



POLICY & RESOURCES SCRUTINY COMMITTEE – 25TH FEBRUARY 2020

**SUBJECT: SAFER RECRUITMENT PROCEDURE AND DISCLOSURE
AND BARRING SERVICE (DBS) POLICIES**

**REPORT BY: CORPORATE DIRECTOR FOR EDUCATION AND
CORPORATE SERVICES**

1. PURPOSE OF REPORT

- 1.1 The purpose of the report is to consult with Policy & Resources Scrutiny Committee in relation to the Safer Recruitment Procedure and Disclosure and Barring Service (DBS) Policies attached as appendices 1, 2 and 3 to this report prior to consideration by Cabinet.

2. SUMMARY

- 2.1 Caerphilly County Borough Council's current Recruitment and Selection Procedure was last reviewed in 2004. Approval is now being sought from Cabinet to introduce a revised procedure that is reflective of current safe recruitment practice and equal opportunity.
- 2.2 The proposed Safer Recruitment Procedure attached (Appendix 1) complements the current vacancy management process and guidance that is available for recruiting managers on the Council's intranet, i.e. the process and guidance that requires regular review and update in accordance with Council operational priorities and legislative updates.
- 2.3 The focus of this proposed Safer Recruitment Procedure is based on equal opportunities and safer recruitment practice, both of which are non-negotiable requirements in recruitment to posts within the Council. It provides a set of guidelines which ensure a fair and objective process is followed in recruitment, which takes account of employment and equalities legislation together with Safeguarding best practice when recruiting to a post and / or engaging agency staff / volunteers to work across the Council. It reflects the statutory guidance and best practice principles of the South East Wales Safeguarding Children Board (SEWCSB), the Gwent Wide Adult Safeguarding Board (GWASB) and Care Inspectorate Wales (CIW) where awareness and good practice is promoted.

- 2.4 Integral to Safer Recruitment practice is the Council's position on Disclosure and Barring Service (DBS) checks and it is an expectation of the DBS that the Council's position is clearly reflected in written policy. The Council has consistently followed DBS Policy and Procedure in its operational practice but it has not yet published its own written policy position. This Policy is now attached at Appendix 2.
- 2.5 The DBS issued guidance in Autumn 2018 entitled 'A Guide to School Governors and Elected Councillor Roles in Wales (Attached at Appendix 4)'. This guidance now gives the Council the opportunity to review its current operational practice to ensure that it is consistently robust and safe. In response to this guidance, Committee Services, HR, Education and Social Services colleagues responsible for / involved with safeguarding seek to extend the operational DBS checking process to include Elected Members and School Governors as outlined in the DBS Policy and Procedure documents attached at Appendices 2 and 3.

3. RECOMMENDATIONS

- 3.1 It is recommended that Policy and Resources Scrutiny Committee note the contents of the report and recommend:
- 3.1.1 The Safer Recruitment Procedure attached at Appendix 1 to Cabinet for approval. This will replace the current 2004 Recruitment and Selection Procedure.
- 3.1.2 The DBS Policy attached at Appendix 2 to Cabinet for approval. This Policy will be published on the Council's website.
- 3.1.3 The DBS Policy relating to School Governors attached at Appendix 3 to Cabinet for approval. This Policy will then be circulated to Schools for recommended adoption.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 Caerphilly County Borough Council is committed to safeguarding children and vulnerable adults who access the services it provides and consistently utilises the services offered by the DBS to assist in the protection of children and vulnerable adults from persons who may wish to harm them. The Council's safe recruitment practice and DBS practice is not accurately captured and presented in a current written policy, which does not truly reflect operational practice
- 4.2 The DBS decision to circulate guidance on checks relating to Elected Members and School Governors in Autumn 2018, highlighted that individuals holding these positions are eligible to be asked to apply for enhanced level DBS checks in the child or adult workforce, but without relevant barred list checks. Following a review of this guidance the preference of consultees was to include these groups in the Council's DBS checking process as appropriate.

5. THE REPORT

Safer Recruitment Procedure

- 5.1 The Council's current Recruitment Policy was written from a corporate process perspective, is 43 pages long and dates back to 2004. This policy is long overdue for review and the process information contained therein is largely out of date.

- 5.1.1 Whilst the Council can demonstrate that current operational process promotes safe practice in recruitment, our current procedure does not indicate that the safety and wellbeing of our children, young people and vulnerable adults are a Council priority, nor that we take all reasonable and sensible measures in recruitment to keep them safe from those who may wish to harm them.
- 5.1.2 Nowhere within the Council's current Recruitment and Selection Procedure are the words 'child'; 'children', or 'vulnerable adult' written. The current operational practice has moved on to incorporate safeguarding requirements, however, the procedure is not reflective of the safer operational practice of the Council.
- 5.1.3 In direct contrast to the current policy, the proposed Safer Recruitment Procedure in terms of title and content complements our Corporate Safeguarding Policy which emphasises that:
- The Council ensures that everyone working with or on behalf of children and vulnerable adults are competent to do so.
 - The Council promotes safer recruitment policy and practice.
 - Safeguarding responsibilities for all employees are emphasised from the point of recruitment and throughout their employment.
 - All Heads of Service / Chief Officers must ensure that safe recruitment practices are adopted.
- 5.1.4 The proposed Safer Recruitment Procedure furthermore complements the Council's voluntary pledge to support the Armed Forces in that, the recruiter must always be prepared to ensure that applicants who have identified themselves as members of the Armed Forces, and who meet the essential criteria of the person specification, are guaranteed an interview. Members of the Armed Forces include:
- Service Leavers
 - Veterans
 - Reservists
 - Spouse
- 5.1.5 The proposed Safer Recruitment Procedure was shared with HR Strategy Group colleagues and consequently Directorate feedback was received. The Procedure was updated accordingly and shared with our Corporate and Education Trade Union colleagues on the 30th August 2019. Their feedback was requested and received at the Education Joint Consultative Committee (JCC) meeting held on the 25th September 2019. The Safer Recruitment Procedure was positively received and no amendments to the procedure were requested.

DBS Policy and Procedure

- 5.1.6 Scrutiny Members will be aware that the DBS service allows organisations to make safer recruitment decisions by providing access to criminal records for posts which are deemed to require a criminal records check. The Council is committed to safeguarding children and vulnerable adults who access the services it provides and consistently utilises the services offered by the DBS to assist in the protection of these groups from persons who may wish to harm them.

