



SAFEGUARDING



**DBS / SAFE RECRUITMENT POLICY
(FOR ROLES WORKING WITH VULNERABLE GROUPS -
CHILDREN AND/OR ADULTS)**

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1.0 Purpose

This policy sets out Ceredigion County Council's standards towards the safe recruitment and retention of people who wish to work with vulnerable groups (children and/or adults). It compliments the Recruitment and Selection Policy and Safe Recruitment guidance for Schools which sets out the wider pre-employment checks.

The Council ensures that its recruitment is on the basis of an objective and systematic assessment of candidates against related job factors. Through the use of fair employment practices and the adoption of this policy, the Council is keen to ensure that the information relating to criminal records is dealt with in context and with discretion.

Ceredigion County Council is a registered body for the use of Disclosure and Barring (DBS) certificates and only request checks to be carried out where it is both proportionate and relevant to the position concerned and where it is required by statute.

2.0 Scope

This policy applies to all Ceredigion County Council employees appointed under the terms and conditions of their employment:

Additionally, this Policy also applies in other situations where a Disclosure and Barring certificate is required, e.g. volunteers, student placements, agency staff, external contractors, commissioned services, Fostering and Adoption, School Governors and Council Members.

This Policy will be recommended for adoption by Schools for employees appointed by a School Governing Body in respect of whom the "policy" is determined by the relevant Governing Body.

3.0 Principles

The Council has a duty to ensure the safety and protection of vulnerable groups (children and/or adults) who receive a service from the Council and within the wider community.

The Council has a duty to ensure the suitability of everyone it employs in whatever capacity. A disclosure and barring check is used as part of making a decision about prospective or continued employment.

This Safe Recruitment Policy supplements the Recruitment and Selection Policy which governs the other recruitment pre-employment checks necessary for the whole workforce.

All organisations using the Disclosure and Barring Service (DBS) are obliged to comply with the DBS Code of Practice.

It will be the responsibility of the recruiting/engaging Manager to establish the suitability of workers engaged through external contracts, including temporary staffing agencies, and be assured that the appropriate level of pre employment checks have been undertaken.

All the relevant pre employment and safe recruitment checks (as in paragraph 6.0) must be carried out. The relevant guidance for Managers/ Headteachers/ Governors set out arrangements for this. Managers must ensure that all checks have been completed and are satisfactory.

Managers and employees should be aware that even the most careful selection process cannot identify all those who may pose a risk to vulnerable groups (children and/or adults). Therefore, Managers and employees should always be alert to inappropriate behaviour. The emphasis should be on enabling a culture which allows and provides the people we work with the confidence and mechanisms to raise any concerns they may have

A rounded approach to pre employment should be maintained at all times, often DBS will not disclose all risks. Where as thorough checks on employment history, gaps in employment, references' and asking appropriate questions at interview would provide this.

A full review of the Policy will take place every three years.

The Head of Legal, Human Resources and Democratic Services will have the authority to review the policy and procedure within the three year period, to make any amendment/s necessary to reflect any changing legal requirements or make minor alterations.

4.0 Equalities

It is unlawful for the Council to discriminate against employees because of any of the protected characteristics as follows: Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex (gender), Sexual Orientation.

All workers (irrespective of their employment status) are protected by law against discrimination in the course of their employment with the Council. Further information can be found within the Policy on Equality of Opportunity in Employment. It is unlawful for Managers to discriminate against an individual on the grounds that he or she is "associated with" someone with a particular protected characteristic. The Council will not victimise an employee because he or she has raised a genuine complaint of discrimination, or assisted another employee with a complaint. Please refer to the Whistleblowing Policy and Grievance Procedure.

Employees are protected against all forms of discrimination in every aspect of their employment. This will include the terms and conditions of their contract,

including information that is contained in the Employee Handbook and HR Policies.

This Policy and the supporting guidance have been introduced to ensure that ex-offenders, whether paid employees or volunteers, are treated fairly and responsibly, based on a full assessment of the risks involved.

