

Safeguarding Vulnerable Groups Act 2006: Independent Safeguarding Authority Scheme Consultation

Consultation Response Form

The closing date for this consultation is: 20
February 2008

Your comments must reach us by that date.

department for
children, schools and families



THIS FORM IS NOT INTERACTIVE. If you wish to respond electronically please use the online or offline response facility available on the Department for Children, Schools and Families e-consultation website (<http://www.dcsf.gov.uk/consultations>).

The information you provide in your response will be subject to the Freedom of Information Act 2000 and Environmental Information Regulations, which allow public access to information held by the Department. This does not necessarily mean that your response can be made available to the public as there are exemptions relating to information provided in confidence and information to which the Data Protection Act 1998 applies. You may request confidentiality by ticking the box provided, but you should note that neither this, nor an automatically-generated e-mail confidentiality statement, will necessarily exclude the public right of access.

Please tick if you want us to keep your response confidential.

Name Kate Summerside
Organisation (if applicable) Pre-school Learning Alliance
Address: The Fitzpatrick Building
188 York Way
London
N7 9AD

If your enquiry is related to the policy content of the consultation you can contact the DCSF enquiry line on:

Telephone: 0870 000 2288

e-mail: info@dcsf.gsi.gov.uk

If you have a query relating to the consultation process you can contact the Consultation Unit on:

Telephone: 01928 794888

Fax: 01928 794113

e-mail: consultation.unit@dcsf.gsi.gov.uk

Please select the category that best describes you:

<input type="checkbox"/> Local Authority	<input type="checkbox"/> Local Safeguarding Children Board	<input checked="" type="checkbox"/> Voluntary Sector
<input type="checkbox"/> Education	<input type="checkbox"/> Recruitment/HR	<input type="checkbox"/> Self-employed
<input type="checkbox"/> National/Professional Association/Union	<input type="checkbox"/> Health/Care Sector	<input type="checkbox"/> Parent/Carer
<input type="checkbox"/> Other		

Please Specify:

The Pre-school Learning Alliance is England's largest voluntary sector provider of childcare. Through the 70 nurseries we run directly and our membership of 15,000 nurseries, sessional pre-schools and parent and toddler groups, the Alliance supports over 800,000 children and their families in the country.

1 Do you agree with the proposals for refining the definition of vulnerable adults?
If not, please explain why? (paragraphs 2.5 - 2.7)

<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Not Sure
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Comments:

The Alliance believes that there needs to be clear guidance and a systematic process in place within an organisation about what constitutes evidence of risk.

2 Are you content with our proposed understanding of frequently? (paragraphs 3.4 - 3.6)

Yes

No

Not Sure

Comments:

The Alliance agrees with the proposed understanding but we feel that process could be more transparent for it could be open to misinterpretation.

3 Are there situations other than those described in paragraphs 3.8 - 3.12 where children are 'merely incidental' to the provision of regulated activity to adults?

Yes (please explain)

No

Not Sure

Comments:

The Alliance believes that this is a really important consideration and would hope that it is reviewed.

Given the nature of those who seek to gain the trust of a child, it is important that ongoing consideration is given. We also believe that there should be a system or process in place to ensure that appropriate safeguards in certain situations such as when maintenance operative visits a setting.

4 Do you agree with our proposals to include and exclude those forms of transport specified in paragraphs 3.24 – 3.25 as regulated activity? Do you have any further comments on these proposals?

Agree

Disagree

Not sure

Comments:

The Alliance agrees with all proposals except 3.25. Drivers on a mainstream bus route where schoolchildren regularly use that service, should perhaps be regulated. In some rural areas this would be an issue and a child using that service regularly to be dropped off in an isolated area could well always be the last person to leave the bus on a specific rural route, therefore the rule of frequency may apply.

Further on transport, we would flag up the need for safeguards in situations such as when there is a change of bus driver.

5 Do you agree that Children's Centres should be classed as establishments under the SVG legislation in the same way as schools? (paragraphs 3.26 - 3.34). Are there any other settings that should be covered?

Agree

Disagree

Not sure

Comments:

No further comment, the Alliance believes that the proposal appears sound.

6 Do you agree that endorsing organisations should be able to check ISA status of the groups specified in paragraphs 4.2 - 4.11?

Agree

Disagree

Not sure

Comments:

The Alliance agrees that endorsing organisations should be able to check ISA status but also believes that in some instances they should be absolutely required to.

7 Do you agree that adoption agencies should be able to check ISA status on the groups set out in paragraph 4.12 - 4.17? Do you have any other comments on these proposals?

Agree

Disagree

Not sure

Comments:

The Alliance would question whether, if ISA status changed once adoption had gone through and parental responsibility was awarded, there would need to be further criteria as to what would happen next.

8 Do you agree that it should be possible to check ISA status on the groups set out in paragraphs 4.18 - 4.21?

Agree

Disagree

Not sure

Comments:

9 Are you content with our proposals relating to ContactPoint in paragraphs 4.25? Do you have any other comments?

Yes

No

Not Sure

Comments:

10 Do you agree that employers should be required to obtain an Enhanced Disclosure before employing a barred individual in controlled activity? (paragraphs 5.7 - 5.8)

Agree

Disagree

Not sure

Comments:

The Alliance believes that this is essential. We also ask whether there would be support for the employer who may need clarification of information on the enhanced disclosure to make an informed choice.

11 Are there good reasons for employers in controlled activity to have access to Enhanced Disclosures for individuals who are not barred and who are ISA-registered? (paragraphs 5.4 - 5.6). If so, for what purpose would the information on the Disclosure be used?

Yes

No

Not Sure

Comments:

The Alliance believes that employers need this information to assess whether or not a person is suitable to handle/process confidential information about vulnerable groups.

