

Independent Safeguarding Authority



Agenda



- The ISA – Background and purpose
- Referrals
- Decision Making Process
- Appeal routes
- Questions



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To help prevent
unsuitable people
from working with
children or
vulnerable adults



The ISA



A central body would take the decision, subject to published criteria, to approve or refuse registration on the basis of all the information made available to them by the police and other agencies.



Who is the ISA?



- Board of 10 publicly appointed experts
- Chairman – Sir Roger Singleton
- In excess of 200 caseworkers/decision makers



Training and Support



- Recruitment
 - Diverse backgrounds and experience
- University Accredited training programme
- On-going in house training and support

Next Steps



- Introduction of 2 way information flows
- Reviewing and updating current guidance documents
- Consultations with key stakeholders





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Referrals and Decision Making Process



Information sharing



“For those agencies whose job it is to protect children and vulnerable people, the harsh reality is that if a sufficiently devious person is determined to seek out opportunities to work their evil, no one can guarantee that they will be stopped.

Our task is to make it as difficult as possible for them to succeed.”



Who must refer?



Regulated Activity Providers
Personnel Suppliers
Local Authorities
Keepers of Registers
Education and Library Boards
Health and Social Care Trust
Supervisory Authorities



Who may refer



ISA must ensure that in respect of any information it receives in relation to an individual from whatever source or of whatever nature it considers whether the information is relevant to its consideration as to whether the individual should be included in each barred list.

Safeguarding Vulnerable Groups Act 2006 Sch 3 art 13



When to Refer

A regulated activity provider must refer information to the ISA when they have **withdrawn permission** for a person to engage in regulated activity because they think the person has:

- Received a **caution or conviction for a relevant offence**;
- Engaged in **relevant conduct** or;
- The **Harm Test** is satisfied.

How to refer



- www.isa.gov.org.uk
- Single referral form for children or vulnerable adults
- Referral Form & Guidance on website
- Email and telephone contacts

Decision Making Process

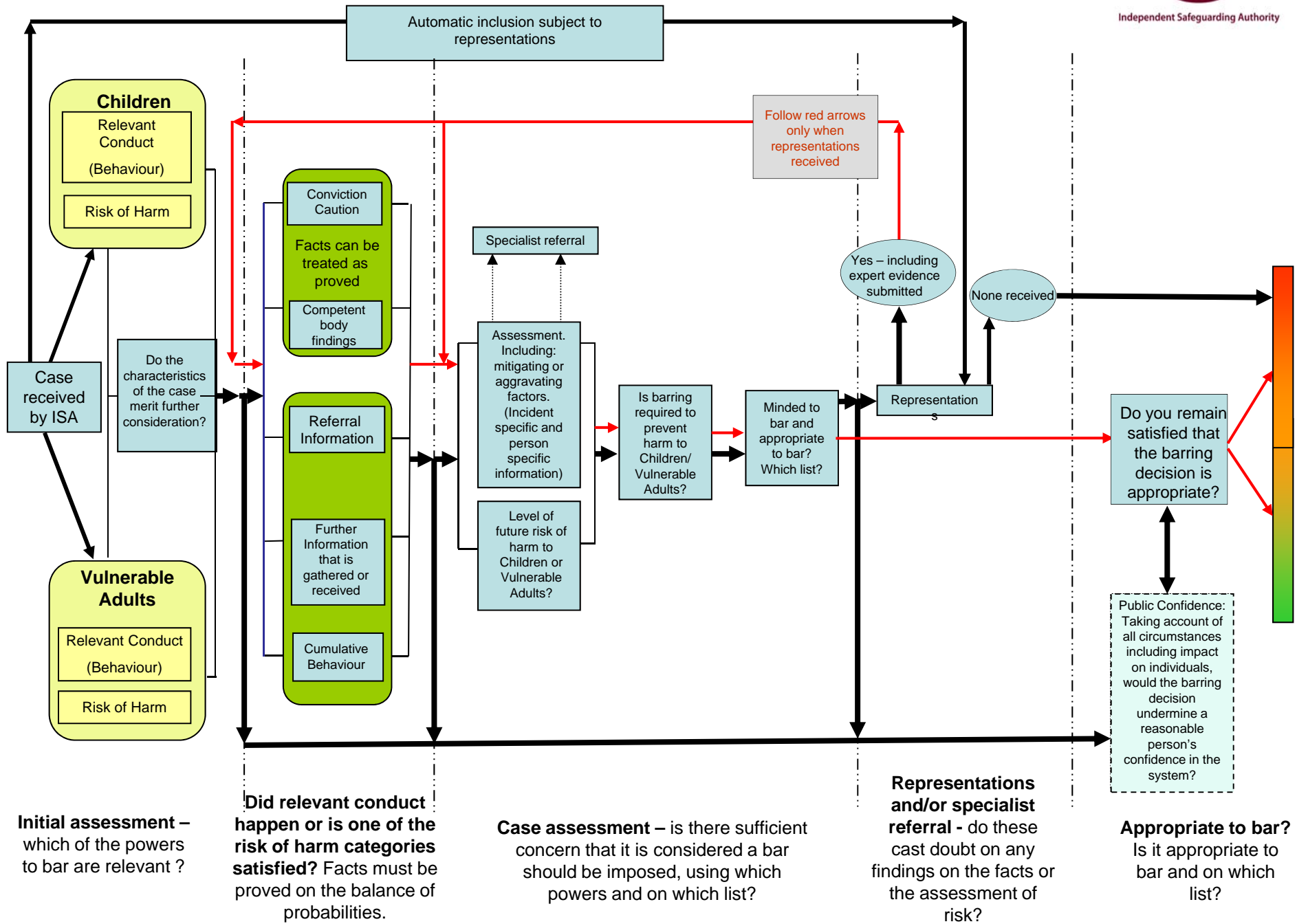


- 5 stage process
- Developed by ISA for ISA purposes
- Fair, rigorous, consistent, transparent and legitimate