In making safe employment decisions, Managers should make objective assessments, adopt an open mind and focus on merit and ability to do the job. When information is received on a DBS certificate consideration should be given to the relevance of the age of convictions or cautions and the circumstances, dates, the nature and relevance of the offence. The frequency/patterns and the potential risks involved in employing the individual and if and how these could be sensibly and effectively managed. Any decisions should be proportionate and relevant to more serious convictions/caution and whether spent or unspent when working with vulnerable groups children and/or adults. Appendix 2 'Review of adverse disclosure' should be completed by the Line Manager/Headteacher to record the decision making process.

5.0 Minimum Standards/Policy Requirements

5.1 Minimum age for DBS checks

The minimum age for undertaking a DBS check is 16 years.

5.2 Responsibilities as DBS registered Body and Managers

Lead Counter Signatory is responsible for

- Acting for the principal point of contact for the DBS
- Ensuring that the Council's practices and counter signatories comply with the requirements and guidance in line with the DBS Code of Practice

Counter Signatory is responsible for

- Ensuring that the correct level of disclosure is requested.
- Counter signing disclosure forms
- Controlling the use, access and security of disclosure certificates
- Satisfying themselves of the identity of the person applying for a disclosure
- Satisfying themselves that the evidence presented is genuine and in line with DBS requirements
- The mandatory fields on the application form are completed to the satisfaction of the DBS and that data supplied is accurate.

Heads of Service Headteachers and Managers are responsible for

- Ensuring that all individuals do not commence in a post or are engaged in another capacity e.g. volunteer, until they are in receipt of all relevant checks and these are satisfactory
- Ensuring that in their team or School DBS Certificates are renewed in accordance with statutory requirements and Council Policy

Disclosure applicants are responsible for

- Providing the necessary evidence for identity checks in a timely manner and in person
- Disclosing all of the necessary information to enable a DBS certificate application to be made in a timely manner
- Disclosing all information that could be relevant to the DBS throughout the duration of their employment/work/services for the Council
- Informing the Manager and Human Resources Section of any convictions, cautions arrests or other allegations of criminal behaviour that occur in the future or have occurred since their last DBS certificate.
- Providing a copy of their DBS Certificate to the Council on request
- Providing their consent to enable the Council to undertake checks using the DBS update service. A copy will be retained on file and in cases where registration with statutory bodies is required permission at any time to check status will be required.
- Providing evidence of DBS to the Head Teacher on request if engaged, employed or working in a supporting role within a school

5.3 Types of DBS Disclosure

There are 2 types of disclosure – standard and enhanced. The Council's policy, which is in some circumstances, dictated by regulations/national minimum standards is to undertake enhanced level checks on individuals applying to or working with vulnerable groups (children and/or adults).

5.3.1 Standard Checks

Standard checks can be applied for by people entering certain professions, such as members of the legal and accountancy professions and applying for specified licences. A standard check contains:

- details of all convictions, cautions, reprimands and warnings held on the Police National Computer (PNC)

To be eligible for a standard level DBS check the position must be included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975.

5.3.2 Enhanced Checks

Four types of Enhanced Disclosures can be obtained. All 4 contain the same information as the Standard Disclosure but with the addition of any relevant and proportionate information held by the local police forces. When engaging

individuals to work within regulated activity (as defined by the Protection of Freedoms Act), a request can be made for an Enhanced Disclosure with a check against the relevant DBS Barred List(s):

Enhanced Options	PNC	Police information	Children's Barred List	Adults' Barred List
1	✓	✓		
2	✓	✓	✓	
3	✓	✓		✓
4	✓	✓	✓	✓

5.3.3 Identifying the correct level of disclosure required

The Council must ensure that it is legally entitled to ask an individual to make an application for a Disclosure.

To be eligible for an enhanced level DBS certificate, the position must be included in both the Rehabilitation of Offenders (ROA) Exceptions Order and in the Police Act Regulations.

Each Head of Service, in consultation with the Human Resource Section, **will define which jobs are legally entitled to be DBS checked and at what level.** This will be recorded by the HR section.

In respect of employees, DBS checks will be undertaken in respect of individuals who are offered employment, and cannot be undertaken in respect of all applicants.

