



## Employment law update

### Independent Safeguarding Authority - are you ready for the change?

The new Independent Safeguarding Authority (ISA), which is due to be introduced later this year, will revolutionise how employers in the care sector recruit and register their staff. Currently, if a person wants to work in the care sector, they are allowed to do so provided that they are not named on a barred list. Under the ISA's new employee vetting procedures, which will be phased in over the course of the next 18 months, you will be required to register every employee who is to work with children or vulnerable adults *before* they commence their employment.

This is a huge undertaking affecting some 13 million people across the sector. Failure to comply with the ISA's registration procedures will constitute a criminal offence, committed not just by the organisation itself but also by any manager who was involved in that failure.

### Timetable for implementation

- From July 2010, all new entrants to roles working with vulnerable groups and those switching jobs to a new provider within these sectors should register with the ISA to be checked.
- From November 2010 there will be a legal requirement for those employees to register with the ISA and for employers to check their status.
- Registration of the entire workforce with the ISA will be phased in over five years from July 2010.

### How will this affect you?

- From November 2010 employing someone in your establishment without ensuring they are registered will be a criminal offence committed.
- When the registration of your entire workforce is made compulsory, you may be faced with staffing issues. Not only will you experience a delay before any new employee can start their employment but, if a current employee is found on an ISA barred list, then they will have to cease work and leave the premises immediately.

- Do your current contracts of employment allow you to suspend employees/terminate employment on such grounds? If they don't, you could also be faced with employee claims.

## What to do next?

Clearly this new duty is likely to have a significant impact on private care providers and now is the time to start planning how your organisation will manage the change. If you wish to discuss how to prepare your business for the new regime please do not hesitate to contact Berryman Healthcare.

We are currently offering complimentary review of your employment documents to ensure that they will provide you with adequate protection.

## Contact us

For more information on any of the above, please contact:

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