

Response from the Independent Safeguarding Authority to questions posed at the Manager's Briefings

Committee and Volunteers

- Q. Who is responsible for vetting & barring when you are Committee run?**
The Chair of the Committee.
- Q. How will it affect Committee volunteers – do they still fill in EY1 forms and send to Ofsted?**
On the face of it, yes. I will have to seek clarification.
- Q. What about voluntary groups/organisations – do they have to be registered?**
Registration is the duty of the individual. An organisation does not have to register their intention to carry out regulated activity.
- Q. Do all Committee members need to be ISA'd? Do they need to pay?**
If they are trustees of a charity dealing with children or vulnerable adults, then they need to be registered. If, as part of their function they carry out regulated activity, yes. If they are unpaid volunteers, they will not be required to pay the fee.
- Q. Will Ofsted check ISA for Committee members – if not, who will?**
The checks will be carried out by the appropriate regulatory regime. If OFSTED are your inspectors, they will carry out this check
- Q. Are pre-school Committee members 'controlled activity'?**
No, they are 'regulated activity'.
- Q. What about volunteers who play a guitar and sing once a week with staff and children (an ex-teacher) – would they be required to register?**
Yes, but their registration would be free.

Students and work experience

- Q. How does this affect work experience students age 16+?**
Provided normal safeguarding measures are put in place and the duration of the placement is less than 15 days, they will not have to register. After this point, they will be required to be registered. The turnaround time on ISA registration will be 7 days, so this will have to be taken into account before taking anyone on. There will be no facility for someone to be taken on pending a registration.

- Q. At present any college students have a CRB check done by the college. Do they also have to have ISA registration and who has to pay for that, us or the college? Are they classed as volunteers?**

If they are undertaking the placement as part of a course, they will be required to pay. The cost is the responsibility of the individual, but organisations may choose to subsidise some or all of the costs, but there is no obligation to do so.

- Q. Will students and work placements need to be ISA registered/checked?**
Yes.

- Q. Do work experience students need to be CRB or ISA checked?**
If they are in post for less than 15 days and usual safeguards are put in place, no.

- Q. What about students ISA checks when they are only in on work experience for one week. Do they have to be registered?**
No

Charges and fees

- Q. A large setting with 10+ staff – can application procedure be done over time rather than all at once (expense issues)?**

Yes. Provided all are done by July 26 2015 and any new starters register prior to starting regulated activity.

- Q. If paying for individually, can the CRB fee be claimed/off set against tax (in the same way that subscriptions are claimed)?**

HMRC are finalising their decision and it is expected to be announced later this summer. Indications are that it will be 'yes', but this is subject to a formal announcement

- Q. Are there any grants available to help pay for the cost?**

There is nothing centrally, but DCSF may have a view on childminders.

- Q. Will there be any help available regarding the £64 cost ISA & CRB check?**

No. DCSF & DWP may make contributions as part of certain functions, but this is not a central arrangement.

- Q. The £64 fee is an individual responsibility – what is the probability employees will want us to pay this, or will we as employers be expected to pay for them?**

There may be lots of pressure, but the Act is very clear- the responsibility lies solely with the individual. You may subsidise if you wish, but there is no obligation to do so.

- Q. Is there any help for students and part-time staff to meet the cost of the ISA initial registration?**

Not centrally, no.

- Q. As this is something that people need to be registered on, should it not be incorporated into a cost incurred in their training?**
If the training provider wishes to do so, they may. However, the responsibility lies with the individual- there is no obligation or expectation for the provider to do so.
- Q. Why is the cost so high, for a small childcare business or group run by a voluntary management committee, this is atrocious!**
Unpaid volunteers do not have to pay a fee. The political intention was that the scheme would be self financing and the current fee ensures that future checks, continual monitoring and the on-line checks can be carried out with no additional burden to the tax payer. Additionally, an element of the fee is used to subsidise the costs for unpaid volunteers.
- Q. If you have a member of staff that is already on the register but later joins your childcare setting, who pays for the CRB only check that is required?**
Whoever currently pays for that disclosure.
- Q. Do charity organisations have to pay for ISA & CRB checks?**
Unpaid volunteers will not have to pay for their registration, but subsequent CRB disclosures will be charged through the CRB's normal scale.

Application

- Q. How long is it before you know if they are on the ISA register?**
7 days.
- Q. Will forms automatically be sent out to childcare providers?**

The distribution of forms etc. will be a function of the umbrella/registered bodies. The Home Office will be running a targeted information campaign to ensure as many people know of the changes as possible.
- Q. If children as young as 10 are on the register or a barred list, how will childcare settings be made aware of this?**
They won't. The Scheme only covers those working or volunteering with or around vulnerable client groups. We would expect, for a 10 year old to have been placed on the barred list, that there would be a degree of intervention by the appropriate local authority as part of their safeguarding processes.
- Q. Will CRB and ISA be in the same place and automatic?**
The initial ISA registration will include an Enhanced Disclosure. The registration status will be continuously updated, but the CRB disclosure will not. If you currently require disclosures on a regular basis, you should continue to apply this.
- Q. Does the childcare setting need to be registered with the ISA?**

No

1. Do the Birth to Five staff have to be registered and should childcare providers check this?

Yes, if they are undertaking a Regulated Activity

2. Do childcare settings need to be registered with the ISA as an organisation?

No

3. Will our current umbrella organisation for CRB checks be able to do the ISA application too?

Yes

4. Who can childcare Owner/managers get to countersign their ISA/CRB application form?

The CRB is working to identify umbrella bodies who will be prepared to countersign for freelance/self-employed persons.