- 5.1.7 The Council's position on DBS checks is integral to Safer Recruitment practice and it is an expectation of the DBS that this position is clearly reflected in written policy.
- 5.1.8 The DBS Policy attached at Appendix 2 outlines the Council's current practice and clarifies that in addition to DBS checks that are undertaken for employees who qualify for a DBS check and who are subject to a 3 year renewal check:
- DBS checks will equally apply to Agency workers who undertake duties within the Council which have been identified as requiring a DBS check. The Agency worker must have a valid DBS certificate which has been issued within the last 12 months i.e. in line with current operational practice.
 - The Council will carry out checks for Elected Members who serve on committees which involve the delivery of services for Children and Adults relating to Education or Social Services. Other specified roles which involve the Elected Member serving on committees or as a designated person will also require a DBS check. N.B. Committee Services have engaged Elected Members in this capacity in recent months.
 - Volunteers whose roles are eligible for a DBS check and which meet the DBS definition of a volunteer will be required to have the relevant level of DBS check in place prior to commencing their volunteering role' i.e. in line with current operational practice.
 - The Council will also recommend to Schools that Governors are DBS checked as they are incorporated into the definition of "work with children" thus making them eligible for an enhanced level DBS check for the child workforce. N.B. This is a proposed position that with Cabinet agreement will be recommended to Schools for adoption as highlighted in Appendix 3.
- 5.1.9 The 'Guide to School Governor and Elected Councillor Roles in Wales' 2018 as referred to in 2.5 above is an undated document which helpfully clarifies the legislative position that supports the DBS to undertake an enhanced DBS check (no barred list check) at the request of the employer for:
- School Governors including member or clerk to the governing body of an educational establishment and/or a person appointed by the governing body of a maintained school to serve on a committee.
 - Elected Councillors if they are appointed as a member of a committee or sub-committee involved in the delivery of services for children relating to education or social services and/or the delivery of services for adults relating to social services.

Under the position of 'legislation', the guidance states:

- *'These roles used to be included in the original definition of regulated activity with children and adults, as set out in the Safeguarding Vulnerable Groups Act (SVGA) 2006. Following changes to this definition by the Protection of Freedoms Act 2012, School Governors were removed. This means that the roles were no longer classed as being regulated activity and therefore not eligible for a barred list check'.*

- The Police Act 1997 (Criminal Records) Regulations 2002 were amended in 2012 for School Governors and in 2013 for Elected Members to incorporate these roles into the new definition of 'work with children' and 'work with adults'. This made the individuals holding these positions eligible to be asked to apply for enhanced level DBS checks in the child or adult workforce, but without relevant barred list checks.

5.1.10 Following the DBS' circulation of 'A Guide to School Governor and Elected Councillor roles in Wales' in Autumn 2018:

- The Committee Services Team have worked with relevant Elected Councillors to undertake enhanced DBS checks as deemed appropriate.
- HR have engaged with colleagues responsible for Education and Safeguarding in the Council, Headteachers in cluster group meetings and Trade Unions through the JCC forum to seek their views on whether some or all governors should be asked to apply for an enhanced level DBS check (no barred list).

5.1.11 With regard to School Governors specifically, it was the preference of all consultees to recommend to Schools that all Governors be asked to apply for an enhanced level DBS check (without a barred list check). This recommendation is reflected in the DBS Policy relating to School Governors document attached at Appendix 3.

5.1.12 Trade Union colleagues on the 25th September 2019 at JCC supported the recommendation to Schools that all School Governors should be asked to apply for an enhanced level DBS check (without a barred list check).

5.2 **Conclusion**

5.2.1 The Council's clear commitment to ensuring safe operational practice is not expressed in written policy. The proposed Safer Recruitment Procedure and recommended DBS Policies that have been referred to in this report for adoption and publication on the Council's website, will rectify this.

5.2.2 The adoption of the Safer Recruitment Procedure and the DBS Policy clearly outlines the Council's commitment to safe recruitment and DBS practice and officer accountability to ensure this.

5.2.3 In supporting the recommendation of a DBS Policy to our Schools relating to School Governors specifically, Scrutiny members will show their commitment to ensuring robust DBS practice within Schools.

6. **ASSUMPTIONS**

6.1 There are no assumptions made within this report.

7. **LINKS TO RELEVANT COUNCIL POLICIES**

7.1 The proposed procedures and policies link to the Corporate Safeguarding Policy and the People Management Strategy and therefore to all other strategies, including all equality strategies, policies and procedures, that rely on employees to deliver the strategy and service provision.

7.2 Corporate Plan 2018-2023.

The proposed procedure and policies support Objective 1. i.e.: *Improve education opportunities for all, Outcome 8 - Safeguard all children and young people in order to create a climate for learning, particularly for those most vulnerable.* Safe recruitment practice and relevant DBS checks are integral to ensuring a safe learning environment. These are fundamental principles that underpin the delivery and development of sufficient and sustainable safeguarding training.

8. WELL-BEING OF FUTURE GENERATIONS

- 8.1 Having considered the five ways of working, they will not be affected by the contents of this report.

9. EQUALITIES IMPLICATIONS

- 9.1 An EIA screening has been completed in accordance with the Council's Strategic Equality Plan and supplementary guidance. No potential for unlawful discrimination and/or low level or minor negative impact has been identified, therefore a full EIA has not been carried out. It should be noted that DBS certificates cannot be printed in Welsh due to procedures laid down in Part V of the Police Act 1997.

10. FINANCIAL IMPLICATIONS

- 10.1 There will be additional costs incurred as a result of the extension of DBS checks to include School Governors. It is the intention to progress the DBS check of every School Governor through the E-Bulk process, which will incur a £2.50 administrative charge in each case. The actual DBS check itself will be free of charge on the premise that School Governors are unpaid volunteers.
- 10.2 The DBS recently reviewed its charges as follows with effect from 1st October 2019:
- Basic DBS check - £23.00 (previously £25)
 - Standard DBS check - £23.00 (previously £26)
 - Enhanced DBS check - £40.00 (previously £44)
- 10.3 The reduction in cost of the DBS check could offset the £2.50 administrative charge that the Council will incur as we progress to using E Bulk for the vast majority of checks that we undertake which are enhanced checks.

11. PERSONNEL IMPLICATIONS

- 11.1 There is likely to be some support requirements on the part of some governors in completing the online application. HR will produce guidance documents to support this process and will support Schools to progress these checks.

12. CONSULTATIONS

12.1 All consultation responses have been incorporated in the report.

13. STATUTORY POWER

13.1 Local Government Act 1972
Protection of Freedoms Act 2012

Author: Lynne Donovan, Head of People Services

Consultees: Lisa Downey, HR Service Manager
Shaun Watkins, HR Service Manager
Corporate management Team
Robert Tranter, Head of Legal Services & Monitoring Officer
Stephen Harris, Interim Head of Business Improvement & S151 Officer
HR Strategy Group
Headteachers
Joint Consultative Committee Members

Appendices:

Appendix 1 Proposed Safer Recruitment Procedure
Appendix 2 Proposed DBS Policy and Procedure
Appendix 3 Proposed DBS Policy and Procedure relating to School Governors
Appendix 4 DBS Guidance 'A Guide to School Governor and Elected Councillor roles in Wales' 2018

Background Papers:

Recruitment and Selection Procedure 2004

SAFER RECRUITMENT PROCEDURE

Version of Policy	Version 1
Policy Ratified By:	
Date Ratified:	
Effective Date of Policy:	March 2020
Review Date:	31 March 2021
Applicable To:	All Caerphilly employees including school based employees where the School Governing Body has adopted the Procedure.
Equalities Issues:	<p>All Equalities considerations have been taken into account when drafting this Policy.</p> <p>This Policy is available in Welsh</p>



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INTRODUCTION

1. The purpose of this Safer Recruitment Procedure is to provide a set of guidelines which ensure a fair and objective process is followed which takes account of employment and equalities legislation together with Safeguarding best practice when recruiting to a post and/or engaging agency staff/ volunteers to work across the Council.

