



UNISON Policy Paper

Independent Safeguarding Authority Scheme

July 2008

Introduction: -

In the post Shipman and Bichard era public protection is being prioritised by government and a range of new measures including the Health and Social Care Bill are being introduced. UNISON supports many of the government's directions to deliver consistency across the regulators and improve public protection and confidence. It is important that careful consideration is given to the introduction of any new measure to ensure that they are fit for purpose. As a result each must be considered on its own merit.

The new Independent Safeguarding Authority (ISA) will come into effect in October 2009. It will replace the existing List 99 for staff working within education and the Protection of Vulnerable adults and the Protection of Children's Act (PoCA/PoVA). Currently individuals on one of these existing lists are prevented from working with children and vulnerable adults. UNISON agrees that those individuals who may pose a risk to these client groups should be prevented from working in these environments. However it is important that everyone has the right to a fair hearing and the opportunity to cross examine any evidence - this is a failing of the current PoCA/PoVA system which does not effectively allow this.

The new ISA proposals have major implications for UNISON members as it will require **most** of our members to be on the list and this list will move to being a positive list so that anyone listed can work within the relevant fields.

Outstanding Areas of Concern

- Individuals will be required to pay £64.00 to be registered on the ISA scheme, which is much more than was originally quoted in the consultation. This will include a criminal record check which employers currently fund as part of their recruitment process. Initially (from October 2009) it will only be those applying for new jobs and individuals who have not been subject to a check previously that will be required to register, however by 2014 it is anticipated that the majority of public sector workers will be registered on the new system.
- The new ISA scheme will duplicate the existing regulation of almost 3 million public sector workers including nurses, social workers, teachers, paramedics and doctors who are already on a professional register and pay an annual fee. It is not yet clear what arrangements will be in place for co-operation between the existing regulators and the ISA scheme.

- Currently, there are no clear standards for how the ISA will make judgements on when an individual should be placed on the barred list (those prevented from working with vulnerable individuals); how the ISA will make decisions in a transparent and consistent manner or what access referred individuals will have to defend themselves against allegations
- It is clear that a number of other trade unions will have similar concerns
- What impact might the government's intentions regarding identity cards have on those staff who could be subject to ISA approval
- There are also concerns regarding data protection, the accuracy and validity of information recorded
- Little is currently known regarding the impact the scheme may have on future employment choices which individuals make, however we believe that it will have a detrimental effect on staff particularly those in low paid roles and may effect individuals choices of career if working in the public sector costs you more than working in other organisations

UNISON Policy Position

- The cost of the scheme should not be borne by individuals but should be incorporated into recruitment costs by employers.
- UNISON believes that the ISA scheme should not duplicate existing systems which are already in place to protect the public, including those individuals who are already on a professional register. However we acknowledge that there should be a link between all bodies whose duty it is to protect the public to ensure that they can work effectively together to meet their legislative requirements.
- We also want to seek clarity into the role of the Council for Health Regulatory Excellence who have overarching responsibility for 9 regulators.
- Establish close working relationships with the ISA to ensure that any systems or processes which are introduced comply with existing best practise in regards to fair hearing and comply with all legislation including the Human Rights Act.

Recommendations

- Develop further the UNISON Professional Services web pages to take account of ISA
- Develop guidance for branches and members to help them understand the new authority, its role and remit.
- Require the implementation of equality impact assessments to monitor the potential effect of the ISA on staff (including low paid workers) as well as examining the effect on recruitment and retention.
- Seek meetings with the relevant ministers to raise our policy concerns
- Where appropriate seek legal advise on the ISA process if its believed that individuals may not receive a fair hearing
- Establish collaborative relations with the TUC and other organisations who share our concerns
- Review the case management system to take account of referrals under this scheme from October 2009