12 a) Do you agree that employers, before employing a barred person in controlled activity, should be required to conduct, make a record of and retain a copy of a risk assessment? (paragraph 5.9)

Yes

No

Not sure

Comments:

The Alliance believes that this would be logical and would ensure that employers considered all aspects of employing a barred person in a controlled activity. Furthermore we believe it would offer the employer protection.

12 b) Do you agree that employers employing a barred person in controlled activity, should be required to ensure the person will be appropriately supervised? (paragraph 5.10)

Agree

Disagree

Not sure

Comments:

The Alliance believes that this should be part of the risk assessment.

12 c) Should the employer be required to record the supervision arrangements in the risk assessment? (paragraph 5.10)

Yes

No

Not Sure

Comments:

This would be a necessary part of the risk assessment process.

13 Do you agree that the employer should be required by regulations to obtain Enhanced Disclosures and repeat the risk assessment at set intervals? If so, how frequently should it be repeated? (paragraph 5.13)

Agree

Disagree

Not sure

Comments:

The Alliance does agree. Within the Pre-school Learning Alliance Enhanced Disclosures are repeated every three years.

14 Do you agree with our proposed phasing principles? Are there particular issues for certain sectors? (paragraphs 7.1 - 7.4)

Agree

Disagree

Not sure

Comments:

The Alliance hopes that lessons will be taken from the issues when CRB checks were introduced with huge backlogs delaying registration of new early years provision.

We are concerned at cost implications for early years settings who will struggle with getting larger groups of staff through new scheme bearing in mind likelihood of huge registration fee increases on the horizon.

We are also concerned the repetition of CRB checks (which adds to the burden for the Bureau). An individual might hold 3 or even 4 current checks - all undertaken within months of each other because they work across different agencies. We believe that if this were simplified then the burden for CRB would be lessened allowing them, as to be more efficient. With the burden of increased registration fees and the ISAS, we fear that some groups could be caught between a rock and a hard place, resulting in child safety being compromised. The impact of this must not be underestimated. The Alliance acknowledges that local subsidies are going to help with some symptoms but cautions that they are not the cure.

15 Do you agree with the proposals regarding the checking arrangements for personnel suppliers including educational institutions? If not, why? (paragraphs 9.2 - 9.13).

Agree

Disagree

Not sure

Comments:

The Alliance believes that the agency should notify the employer beyond three months and not have to 'register an interest' in the agency worker.. Beyond three months the agency is still the supplied person's employer. We would pose the question of what happens if there is a gap, ie if the person has worked for three months, not worked for a month then returns back to work for a further two months.

16 Do you agree with our proposals to retain existing statutory requirements for Enhanced Disclosures and not add any further requirements as part of the ISA scheme? (paragraphs 9.25 - 9.30)

Agree

Disagree

Not sure

Comments:

The Alliance believes that consideration should be given to the number of times an individual has to undertake an enhanced disclosure if they move from one job to another, sometimes from one department to another. This can cause problems for an employer who has appointed a member of staff but cannot let them commence regulated activities until new disclosure is completed, despite the fact that the existing one might only be six months old and there have been no causes for concern in interim.

17 Should anything be added to our proposed understanding of harm? (paragraphs 10.3 - 10.5)

Yes

No

Not Sure

Comments:

The Alliance believes that everything on the list is good so far. We would add "Allowing children to witness harm of another person'. We believe this to be relevant in cases of domestic violence where children may witness the emotional and or physical harm of a parent or carer.

18 Do you agree that the list at Annex G will capture all the information that the ISA would require to make barring decisions?

Agree

Disagree

Not sure

Comments:

The Alliance believes that the list could be clarified by adding "and any other relevant information".

19 a) At what stage in the ISA's consideration process do you believe employers should be notified? (paragraph 11.3)

Comments:

We believe that the employer should be alerted sooner rather than later in order that they can take appropriate action. We would expect employers to be notified when a member of staff is undergoing investigation and also expect employers to be notified of what the investigation is for.

19 b) What information should the ISA pass to employers at this stage?
(paragraph 11.3)

Comments:

The Alliance believes that the ISA should pass to employers information regarding what was being investigated and what the outcome was. This could, or could not be, relevant to the job role.

20 Please use this space for any other comments.

Comments:

There are ambiguities in some areas of the proposals, but on the whole it appears to be sound

21 Please let us have your views on responding to this consultation (e.g. the number and type of questions, was it easy to find, understand and complete etc.).

Comments:

Some of the points for consideration required a level of interpretation, (I had to read through them several times

Thank you for taking the time to let us have your views. We do not intend to acknowledge individual responses unless you place an 'X' in the box below.

Please acknowledge this reply

Here at the Department for Children, Schools and Families we carry out our research on many different topics and consultations. As your views are valuable to us, would it be alright if we were to contact you again from time to time either for research or to send through consultation documents?

Yes

No

All UK national public consultations are required to conform to the following standards:

1. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
3. Ensure that your consultation is clear, concise and widely accessible.
4. Give feedback regarding the responses received and how the consultation process influenced the policy.
5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
6. Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.

Further information on the Code of Practice can be accessed through the Cabinet Office Website: <http://www.cabinetoffice.gov.uk/regulation/consultation-guidance/content/introduction/index.asp>

Thank you for taking time to respond to this consultation.

Completed questionnaires and other responses should be sent to the address shown below by 20 February 2008

Send by post to:

Consultation Unit
Department for Children, Schools and Families
Area 1A, Castle View House
East Lane
Runcorn
Cheshire WA7 2GJ

or by email to

SVGAct-Policy.CONULTATION@dcsf.gsi.gov.uk