector specific guidance is due to be released by ISA during October. The process of becoming registered involves making an application which is processed by the Criminal Records Bureau (CRB).

Whilst the two new barred lists will come into effect on the 12 October 2009 applicants can only start to apply for ISA registration under the scheme from 26 July 2010. The Online ISA-registration service will be introduced at the same time, **it is from this later point that increased charges associated with ISA registration will begin to take effect.**

It is not considered that the 12th October launch presents any significant changes or difficulties for the Council. With the launch of the new barred lists, standard CRB checks will no longer reveal information held on the old or new barred lists. However a check of the new lists can be made as part of an enhanced CRB check and currently all posts which will fall under the regulated activity banner in the Council are in any event subject to an enhanced CRB check.

Vetting and Barring Scheme vs Criminal Records Bureau Checks

Whilst the introduction of CRB checks has significantly improved the position in respect of safeguarding children and vulnerable adults, there a number of weaknesses in the current system which are addressed within the VBS scheme.

- The CRB check is a "snap shot in time" an individual could have offended since the CRB check was undertaken.
- Whilst employees in the social care environment are subject to three year renewal checks, those employed in education establishments are not.

- Those employed prior to the CRB checks being implemented, in 2002, were not required to have a check undertaken.
- ISA will maintain the VBS list of “barred” individuals and employers will be notified if one of their registered employees offends and becomes barred from working in a regulated activity.
- All employees working in regulated activities will be required to be registered.

Cost

The cost of Registering is £64, compared with the current CRB application fee of £36 which is currently paid for by the employing service.

As at present for CRB checks an administration fee of £12 per application will be charged by the HR Service Centre (assuming that the application process is no more complex than the current CRB application process).

Whilst there seems to be an assumption, within the VBS scheme details, that the employer will pay the fee for existing staff, this is not specified as being the case in respect of newly recruited employees. A decision will therefore have to be taken on whether to pay the Registration Fee for those new entrants who are not registered. A number of surveys have been commissioned by employers’ organisations to get a feel for the views and intentions of employers in this respect. It is still unclear what the consensus view will be.

Phased Implementation

Following the 12th October, the VBS will be rolled out on a phased basis covering different groups of employees as it progresses, the phasing will be as follows:

Year 1 (From 26.07.10)	New entrants and people moving roles
Year 2	People who have never had a CRB check
Year 3	People whose CRB checks are over 3 years old
Year 4	People with more recent CRB checks
Year 5	Anyone remaining

What needs to be done?

In planning for the roll out of the VBS the following tasks need to be taken forward:

- Confirm/validate the “ISA Registration required” for all relevant posts within the Pse HR & Payroll System, replacing the current “CRB required” information
- Check/confirm that the CRB 3 year renewal process will no longer be required in the social care environment
- Make provision within Pse HR & Payroll System to record VBS registration details
- Consult with trade unions and decide on Council Policy re Registration Fees
- Ensure recruitment and advertising processes are ready for VBS implementation for new entrants and job movers by July 2010

- Communicate with existing employees prior to the phased implementation in January 2011.

8. Finance

10,900 employees are indicated on the HR and Payroll System as being in posts requiring a CRB check.

Assuming that this number of people will in future require registration, at a cost of £76 (£64 + £12), then the cost over the 5 year implementation period will be £828,000.

Provision needs to be made, if RMBC decide to meet the cost of this registration, over the 5 year implementation period. An average cost, based on the £828k figure above, would be £166k per year. The actual costs will not be spread evenly as in the first year it will only apply to new entrants. In a typical year RMBC employs around 1,600 new starters, even if they all require ISA registration (which they will not) the cost would be £122k. In the second year (January 2011 – July 2012) the cost will be higher as RMBC currently employ 2,600 staff in schools who have never had a CRB. “Year 2” implementation actually commences in Year 1 (January rather than June), perhaps to equalise the cost impact. The position will change year on year as people move roles outside of the phasing plan and increasingly employees will come to RMBC already registered – once an individual is registered subsequent employers can check the registration at no cost as re-registration is not required.

9. Risks and Uncertainties

A failure to conform to the new VBS regime will leave the Council open to prosecution and create the potential to leave vulnerable young people and adults at risk of harm.

If the Council agrees to pay for individual registration costs there will be significant financial implications yet a failure to do so runs a risk of being uncompetitive within the recruitment market for hard to recruit posts such as Social Workers

10. Policy and Performance Agenda Implications

The protection of vulnerable young people and adults supports the Community Strategy and Corporate Plan themes of **Safe** and **Alive**.

The Council's performance on ensuring that appropriate pre employment checks are in place for posts dealing with vulnerable young people and adults has featured as an area of interest for inspectors conducting reviews of Children's and Adult's Services.

11. Background Papers and Consultation

Further details on the Independent Safeguarding Authority and the Vetting and Barring Scheme can be found on the ISA's website <http://www.isa.gov.org.uk/>

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