EQUAL OPPORTUNITIES

2. In the application of this procedure no employee or applicant will be unlawfully disadvantaged on the grounds of race, colour, nationality, ethnic or national origins, language, disability, religion, age, gender reassignment, sexual orientation, parental, marital or civil status. The Council's Safer Recruitment Procedure aims to ensure that appointments to posts at all levels in the organisation are made in accordance with sound principles of equality of opportunity and safer recruitment. This will enable the Council to attract applicants from a wide range of diverse backgrounds who have the skills, experience and attributes to complement our workforce, enhance our performance and provide safe, quality services to the community of Caerphilly County Borough.
3. The recruiter must always be prepared to make 'reasonable adjustments' to ensure that workplace requirements or practices do not disadvantage employees or potential employees with a disability. All applicants who are registered disabled and who meet the essential criteria of the person specification must be offered an interview.
4. In support of the Council's voluntary pledge to support the Armed Forces, the recruiter must always be prepared to ensure that applicants who have identified themselves as members of the Armed Forces, and who meet the essential criteria of the person specification, are guaranteed an interview. Members of the Armed Forces include:
 - Service Leavers
 - Veterans,
 - Reservists
 - Spouse
5. The recruiter may offer training and encouragement to any underrepresented groups. Examples include pre-application assistance for those who do not have English as their first language, or management development training for women where they are under-represented in management grades.
6. Job advertisements may also state that the employer encourages applications from those groups that are under- represented in the Council.

ASSESSING WELSH LANGUAGE REQUIREMENTS

7. The Welsh Language Standards are a set of legally binding requirements that aim to allow people in Wales the ability to receive services in the Welsh language. The Standards clearly set out what our responsibilities are in terms of providing bilingual services, ensuring the Welsh language is not treated less favourably than the English language. One of the requirements of the Welsh Language Standards is the need to

assess each post for linguistic requirements. The assessment must be written and available for audit by the Welsh Commissioner. No post will progress to advertisement without this assessment.

8. Further guidance is available on the HR Support Portal.

ENGLISH LANGUAGE REQUIREMENTS FOR PUBLIC SECTOR WORKERS

9. The UK Government has introduced, under Part 7 of the Asylum and Immigration Act, a requirement for all public facing public sector employees to be able to communicate fluently in English (or Welsh in Wales where the role is identified as requiring a Welsh speaker) to ensure the safe and high quality delivery of public services. All posts must be assessed to identify whether they are public facing so that the fluency duty can be met.
10. Further advice on undertaking this assessment, together with examples of posts that are not covered by the legislation, is available on the HR Support Portal.

SAFER RECRUITMENT PRACTICE

11. It is vital that all of the Council's establishments and Schools adopt recruitment and selection procedures, and other HR management processes that help to prevent, identify and reject people who might abuse children, young people and/or vulnerable adults, or, are otherwise unsuited to work with them.
12. The Council is committed to ensuring that everyone living within the Borough is safe and protected and that our statutory responsibilities to safeguard and protect children, young people and vulnerable adults are effectively met. The Council expects all staff/ agency staff and volunteers to share this commitment.
13. The Council's commitment to safeguarding and promoting the welfare of children, young people and vulnerable adults must be clearly communicated at every stage of the recruitment process, i.e. in the advertisement, the job description and recruitment literature.
14. Where the post is to work with children/young people and/or vulnerable adults, the Council's commitment to safeguarding these vulnerable groups must be tested in the recruitment exercise and in reference requests.
15. Safeguarding is everyone's responsibility and CCBC in its Corporate Safeguarding policy reminds all Council employees, Agency workers, volunteers, Elected Members and contractors of their legal duty to take action if they are concerned about the wellbeing of any child, young person or vulnerable adult. It therefore follows that safe recruitment practices must apply to all posts.
16. This Procedure is not intended to provide a comprehensive guide to recruitment and selection or employment issues. Managers, Headteachers and those responsible for recruiting will need appropriate training as well as support and advice from HR to ensure their practice satisfies the requirements of employment law. This procedure provides procedural guidance to promote safer recruitment only. This Procedure does not replace or override:

- Any Care Inspectorate Wales (CIW) practices or other professional body practices relating to recruitment that must be followed and made available for reference;
- The vacancy management process that will be in operation in the Council and as a process subject to regular review. The vacancy management process is available on the HR Portal and must be followed before any post can be advertised/recruited to.

THE RECRUITMENT PROCESS

17. **Planning** is vital to successful recruitment. The recruitment literature relevant to the post must explain clearly the combination of qualities, qualifications and experience a successful applicant will need to demonstrate, alongside any particular matters that need to be mentioned in the advertisement and corresponding paperwork to prevent unwanted applications.
18. **The Applicant Information Pack** should include:
 - The application form (and any accompanying explanatory note).
 - The job description and Person Specification
 - Relevant information about the Council and the recruitment process
 - The Council's Equal Opportunities Policy Statement
 - The Corporate and/or School's Recommended Safeguarding Policy
19. **A well-written job description** is essential to attracting the right candidate for the job. It should clearly state the main duties and responsibilities of the post and where relevant to the post, the individual's responsibility for promoting and safeguarding the welfare of children, young people and/or vulnerable adults.
20. To maintain the integrity of the evaluated grading structure in the Council, the Council's template job description that is available on the HR Portal must be used for all* posts. The Council is confident that all employees are paid on an objective and consistent assessment of the key factors of their job. The Council's pay structure was developed to eliminate bias and discrimination by showing that all jobs have been treated in the same way and to ensure that employees are paid fairly and equally for equal work. N.B 'all posts' in this circumstance does not apply to teacher job descriptions. Template teacher job descriptions can be obtained from HR.
21. **The person specification** must include the qualifications and experience, and all other requirements needed to perform the role. It must describe the competences and qualities that the successful applicant should be able to demonstrate and explain that these requirements will be tested and assessed during the selection process. The Council's template personnel specification accompanies the template job description that is available on the HR Portal.
22. **Scrutinising and Shortlisting** - All information required from applicants must be obtained and scrutinised. Any and all discrepancies/anomalies identified through the scrutiny process must be satisfactorily resolved before the applications progress. For example:
 - Any anomalies or discrepancies or gaps in employment identified by the scrutiny should be considered and noted as to why the application is progressing or not.