5. How early can we apply, can we apply earlier than is set out in the 5 year phasing programme?

The earliest anyone may apply from is July 2010.

6. We have CRBs coming up for renewal (3 years old), how do you advise us to proceed in light of the impending scheme (cost implication)?

If the individual is in post, you should renew as usual. When the next renewal is due, you should then apply for ISA registration at the same time.

7. How often should the CRB be reviewed/renewed?

As per current statute or best practice for your organisation.

Reporting and Offences

1. When a criminal offence is committed, will this be a police matter or other authorities?

It will be a police matter.

2. What will the punishments be?

These will vary. There will be fines, with prison sentences in the worst cases (6 months for the employer, 5 years for the individual).

3. How will changes be communicated if individuals move on?

The Scheme lays down circumstances in which you should refer information, which will cover individuals who leave prior to investigation.

Third Parties

1. What do we do about checking people whom we may come into contact with when we are on educational visits?

If it is outside a Specified Place and the people with whom you are in contact are not conducting Regulated Activity, there is no obligation to do so.

2. Cleaners not employed by me come into the building while children are still on the premises, but they are not left alone, therefore controlled, how do I stand about them being registered with the ISA?

If the building is a Specified Place (which it is most likely to be in a formal childcare setting), then they will have to be registered without exception.

3. We have one-off work men coming in to do odd jobs. Visiting engineers/electricians/plumbers and those carrying out annual P.A.T. testing etc. They are not employed by a contractor and we do not employ them, but we pay for the work they do. They do come into the setting when children are present. Do they need to be registered?

If it is a Specified Place, they do not to be registered unless they are present on a frequent, intensive or overnight basis. Typically, 1 a month on a regular basis, 3 times in a 30 day period.

4. Will the caretaker of our village hall where childcare activity takes place, need to be registered?

No, as it is not a Specified Place, assuming he doesn't carry out work of a specified nature.

The Register

1. Where can we access the ISA register?

There will be an on-line system to check an individual's registration status. You will not have direct access to the register.

2. Will this scheme mean that until a person is registered they cannot be deployed in the childcare setting? At present if we are awaiting their CRB they are deployed but not left unsupervised with children. Will we be able to continue with this practice?

No. They must be registered before they can start in regulated activity. However, the initial turnaround will only be 7 days, and if they are already registered they can bring the number with them.

3. Who checks that a childcare owner/manager is on the register?

Whoever carries out the inspection regime for your sector.

4. Why can't there be one check for both VBS & CRB without the need to re-do the CRB in our sector, especially as the scheme will notify employers if an individual becomes barred.?

This is a matter for statute and best practice. ISA registration only indicates that you **may** employ someone, not that you **must**. If CRBs are a part of your best practice recruitment process, you should continue to do so.

5. Who would be responsible for checking that students are on the register. Our childcare providers do not pay them but they may be placed in a childcare setting for two or three weeks at a time?

Whoever allows them to carry out the activity. If the providers treat them like a member of staff, then they would be required to do so. However, the check is free to do.

Allegations

1. What would happen if a member of staff had an allegation made against them and it was not proved?

The ISA would consider all information in making a barring activity and will require a degree of robustness. However, they will have a bigger picture and are best placed to make any judgment on the risk of harm an individual may pose. seeking further clarification from the ISA).

(Birth to Five Service feels that this does not fully answer the question and are seeking further clarification from the ISA).

2. Do staff under investigation have to be removed from 'regulated activity'?

If the ISA issue a notice of 'minded to bar', then yes. However, you may remove them as part of your best practice.

Barred Lists

1. When someone is barred, for how long does the bar last, is it for life?

There will be a minimum barred period. For offences that carry an 'autobar without representation' label, this period will be for life. If the bar is not of this type, then the minimum periods before review are:

U18- 1 year
18-24 – 5 years
25+ 10 years

2. If a child aged 10 is barred but is attending childcare, i.e. out of school or holiday club, how will staff establish this, as these children may pose a risk to other children attending the childcare setting?

They won't, as this is not the function of the Scheme.

Training

1. Will there be training nearer the time?

Yes

Miscellaneous

2. Is the infrastructure there to ensure a smooth transition, are there enough resources to prevent problems?

Yes. We have secured additional funding to allow police disclosure units to cope with the expected throughput.

3. How often, if ever, does the CRB element have to be repeated?

As per current statute and best practice.

4. Does the CRB and or ISA registration have an expiry date?

ISA registration is for life, CRB disclosure validity is as it is currently.

5. If the age of criminal responsibility is from 10 years old – what about work experience?

The bar placed on an individual under the age of 18 is reviewed every year. They will be aware that it will be a criminal offence for them to carry out regulated activity.