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## The Independent Safeguarding Authority: understanding your new legal duties.

The new **Independent Safeguarding Authority** (ISA) was established following the Safeguarding Vulnerable Groups Act 2006. The intentions were to revolutionise how employers in the care sector recruit and maintain their staff.

Strong safeguards to protect children and vulnerable adults were recently set out by the Government, ahead of the launch of the Vetting and Barring Scheme in October this year.

Additional safeguards will include the creation of two new barred lists administered by ISA to replace the existing 3 lists (POCA, POVA and List 99), the broadening of the scope of a bar to cover all **'regulated activities'** and the introduction of a new criminal offence for a barred individual to seek work with vulnerable groups; and for employers to knowingly take them on.

Currently, if an individual wishes to be employed within the care sector, they are **entitled** to do so provided that their name does not appear on any of the lists referred to above. The principle behind ISA is to ensure that those wishing to be employed by those working with children or vulnerable adults will have to be **approved in advance** and that such potential employees' names appear on a register before their employment can commence.

This process was due to start in **October 2009** and it has been estimated that around 13 million people will be affected. However, ISA has noted that the beginning of the registration process has been delayed and will not now begin until next summer.

From **26 July 2010**, all new entrants to roles working regularly with vulnerable groups and those switching jobs to new providers within these sectors, should register with ISA and their details verified by employers prior to the commencement of their employment.

The legal requirement for employees to register with ISA, and for potential employers to check their status, will come into effect from **November 2010**. Providers will need to register their workforce with ISA over five years from **July 2010**. The first individuals to register should be those joining the workforce for the first time or moving to a post with a new provider. The second tranche of employees to be registered will be those employees who have never had a CRB Disclosure or have not had one for a number of years and who do not change posts. Clearly, this new duty will impact significantly on private care providers and now is the time to start planning how your organisation will manage the change. Guidance is due in **September 2009** with sector specific guidance intended to follow soon after.

For further information, please contact either Gareth Brewerton, Louise Tobin or Jeremy Orrell



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