- Any history of repeated changes of employment without any clear career or salary progression, or a mid-career move from a permanent post to supply or temporary work should be considered and noted as to why the application is progressing or not.
23. All candidates must be assessed equally against the criteria contained in the person specification without exception or variation.
24. **The Interview Panel** – should consist of two or more recruiters. One recruiter only is not advisable. The members of the panel must:
- have the necessary authority to make decisions about appointment;
 - meet before the interviews to reach a consensus about the required standard for the job to which they are appointing;
 - consider the issues to be explored with each candidate and agree who on the panel will ask about those;
 - agree a set of questions relating to the requirements of the post avoiding closed and hypothetical questions wherever possible.
 - seek to agree competence based questions that ask a candidate how they have responded to, or dealt with an actual situation, how they will deal with a specific situation and test the applicant's attitudes and understanding of issues.
 - agree assessment criteria in accordance with the person specification
 - At least one recruiter on the Interview Panel must be appropriately trained.
25. When setting questions, the panel must be mindful of Equalities Legislation and construct each question carefully to ensure never in breach of equalities issues.
26. When setting tests, the panel must be mindful of Equalities Legislation and ensure that no test / question places any candidate at a disadvantage
27. Interviewees should always be required to:
- explain satisfactorily any gaps in employment;
 - explain satisfactorily any anomalies or discrepancies in the information available to the recruiter;
 - declare and discuss any information that is likely to appear on a criminal record disclosure;
 - demonstrate their attitude towards safeguarding and promoting the welfare of children, young people and/or vulnerable adults where applicable;
 - demonstrate their ability to support the Council's commitment to safeguarding and promoting the welfare of children, young people and/or vulnerable adults as stated the Council's Corporate Safeguarding Policy where applicable.
28. **A face to face interview** is good practice in order to explore the candidate's suitability to work in the post applied for.
29. For people who will be required to work with children, young people and/or vulnerable adults, the face to face interview is a must.
30. The recruiter must always be mindful to consider accessibility issues and reasonable adjustments in their planning for and invites to the interview.

31. It is often viewed as good practice to involve children, young people and/or vulnerable adults in the pre interview or interview process where appropriate to the post applied for.
32. When arranging venues for interviews, equalities legislation must be considered in relevance to accessibility issues and ensuring that no person is placed at a disadvantage in any capacity.
33. **Invitations to Interview** - The Interview Invite aside from the obvious need to identify where, when, how and by whom the interview will be conducted should also where appropriate provide a reminder that:
- The interview will explore the individual's suitability to work with children, young people and/or vulnerable adults.
 - The identity of the successful candidate will be checked thoroughly to ensure they are who they claim to be
 - That where a DBS check is required for the post, the person who the panel are seeking to appoint will be required to complete an application for a DBS Disclosure, receive and share the DBS certificate with the Council before appointment can be confirmed.
 - That original documents and/or certified copies of educational and professional qualifications that are required for the post must be available to the Recruiter/ to the Council to view before appointment can be confirmed. In the absence of either, written confirmation of the applicant's qualifications must be obtained from the awarding body.
34. **Professional and character references** that address specific questions to help assess an applicant's suitability to work must be obtained prior to offering an appointment in any capacity. The Council provides a template reference pro-forma for this purpose.
35. Recruiters must not rely on open references and testimonials such as 'To whom it may concern'.
36. Where the post involves working with children, young people and/or vulnerable adults, the reference must include questions to assess the applicant's suitability to work with these groups. It is the safer recruitment letter request and reference template that should be followed for these appointments. This takes into account the requirements of the relevant regulatory bodies.
37. All returned references must be carefully scrutinised to ensure that all questions have been answered and that the answers support the applicant's suitability for the post applied for. This will be the responsibility of the recruiting manager. Some references will require follow up calls by the recruiting manager in accordance with relevant regulatory requirements.
38. If there are unanswered questions in the reference or the answers are vague or unspecific, the recruiting manager must contact the referee to provide answers or clarification as appropriate. The information attained must be recorded and compared with the application form to ensure consistency. Any discrepancy in the information provided must be taken up with the applicant.

39. **Conditional Offer of appointment** – Recruitment records maintained by HR must demonstrate that:

- An Identity check has been undertaken;
- A qualification check has been undertaken (original certificates received);
- Right to work in the UK has been established. The Council is legally required to establish this under the Immigration, Asylum and Nationality Act 2006;
- Two references have been received, one from current or most recent employer in every case where this is available along with a written record of any telephone conversation with a referee from the recruiting manager;
- That where a DBS check is required for the post, the person who the panel are seeking to appoint has completed an application for a DBS Disclosure, received and shared the DBS certificate with the Council.
- Where required, registration status relevant to the post that has been applied for has been satisfied, for example, Education Workforce Council (EWC), Care Inspectorate Wales (CIW);
- The Council's Occupational Health Department has confirmed the applicant has the health & physical capacity to undertake the post;
- Where required an overseas criminal record check documentation has been received and reviewed where appropriate.
- Gaps in employment and/or education have been accounted for by the recruiting manager.

AGENCY STAFF AND VOLUNTEERS - SAFE RECRUITMENT / ENGAGEMENT PRACTICE

Agency Staff

40. Under the Conduct of Employment Agencies and Employment Businesses Regulations 2003, employment agencies and employment businesses are not allowed to introduce or supply a work seeker to a hirer unless they have made checks to ensure that both the work seeker and hirer are aware of any legal or professional body requirements, which either of them must satisfy to enable the work seeker to work for the hirer. This should include:
- The agency/business checking that any supply staff have the qualifications and/or registration status and/or DBS status required for the post the hirer is seeking to fill.
 - The agency/business carrying out the same pre-employment checks as we do for our staff (see point 38 above).
 - Agencies being able to confirm that they consistently implement these checks and have carried out the checks for every individual they might/will supply to the hirer.
 - That they are only going to present a work seeker that has passed the **safer recruitment process** if the post involves working with children, young people and/or vulnerable adults.
41. The Agency/business must be prepared to commit to regular quality assurance checks with the hirer to satisfy themselves that safe recruitment practice has not

lapsed. Evidence of the quality assurance check must be available for audit purposes.

Volunteers

42. Volunteers are seen by children and vulnerable adults alike as safe and trustworthy adults, and if the Council/ the School is actively seeking volunteers, and is considering candidates about whom it has little or no recent knowledge, it should adopt the same recruitment measures as it would for paid staff.
43. Where an establishment/School approaches a person who is well known to them to take on particular role, a shorter procedure could be adopted, but it should still include obtaining **references**, conducting an informal interview to be clear about the person's suitability, and obtaining a DBS check where the role requires it. The completion of a risk assessment as a matter of good practice is recommended in such cases.
44. All those requested to work closely and regularly with children and young people and/or vulnerable adults in an unsupervised capacity, must have an enhanced DBS check.

