

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. ✓

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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 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 checked="" type="checkbox"/> Other		

Please Specify:

The Association of Directors of Adult Social Services (ADASS) is a registered charity.

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:

This seems a comprehensive list of those adults who might be considered permanently or temporarily vulnerable to abuse or exploitation. Several of the categories, however, are likely to be difficult to define consistently in practice (categories b, c, d, g, h and j).

It is also worth noting that the definition of 'vulnerable adult' used in the SVG Act differs significantly from definitions used in *No secrets* and in the Care Standards Act. The latter definition refers to the POCA scheme which the new Act replaces so should not be an issue in the future. Many people included in the definition would not consider themselves a vulnerable adult, however, when reviewing *No secrets* the government should also

consider reviewing the definition of 'vulnerable adult' used therein.

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

Yes

No

Not Sure

Comments:

One day a month appears adequate. The other consideration is how regular that contact is over a number of months. Clearly, there will be resource implications.

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:

Potentially there could be several scenarios which are unpredictable or unforeseen, for example, what if a group commences with an 18 year old start scheme and they fail to attend, would teachers and instructors be in breach?

Should religious instruction be regulated activities?

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:

Although it is not considered appropriate to extend the ISA bar to cover drivers engaged privately to transport vulnerable people, is there not some system which could enable parties with a legitimate interest to query whether anything is known that suggests the driver presents a risk to vulnerable adults?

Although this is a similar issue to direct payments, in the latter case people can ask whether the person is barred and then act on the information as they choose, whereas in the case of coaches transporting older people on holidays, for example, they cannot.

Is there sufficient clarity surrounding voluntary drivers? Volunteer drivers are a key group in helping deliver services within the social care field, for example, luncheon clubs, meals on wheels, social activities.

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:

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:

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:

Not applicable

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:

Not applicable

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:

No comment.

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:

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:

This is dependent on what type and level of information is disclosed by an enhanced disclosure. ISA registration deems that the staff member is suitable to work with children or vulnerable adults but the enhanced disclosure may provide other evidence as to the persons suitability.

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:

There will be reasons why you may not/may employ that staff member, therefore, there should be a record of the reasoning behind that decision making.

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:

Guidance would be useful Nationally as there may be differing systems within Local Authorities or employing organisations.

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

Yes

No

Not Sure

Comments:

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:

Initially every 6 months in the 1st year. Yearly basis thereafter.

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 important thing is to prevent people who pose a risk to vulnerable adults from moving to a new position when they have been barred. The phasing proposals would achieve that immediately. During the phasing period more guidance will need to be given to employers and people working with vulnerable people to ensure no mistakes are made, especially when working with members not in the scheme. Relevant fees should be announced so that they agencies/providers can make an executive decision as to whether the employee or the agency/provider are to pay.

Will you provide information on the duties to organisations other than the statutory and contracted sector, for example, religious groups, sports clubs etc.?

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:

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:

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

Yes

X

Not Sure

Comments:

It will be important to maintain consistency of definition when *No secrets* is reviewed. The examples of harm cited convey someone doing something to another. Neglect however is more of an omission. It would be therefore useful to review this.

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

X Agree

Disagree

Not sure

Comments:

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

Comments:

As soon as the ISA is satisfied there is a reasonable prospect of the person being barred. If it is established that the person poses a serious risk of harm without any doubt, then employers should be notified as soon as reasonably is possible rather than waiting until the person is barred.

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

Comments:

Brief details of the reason why the person poses a risk but enough information that the current employers can take appropriate action if necessary.

20 Please use this space for any other comments.

Comments:

1. The allocation of individual budgets and direct payments to people requiring social care is set to increase dramatically in the immediate future. This will mean that many vulnerable adults and their carers may be responsible for directly employing care workers. ADASS is concerned that this issue has not been adequately addressed in the SVG Act. Consideration must now be given as to how ISA status can be easily checked and updated by vulnerable people and their carers acting as direct employers.
2. The document appears to have considered widely situations and settings for children but does not consider the many situations and settings for vulnerable adults. There will be a wide variety of settings provided by the private and voluntary sectors, religious groups etc, where the vulnerable adults will be in situations of trust.
3. Consideration needs to be undertaken at some children's' activities where vulnerable adults might be involved - e.g. as a senior Guide member.
4. Individuals who have Direct Payments or Individualised Budgets should have access to the barred list if they so wish and be encouraged to register an interest in an individual .
5. There should also be an easy and cost effective mechanism for people who wish to work with vulnerable adults to register themselves so employers especially those who have Direct Payments or Individualised Budgets or are funding care privately realise this is a positive aspect when employing a carer.
6. The fact that two lists will exist is of some concern and some mechanism needs to be developed to evaluate decisions of the ISA.
7. Should the Act consider other settings such as sheltered accommodation, housing schemes or voluntary projects not regulated by inspection bodies?

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:

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 x

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.CONSULTATION@dcsf.gsi.gov.uk