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**PART B: RECOMMENDATIONS TO COUNCIL**

**REPORT TO: POLICY AND RESOURCES COMMITTEE**

**DATE: 1 APRIL 2010**

**REPORT OF THE: HEAD OF ORGANISATIONAL DEVELOPMENT  
LOUISE SANDALL**

**TITLE OF REPORT: CRIMINAL RECORDS BUREAU/INDEPENDENT  
SAFEGUARDING AUTHORITY (CRB/ISA) POLICY**

**WARDS AFFECTED: ALL**

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## **EXECUTIVE SUMMARY**

### **1.0 PURPOSE OF REPORT**

1.1 To seek agreement to implement a new Criminal Records Bureau/Independent Safeguarding Authority (CRB/ISA) Policy (Annex A).

### **2.0 RECOMMENDATION**

2.1 That Council is recommended to approve the new Criminal Records Bureau/Independent Safeguarding Authority Policy.

### **3.0 REASON FOR RECOMMENDATION**

3.1 The Council is committed to safe guarding children and vulnerable adults under the Safe Guarding Vulnerable Groups Act and Section 11 of the Children's Act 2004.

3.2 Ryedale District Council has a legal duty to provide a safe working environment and to protect the welfare of children and vulnerable adults who use its services.

### **4.0 SIGNIFICANT RISKS**

4.1 The significant risks to the Council are that there is reputational damage, potential for safeguarding breach and potential for financial award against the Council. This is mitigated through adoption of the policy. There are no significant risks to approving the policy.

## **REPORT**

### **5.0 BACKGROUND AND INTRODUCTION**

#### ***CRB Checks***

- 5.1 The Council currently does not have a comprehensive corporate policy in place regarding the process for undertaking CRB disclosures. It has operated a case by case system since the introduction of the CRB in 2002. The Council is also an Umbrella organisation who is registered with the CRB and who can process applications for disclosures or ISA registration on behalf of a variety of organisations/applicants.
- 5.2 This new policy will be rolled out across all the Council's operations and as such incorporates and encompasses the procedure used for taxi and private hire vehicle licence applications.
- 5.3 The policy gives guidance on how to deal with barred individuals or applicants who apply to Ryedale District Council for posts or licences.
- 5.4 Line Managers were trained on the new ISA scheme during February and March 2010 due to the new procedures being effective from July 2010.
- 5.5 With the introduction of new duties under the Independent Safeguarding Authority (ISA), there is an opportunity to bring these duties and operations together with a corporate policy and procedure to ensure that the Council fulfils its duties under the Safeguarding Children and Vulnerable Children Act 2006.
- 5.6 The CRB will continue to support employers by providing them with access to an individual's full criminal record and other information so that they can assess the individual's suitability for the particular post or position.
- 5.7 The ISA will prevent the most unsuitable people from working with children and vulnerable adults by making it a legal requirement for everyone who is working with children or the vulnerable to be registered with the ISA.

#### ***ISA Registration***

- 5.8 The Independent Safeguarding Authority (ISA) has been created to help prevent unsuitable people from working with children and vulnerable adults. They do this by working in partnership with the Criminal Records Bureau (CRB) and other delivery partners.
- 5.9 From July 2010 individuals need to register with the ISA if they are to volunteer to work with children and or vulnerable adults in a regulated activity.
- 5.10 The ISA scheme will tell us 2 things:-  
1) that the individual has registered themselves with ISA,  
2) if the individual is barred from working with children and/or vulnerable adults.

### **6.0 POLICY CONTEXT**

- 6.1 This policy fits within the aim to transform the Council by contributing to Objective 10: develop leadership, capacity and capability to deliver future improvements.

### **7.0 CONSULTATION**

- 7.1 The policy has been through consultation with Unison, Streetscene staff and the officer Safeguarding Panel during February 2010.

## **8.0 REPORT DETAILS**

- 8.1 The Criminal Records Bureau (CRB) provides access to a person's criminal record and other relevant information for employers and licensing authorities in England and Wales. The results of the checks carried out by the CRB help organisations make more informed decisions when recruiting people to work with children and other vulnerable groups or individuals, or when managing public finances.
- 8.2 CRB checks are also available to certain specified professional, licensing and regulatory bodies whose employees or volunteers are not necessarily in direct contact with children or vulnerable adults but who carry out regulated activities AND may have indirect access. For example because their work requires them to undertake home visits where although the primary purpose of the contact is not a safeguarding issue contact is made as part of the visit.
- 8.3 Through the Disclosure service, organisations can ensure greater protection for the vulnerable members of our society and for the proper administration of resources thus affording greater protection to their customers, staff, volunteers and ultimately their organisation.
- 8.4 A standard letter outlining the changes and the requirements under the policy will go out to all members of staff (on the intranet) updating them on the new ISA scheme and also to all the organisations that use Ryedale District Council as an umbrella body for their CRB Disclosures.

## **9.0 IMPLICATIONS**

- 9.1 The following implications have been identified:

a) *Financial*

- 1) The financial implications will need to be considered in respect of the costs regarding revisiting CRB checks every 3 to 5 years at an individual price of £42.00 and the added additional expense of the ISA registration for existing staff at a cost of £22.00 per application.
- 2) New applicants/candidates to Ryedale District Council will be expected to pay for their own ISA registration after November 2010.
- 3) Consideration from management regarding paying for existing members of staff for the next 3/5 years on renewal CRB disclosures – currently around 20 members of staff and to continue paying for new members of staff.
- 4) Further consideration from management regarding increasing our administration fee from £6.00 per application to £10.00 to cover for the increase of work in respect of the new ISA registration as well from July 2010.

b) *Legal*

- 1) It will be unlawful for this Council to employ (or give a license to) anyone who has been registered as "barred" by the Independent Safeguarding Authority.
- 2) The legal implications for employing someone who is barred could mean imprisonment (for Management) and a large fine by the organisation.

c) *Environmental*

- 1) No implications for not introducing this policy.

d) *Equalities*

- 1) All equality issues have been considered when writing the new policy, especially the Rehabilitation of Offenders Act.

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**Background Papers:**  
Criminal Records Bureau / Independent Safeguarding Authority Policy

**Background Papers are available for inspection at:**  
Attached