POST APPOINTMENT – MAINTAINING A SAFER CULTURE

45. It is important that all staff in an establishment have appropriate training and induction so that they understand their safeguarding roles and responsibilities and are confident about carrying them out.
46. The content and nature of the induction process will vary according to the role and previous experience of the new member of staff or volunteer, but should:
 - Ensure adherence to any induction framework that is relevant to the post including promoting the understanding of any professional body status expectations of the post.
 - Include safe practice and the standards of conduct and behaviour expected of staff in the establishment, e.g. anti-bullying, anti-racism.
 - Identify how and with whom any concerns about those issues should be raised
 - Include other relevant HR procedures, such as disciplinary, capability and whistle blowing procedures.
47. If the post includes safeguarding and promoting the welfare of children, young people and/or vulnerable adults, the induction programme should also include information about, and written statements of:
 - policies and procedures in relation to safeguarding and promoting welfare e.g. safeguarding, child protection, adult protection, physical intervention or restraint, intimate care, internet safety and any local child/adult protection and safeguarding procedures
48. The induction should also include attendance at training appropriate to the individual's role.

49. Provide opportunities for the new member of staff / Agency staff or volunteer to discuss any issues or concerns about their role and responsibilities.
50. Enable the person's line manager or mentor to recognise any concerns or issues about the person's ability or suitability at the outset and address them immediately.
51. Monitoring of both the recruitment process and induction arrangements will help better inform future recruitment practices. This monitoring should cover staff turnover and reasons for leaving, exit interviews and the attendance of new recruits at relevant training.

MONITORING OF THE PROCEDURE

52. Good partnership working between Education, Children and Adult Services ensures that policies and procedures are effectively implemented and reflect the statutory guidance of the South East Wales Safeguarding Children Board (SEWCSB) and the Gwent Wide Adult Safeguarding Board (GWASB). Awareness and good practice is promoted through these Boards. The safe recruitment procedure will be reviewed annually to ensure consistent with Statutory Guidance and good reflective practice.

INTERPRETATION OF THE PROCEDURE

53. In the event of a dispute relating to the interpretation of this procedure, the Head of People Services and a Head of Service unconnected to the appointment/engagement will make the final decision on interpretation.

REVIEW OF THE PROCEDURE

54. A review of this procedure will take place annually in line with the Council's safeguarding and equal opportunities policies. The procedure will be updated appropriately to reflect any changes in legislation and guidance. Any amendments will be consulted on with all the relevant parties. However, in the case of amendments relating to legislative requirements, the procedure will be amended and reissued.

MARCH 2020

Disclosure and Barring Service (DBS) Policy

<i>Version of Policy</i>	Version 1
<i>Policy Ratified By:</i>	
<i>Date Ratified:</i>	
<i>Effective Date of Policy:</i>	March 2020
<i>Review Date:</i>	March 2021
<i>Applicable To:</i>	All Caerphilly employees including employees directly employed by Schools, Agency Workers, Volunteers, Elected Members and School Governors.
<i>Equalities Issues:</i>	<p>All Equalities considerations have been taken into account when drafting this Policy.</p> <p>This Policy is available in Welsh</p>



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DEFINITIONS

DBS – The Disclosure *and* Barring Service is an Executive Agency of the Home Office which was set up to undertake disclosure and barring functions which include processing requests for criminal record checks and to maintain the Children’s and Adult’s barred lists.

INTRODUCTION

1. The DBS service allows organisations to make safer recruitment decisions by providing access to criminal records for posts which are deemed to require a criminal records check.
2. Caerphilly County Borough Council is committed to safeguarding children and adults who access the services it provides and will utilise the services offered by the DBS to assist in the protection of children and adults from persons who may wish to harm them.
3. The provisions of this Policy, which must be read in conjunction with other relevant Council policies and procedures (e.g. Recruitment and Selection Procedure), will enable Managers/Heads of Service to ensure that employees, agency workers and volunteers are suitable to work with vulnerable groups.
4. Copies of this and related policies are available on the HR Support Portal or from Line Managers.

DETAIL OF THE POLICY

5. Posts Eligible for a DBS Check

The Council will only apply for checks to posts which have been identified as being eligible for a DBS check and are contained in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 or the Police Act 1997 (Criminal Records).

Managers will have the responsibility of ensuring that an up to date list is kept of posts eligible for a DBS check in their service area and is stored against the post on the HR database.

Counter signatories must satisfy themselves that the post stated on the DBS application is eligible under current legislation before they countersign the form.

DBS checks will equally apply to agency workers who undertake duties within the Council which have been identified as requiring a DBS check. The agency worker must have a valid DBS certificate which has been issued within the last 12 months.

The Council will carry out checks for Elected Members who serve on committees which involve the delivery of services for Children and Adults relating to Education or Social Services. Other specified roles which involve the Elected Member serving on committees or as a designated person will also require a DBS check.

The Council will also recommend to Schools that Governors are DBS checked as they are incorporated into the definition of "work with children" thus making them eligible for an enhanced level DBS check for the child workforce.

Volunteers whose role is eligible for a DBS check and which meets the DBS definition of a volunteer will be required to have the relevant level of DBS check in place prior to commencing their volunteering role.

6. Levels of criminal record check

There are 4 different levels of checks that can be requested

Basic Certificate

Standard check

Enhanced check

Enhanced check with Children's and/or Adults barred list check

The appropriate level of check will be dependant upon the post that the individual undertakes/due to undertake in the council. Full details are available on the DBS website <https://www.gov.uk/government/organisations/disclosure-and-barring-service>.

Advice can also be sought from the HR Department.

N.B. The application process will ask the Counter signatory to specify the type of workforce the applicant will be working with i.e:

- Adult workforce
- Children's workforce
- Adult and Children's workforce
- Other workforce (e.g. when considering applications for licences for Taxi drivers, Gambling premises, etc)

7. When to check?

There are a number of occasions when it would be appropriate to request that a person undertakes a relevant DBS check, these include:

- Recruitment - both internal and external
- Person changing role within the Council
- Staff being transferred into the council.
- Volunteers carrying out voluntary work for the Council.

8. Renewal of DBS certificate

The Councils policy is to carry out a 3 year recheck of all persons requiring a DBS certificate as a condition of their employment. The council will fund the renewal checks.

9. Secure handling of disclosure Information and Data protection.

9.1 General principles

Caerphilly County Borough Council utilises the DBS to help assess the suitability of applicants for relevant posts and complies fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of disclosures and disclosure information. It also complies fully with its obligations under the Data Protection Act 2018 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Certificate information and has a written policy on these matters, which is available to those who wish to see it on request.

9.2 Storage and access

Disclosure information should be kept securely, in lockable, non-portable, storage containers and with access strictly controlled and limited to those who are entitled to see it as part of their duties.

9.3 Handling

In accordance with Section 124 of the Police Act 1997, certificate information is only passed to those who are authorised to receive it in the course of their duties. We maintain a record of all those to whom certificates or certificate information has been revealed and it is a criminal offence to pass this information to anyone who is not entitled to receive it.

9.4 Usage

Disclosure information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

9.5 Retention

Once a recruitment (or other relevant) decision has been made, we do not keep Disclosure information for any longer than is necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep Disclosure information for longer than six months, we will consult the DBS about this and will give full consideration to the data protection and human rights of the individual before doing so.