Barring Decision Process



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Review Periods

- Under 18 years old 1 year
- 18 to 24 years old 5 years
- 25+ years old 10 years

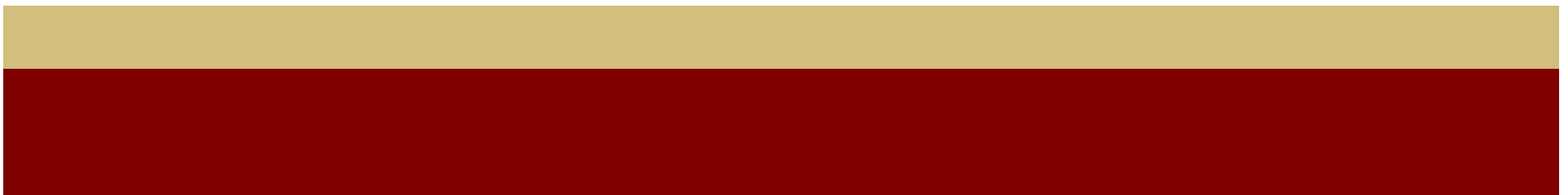
Appeals

- Right to seek appeal to Administrative Appeals Chamber of Upper Tribunal
 - Error on point of law
 - Error on finding of fact



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Key referral Issues



Relevant Offences

- Prescribed offences set out in legislation
- Fall under two categories in relation to children or vulnerable adults:
 - Auto inclusion
 - Auto inclusion with right to make representations

Auto Inclusion – children's list



Includes:

- Rape of a child under 13
- Sexual assault of a child under 13
- Causing or inciting a child under 13 to engage in sexual activity
- Causing a person, with a mental disorder impeding choice, to watch a sexual act [where the victim is a child]



Auto Inclusion – adults list



Includes:

- Sexual activity with a person with a mental disorder impeding choice [where the victim is child or adult];
- Engaging in sexual activity in the presence of a person with a mental disorder impeding choice;
- Causing a person with a mental disorder to watch a sexual act by inducement, threat or deception;



Auto Inclusion with representations – children's list

Includes:

- False Imprisonment
- Rape [of an adult];
- Permitting girl, under 13, or between 13 and 16, to use premises for intercourse;
- Supply of drugs to children

Auto Inclusion with representations – adults list

Includes:

- False Imprisonment
- Rape [of a child];
- Administering drugs to obtain or facilitate intercourse
- Burglary [with intent to rape];

Relevant conduct

relevant conduct is:

- conduct which endangers a child or vulnerable adult, or is likely to endanger a child or vulnerable adult;
- conduct which, if repeated against or in relation to a child or vulnerable adult, would endanger that child or vulnerable adult or would be likely to endanger them;
- conduct involving sexual material relating to children (including possession of such material);
- conduct involving sexually explicit images depicting violence against human beings (including possession of such images), if it appears to ISA that the conduct is inappropriate;
- conduct of a sexual nature involving a child, if it appears to ISA that the conduct is inappropriate.

Relevant conduct contd.



A person's conduct endangers a child or vulnerable adult if they:

- harm a child or vulnerable adult,
- cause a child or vulnerable adult to be harmed,
- put a child or vulnerable adult at risk of harm,
- attempt to harm a child or vulnerable adult, or
- incite another to harm a child or vulnerable adult.



The Harm Test



The Harm Test is satisfied if evidence demonstrates a person may:

- harm a child or vulnerable adult,
- cause a child or vulnerable adult to be harmed,
- put a child or vulnerable adult at risk of harm,
- attempt to harm a child or vulnerable adult, or
- incite another to harm a child or vulnerable adult.

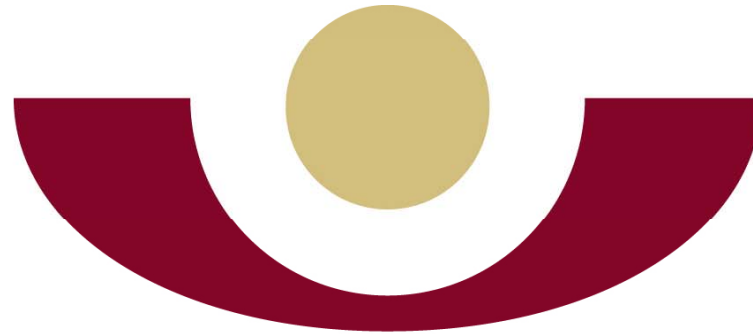




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QUESTIONS?





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www.isa-gov.org.uk