Throughout this time, the conditions regarding the safe storage and strictly controlled access will prevail.

Services which are inspected by the Care Inspectorate Wales and by Estyn may be legally entitled to retain the certificate for the purposes of inspection.

9.6 Disposal

Once the retention period has elapsed, we will ensure that any Disclosure information is immediately destroyed by secure means, e.g. by shredding. While awaiting destruction, Disclosure information will not be kept in any receptacle that is not secure (e.g. waste bin or confidential waste sack).

We will not keep any photocopy or other image of the Disclosure or any copy of representation of the contents of a Disclosure. However, notwithstanding the above, we may keep a record of the date of issue of a Disclosure, the name of the subject, the type of Disclosure requested, the position for which the Disclosure was requested, the unique reference number of the Disclosure and the details of the recruitment decision taken.

10. Transgender applications

There is a confidential DBS process specifically for transgender applicants, who should contact the DBS sensitive applications line on 0151 676 1452 or email sensitiver@dbs.gsi.gov.uk for further advice about completing the form.

11. Acting as an umbrella body

Before acting as an umbrella body (an umbrella body being a registered body which countersigns applications and receives certificate information on behalf of other employers or recruiting organisations), we will take all reasonable steps to satisfy ourselves that the organisation will handle, use, store, retain and dispose of certificate information in full compliance with the Code of Practice and in full accordance with this policy.

We will also ensure that any body or individual, at whose request applications for DBS certificates are countersigned, has such a written policy and, if necessary, will provide a model policy for that body or individual to use or adapt for this purpose.

INTERPRETATION OF THE POLICY

12. In the event of a dispute relating to the interpretation of this policy the Head of People

Services or the Human Resources Service Manager will make the final decision on interpretation.

REVIEW OF THE POLICY

- 13.** A review of this policy will take place when appropriate. Any amendments will be consulted on with all the relevant parties. However, in the case of amendments relating to legislative requirements, the policy will be amended and reissued.

MARCH 2020

Disclosure and Barring Service (DBS) Policy relating to School Governors (Recommended to Schools)

<i>Version of Policy</i>	Version 1
<i>Policy Ratified By:</i>	
<i>Date Ratified:</i>	
<i>Effective Date of Policy:</i>	March 2020
<i>Review Date:</i>	31 July 2021
<i>Applicable To:</i>	School Governors
<i>Equalities Issues:</i>	<p>All Equalities considerations have been taken into account when drafting this Policy.</p> <p>This Policy is available in Welsh</p>



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DEFINITIONS

DBS – The Disclosure and Barring Service is an Executive Agency of the Home Office which was set up to undertake disclosure and barring functions which include processing requests for criminal record checks and to maintain the Children's and Adult's barred lists.

INTRODUCTION

1. The DBS service allows organisations to make safer recruitment decisions by providing access to criminal records for posts which are deemed to require a criminal records check.
2. Caerphilly County Borough Council is committed to safeguarding children and adults who access the services it provides and will utilise the services offered by the DBS to assist in the protection of children and adults from persons who may wish to harm them.
3. The provisions of this Policy, which must be read in conjunction with the Council's recommended 'Safer Recruitment' policy and the School's Safeguarding/Child Protection policy, will enable Headteachers to ensure that School governors are suitable for the roles attributed to them in this capacity.
4. Copies of this and related policies are available on the HR Support Portal.

DETAIL OF THE POLICY

5. Posts Eligible for a DBS Check

- 5.1 Headteachers' have the responsibility for ensuring that an up to date list is kept of posts eligible for a DBS check in their School and Counter Signatories must satisfy themselves that the post stated on the DBS application is eligible under current legislation before they counter sign the form.
- 5.2 Headteachers are used to determining if a person's employment or engagement entitles them to a DBS check. In most cases this involves working out whether the person will be engaging in 'regulated activity' and where it is determined that this will be the case, the relevant enhanced DBS check is undertaken with access to barred lists. The vast majority of School governors however will never engage in activity that clearly meets the definition of 'regulated activity'.
- 5.3 The role of School Governor used to be included in the original definition of regulated activity with children, as set out in the Safeguarding Vulnerable Groups Act (SVGA) 2006. Following changes to this definition by the Protection of Freedoms Act 2012 however, School Governors were removed. This means that the roles are no longer classed as being regulated activity and therefore not eligible for a barred list check. This does not however prevent School Governors from being asked to apply for a relevant DBS check.
- 5.4 The Police Act 1997 (Criminal Records) Regulations 2002 were amended in 2012 to incorporate the role of School Governor into the new definition of 'work with children'. This made individuals holding these positions eligible to be asked to apply for enhanced level DBS checks in the child workforce, but without a children's barred list check.
- 5.5 The Disclosure and Barring Service in 2018 circulated guidance to all Local Authorities in Wales referring to School Governors and Elected Members of the Council specifically. This guidance clarified that:
 - ALL School governors are eligible to be asked to apply for enhanced level DBS check (no barred list)
- 5.6. Following a review of the Council's Recruitment and Selection Procedure in terms of safer recruitment practice and in consideration of the Council's safeguarding commitment to ensure that our statutory responsibilities to safeguard and protect children, young people and vulnerable adults are effectively met, it is a recommendation of this policy that:

- ALL School Governors are asked to apply for an enhanced DBS check (no barred list).

6. Levels of DBS check

6.1 All School Governors are eligible to be asked to apply for an enhanced level DBS check (without a children's barred list check).

6.2 NB The application process will ask the Counter signatory to specify the type of workforce the applicant will be working with. For School Governors this will be:

Children's workforce
or
Adult and Children's workforce

7. When to undertake the check?

7.1 The occasions when it would be appropriate under this Policy to request that a School Governor undertakes the relevant DBS check include:

- Following the School Governing Body's adoption of this Policy.
- Following election to the Governing Body of the School.

8. Renewal of DBS certificate

8.1 The Council's policy is to carry out a 3 year recheck of all persons requiring a DBS certificate as a condition of their employment. It is recommended under this policy that School Governors also commit to a 3 year recheck if they remain a School Governor at the point of each recheck.

9. Secure handling of disclosure Information and Data protection.

9.1 General principles

Caerphilly County Borough Council utilises the Disclosure and Barring Service (DBS) to help assess the suitability of applicants for relevant posts/roles and complies fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of disclosures and disclosure information. It also complies fully with its obligations under the Data Protection Act 2018 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Certificate information and has a written policy on these matters, which is available to those who wish to see it on request.

9.2 Storage and access

Disclosure information should be kept securely, in lockable, non-portable, storage containers and with access strictly controlled and limited to those who are entitled to see it as part of their duties.

9.3 Handling

In accordance with Section 124 of the Police Act 1997, certificate information is only passed to those who are authorised to receive it in the course of their duties. We maintain a record of all those to whom certificates or certificate information has been revealed and it is a criminal offence to pass this information to anyone who is not entitled to receive it.

9.4 Usage

Disclosure information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

9.5 Retention

Once a recruitment (or other relevant) decision has been made, we do not keep Disclosure information for any longer than is necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep Disclosure information for longer than six months, we will consult the DBS about this and will give full consideration to the data protection and human rights of the individual before doing so.

Throughout this time, the conditions regarding the safe storage and strictly controlled access will prevail.

As part of their inspection system by Estyn, Schools may be legally entitled to retain the certificate for the purposes of inspection.

9.6 Disposal

Once the retention period has elapsed, we will ensure that any Disclosure information is immediately destroyed by secure means, e.g. by shredding. While awaiting destruction, Disclosure information will not be kept in any receptacle that is not secure (e.g. waste bin or confidential waste sack).

We will not keep any photocopy or other image of the Disclosure or any copy of representation of the contents of a Disclosure. However, notwithstanding the above, we may keep a record of the date of issue of a Disclosure, the name of the subject, the type of Disclosure requested, the position for which the Disclosure was requested, the unique reference number of the Disclosure and the details of the recruitment decision taken.

10 Transgender applications

There is a confidential DBS process specifically for transgender applicants, who should contact the DBS sensitive applications line on 0151 676 1452 or email sensitiver@dbs.qsi.gov.uk for further advice about completing the form.

11 Acting as an umbrella body

Before acting as an umbrella body (an umbrella body being a registered body which countersigns applications and receives certificate information on behalf of other employers or recruiting organisations), we will take all reasonable steps to satisfy ourselves that they will handle, use, store, retain and dispose of certificate information in full compliance with the [code of practice](#) and in full accordance with this policy.

We will also ensure that any body or individual, at whose request applications for DBS certificates are countersigned, has such a written policy and, if necessary, will provide a model policy for that body or individual to use or adapt for this purpose.

INTERPRETATION OF THE POLICY

- 12.** In the event of a dispute relating to the interpretation of this policy the Head of People Services or the Human Resources Service Manager will make the final decision on interpretation.

REVIEW OF THE POLICY

- 13.** A review of this policy will take place when appropriate. Any amendments will be consulted on with all the relevant parties. However, in the case of amendments relating to legislative requirements, the policy will be amended and reissued.

MARCH 2020



Disclosure &
Barring Service

A Guide to School Governor and Elected Councillor Roles in Wales



|||||

Disclaimer: This is not legal advice. If you need help with making sure you are complying with the law, you should speak to a legal advisor.

|||||

School Governors

Including:

- Member of or clerk to the governing body of an educational establishment
- A person appointed by the governing body of a maintained school to serve on a committee

Type of check

Anyone holding any of the positions above is eligible to be asked to apply for an enhanced level DBS check in the child workforce, but without a children's barred list check.

The legislation:

These roles used to be included in the original definition of regulated activity with children, as set out in the Safeguarding Vulnerable Groups Act (SVGA) 2006. However, following changes to this definition by the Protection of Freedoms Act 2012 they were removed. This means that the roles are no longer classed as being regulated activity and are therefore not eligible for a barred list check.

The Police Act 1997 (Criminal Records) Regulations 2002 were amended in 2013 to incorporate these roles into the new definition of ‘work with children’. This made the individuals holding these positions eligible to be asked to apply for enhanced level DBS checks in the child workforce, but without a children’s barred list check.

Elected Councillors

Elected councillors are only eligible for an enhanced DBS check in the child or adult workforce **without** a barred list check **if** they are appointed as a member of a committee or sub-committee involved in:

- the delivery of services for children relating to education or social services;
- the delivery of services for adults relating to social services, as explained below.

If the councillor is an appointed member of one of these types of committee, the ‘Position Applied For’ field on a DBS application form would need to reflect this, rather than indicate that the applicant is an elected councillor.

Elected councillors who aren’t members of these committees can only apply for a basic check for themselves. This is because the role is not named in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 or included in the Police Act 1997 (Criminal Records) Regulations.

Committee/Sub-committee Members

Individuals appointed as local authority committee and sub-committee members can be eligible to be asked to apply for an enhanced level DBS check in the child and/or adult workforce, depending on which of the groups the committee is involved with. There is no eligibility for a check against either the children's or adults' barred lists in these circumstances.

The legislation:

These roles used to be included in the original definition of regulated activity with children and adults, as set out in the Safeguarding Vulnerable Groups Act (SVGA) 2006. However, following changes to this definition by the Protection of Freedoms Act 2012 they were removed. This means that the roles are no longer classed as being regulated activity and are therefore not eligible for a barred list check.

The Police Act 1997 (Criminal Records) Regulations 2002 were amended in 2013 to incorporate these roles into the new definitions of 'work with children' and 'work with adults'. This made the individuals holding these positions eligible to be asked to apply for enhanced level DBS checks in the child or adult workforce, but without relevant barred list checks.



Type of check

Committee and sub-committee members can be eligible to be asked to apply for an enhanced level DBS check in the **child** workforce if:

- the local authority carries out any education functions, or social services functions **and**
- the committee relates to any of the above matters.

Committee and sub-committee members can be eligible to be asked to apply for an enhanced level DBS check in the **adult** workforce if:

- the committee relates to any social services functions that relate wholly or mainly to adults who receive a health or social care service within the meaning of Appendix A **or** a specified provision within the meaning of Appendix B.

Appendix A

For a committee to provide social service functions for adults, the adults must receive one of the health or social care services listed below.

- a) residential accommodation provided for an adult in connection with any care or nursing he requires
- b) accommodation provided for an adult who is or has been a pupil attending a residential special school, where that school is –
 - i. a special school
 - ii. an independent school which is in Wales
 - iii. an independent school which provides places for children with special educational needs

- iv. an institution within the further education section which provides accommodation for children
 - v. a 16 to 19 Academy which provides accommodation for children
- c) sheltered housing
- d) care of any description or assistance provided to an adult by reason of his age, health or any disability he has, which is provided to the adult in the place where he is, for the time being, living, whether provided continuously or not
- e) any form of health care, including treatment, therapy or palliative care of any description
- f) support, assistance or advice for the purpose of developing an adult's capacity to live independently in accommodation, or sustaining their capacity to do so
- g) any service provided specifically for adults because of their age, any disability, physical or mental illness, excluding a service provided specifically for an adult, with one or more of the following disabilities (unless that person has another disability) –
- i. dyslexia
 - ii. dyscalculia
 - iii. dyspraxia
 - iv. Irlen syndrome
 - v. Alexia
 - vi. auditory processing disorder
 - vii. dysgraphia
- h) any service provided specifically to an expectant or nursing mother in receipt of residential accommodation pursuant to arrangements made under section 21(1)(aa) of the National Assistance Act 1948 or care pursuant to paragraph 1 of Schedule 20 to the National Health Service Act 2006.

This list is taken from The Police Act 1997 (Criminal Records) Regulations 2002 – Regulation 5B Work with adults, paragraph 9. More details about the legislation relating to the positions can be found in the Adult Workforce Guide on the DBS website.

Appendix B

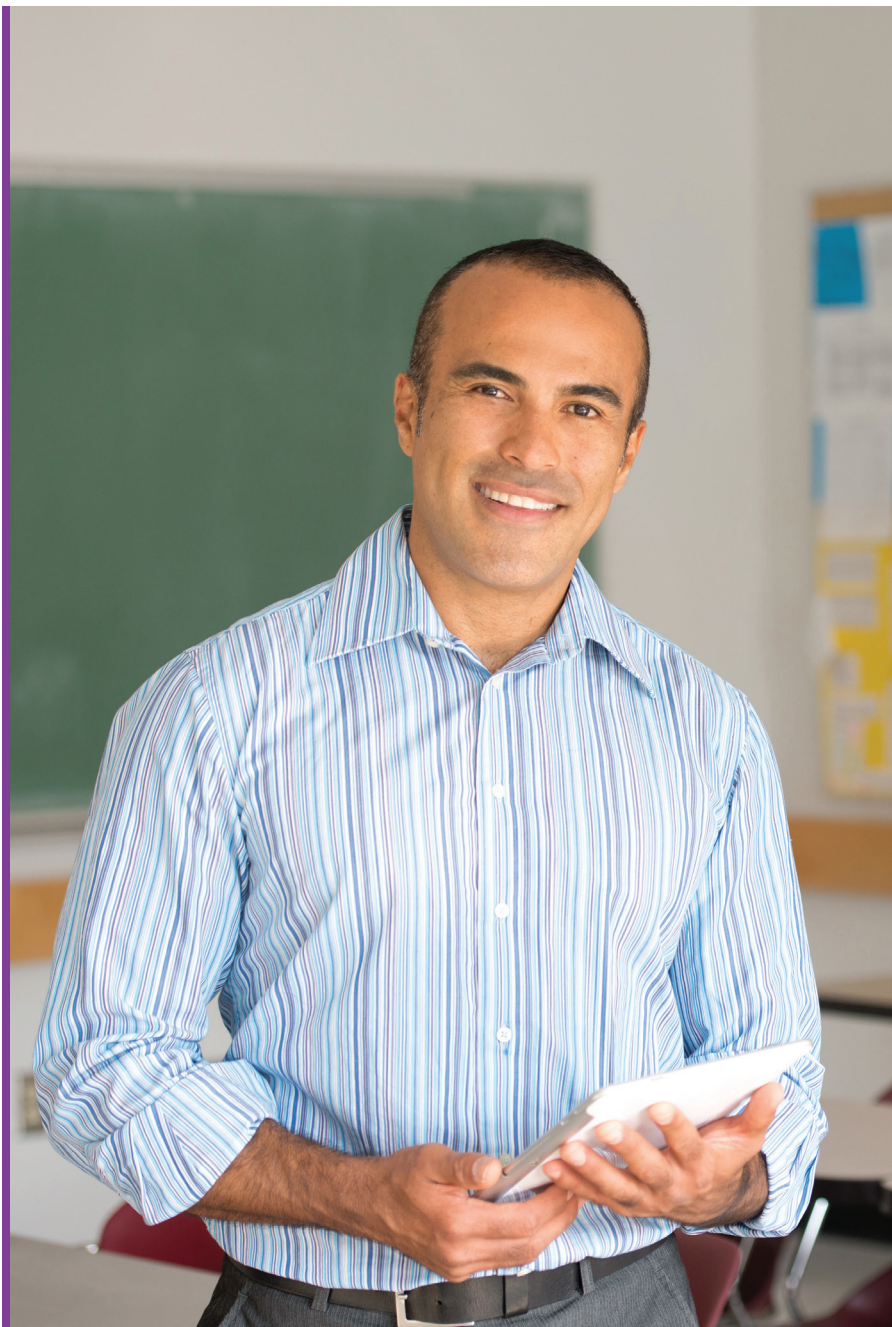
For a committee to provide social service functions for adults, the adults must be in receipt of one of the provisions listed below.

- a) the detention of an adult in lawful custody in a prison, a remand centre, young offender institution or a secure training centre or an attendance centre
- b) the detention of a detained person who is detained in a removal centre or short-term holding facility or in pursuance of escort arrangements made under section 156 of the Immigration and Asylum Act 1999
- c) the supervision of an adult by virtue of an order of a court by a person exercising functions for the purposes of Part 1 of the Criminal Justice and Court Services Act 2000
- d) the supervision of an adult by a person acting for the purposes mentioned in section 1(1) of the Offender Management Act 2007
- e) the provision to an adult of assistance with the conduct of their affairs in situations where –
 - i. a lasting power of attorney is created in respect of the adult in accordance with section 9 of the Mental Capacity Act 2005 or an application is made under paragraph 4 of Schedule 1 to that Act for the registration of an instrument intended to create a lasting power of attorney in respect of the adult
 - ii. an enduring power of attorney (within the meaning of Schedule 4 to that Act) in respect of the adult is registered

in accordance with that Schedule or an application is made under that Schedule for the registration of an enduring power of attorney in respect of the adult

- iii. an order under section 16 of that Act has been made by the Court of Protection in relation to the making of decisions on the adult's behalf, or such an order has been applied for
- iv. an independent mental capacity advocate is or is to be appointed in respect of the adult in pursuance of arrangements under section 35 of that Act
- v. independent advocacy services (within the meaning of section 187 of the National Health Service (Wales) Act 2006) are or are to be provided in respect of the adult
- vi. a representative is or is to be appointed to receive payments on the adult's behalf in pursuance of regulations made under the Social Security Administration Act 1992
- f) payments are made to the adult or to another person on the adult's behalf under arrangements made under section 57 of the Health and Social Care Act 2001
- g) payments are made to the adult or to another person on the adult's behalf under section 12A(1) or under regulations made under section 12A(a) of the National Health Service Act 2006 or under regulations made under section 12A(4) of that Act

This list is taken from The Police Act 1997 (Criminal Records) Regulations 2002 – Regulation 5B Work with adults, paragraph 10.



Further Information

Further information on eligibility can be found on our website **www.gov.uk/dbs**.

By clicking the Eligibility Guidance heading, you will be able to access:

- DBS eligibility tool which may help you establish whether a role is eligible for any level of DBS check.
- DBS workforce guides
- Department for Education guidance on regulated activity with children
- Department of Health guidance on regulated activity with adults
- Statutory guidance from the Department for Education on supervision

It is important to make sure that the law allows you to submit a DBS application. You are legally responsible for making sure you can submit applications and should be aware of the legislation that supports each application in case we need further clarification.





Disclosure & Barring Service

Contact

General enquiries: customerservices@dbb.gsi.gov.uk

Corporate relations: communications@dbb.gsi.gov.uk

Telephone: 03000 200 190

Welsh Language: 0300 200 191

Minicom: 03000 200 192

International: +44 151 676 9390

Website: www.gov.uk/dbb