5.4 **Regulated Activity**

The definition of a regulated activity is detailed below (this definition changed in October 2012). For those working in regulated activity, an enhanced disclosure will be required which will include checks against the children's and/or adults barred lists.

Regulated Activities (as defined within 2012 Protection of Freedoms Act)
(A full definition is included at Appendix 1)

Summary - Regulated activity relating to children:

- i Unsupervised activities: teach, train, instruct, care for or supervise children, or provide advice/guidance on well-being, or drive a vehicle only for children;
- ii Work for a limited range of establishments ('specified places'), with opportunity for contact: for example, schools, children's homes, childcare premises. Not work by supervised volunteers;
- iii Relevant personal care, for example washing or dressing; or health care by or supervised by a professional;
- iv Registered childminding; and foster-carers.

Work under (i) or (ii) is regulated activity only if done regularly (full definition of regulated activity is included at Appendix 1)

Summary - Regulated activity relating to adults:

There is also no longer a requirement for a person to do the activities a certain number of times before they are engaging in regulated activity. There are six categories of people who will fall within the new definition of regulated activity (and so will anyone who provides day to day management or supervision of those people). A broad outline of these categories is set out below.

- Providing health care
- Providing personal care
- Providing social work
- Assistance with cash, bills and/or shopping
- Assistance in the conduct of a person's own affairs
- Conveying eg: transporting adults from their home to a place where they will receive health, personal or social care. This will not include friends or taxi drivers.

It is a criminal offence for a barred person to work, or volunteer, in regulated activity and it is a criminal offence for an employer to knowingly employ (either on a paid or voluntary basis) a barred person in regulated activity.

5.4.1 Enhanced DBS checks without barred list checks

Enhanced DBS checks must be undertaken for individuals who work with vulnerable groups (children and/or adults) and whose duties fall under the old definition of regulated activity as defined by the Safeguarding Vulnerable Groups Act 2006. These roles have contact with Vulnerable groups (children and/or adults), but do not fall under the new definition of regulated activity in section 5.4. Managers need to assess any new posts that may fall under the old definition of regulated activity. Appendix 1 includes the old definition of regulated activity.

5.4.2 DBS Checks for those who hold specified positions

The Head of Legal, Human Resources and Democratic Services has identified the roles of Council Members, Members of Adoption and Fostering Panels and Members of Safeguarding Boards who have direct access to vulnerable groups (children and/or adults) that must have an enhanced DBS check (without the barred lists check).

5.4.3 DBS Checks for School Governors

School Governors are no longer required to have an enhanced DBS check as a condition of their appointment. However, the following roles within

Governing Bodies will require an enhanced DBS check without a barred list check:

- Chair of Governors
- Governor responsible for Child Protection
- Governor responsible for Special Educational Needs.

Any Governors giving cause for concern should also be asked to obtain an enhanced DBS check. Governors in positions that include work in regulated activity (new and old definitions) will be subject to an enhanced DBS check on the same basis as employees and volunteers.

5.4.4 DBS Checks for Fostering and Adoptive Parents

Fostering and adoptive parents are required by statute to have an enhanced DBS check which will include a check against the Children's Barred List. The fostering checks are the responsibility of the Heads of Service and requests will be processed by the Human Resources Section and the relevant Adoption Agency process Adoptive parent checks.

5.4.5 Agency Workers and Contracts of Services

Agency workers working in regulated activity (new and old definitions) will be subject to an enhanced DBS check on the same basis as employees. DBS checks must not be more than 12 months old when they are initially engaged by the Council. The same standard of pre-employment checks are required as Council employees.

Managers responsible for engaging agency workers must ensure that they verify all pre-employment checks, including sight of the DBS certificate and take copies where appropriate, in accordance with the Council's procedure.

Contracts for Service which have access to vulnerable groups (children and/or adults) e.g. NCH Cymru should state within the contract the necessity for a DBS check, which will be at the same level of check as if the service were being provided directly by the Council.

5.4.6 Students

Students will be subject to an enhanced DBS check by their University/College and if working within regulated activity a check against the relevant Barred List. The engaging Manager must have sight of this and sign this off.

5.4.7 Licensing

Taxi drivers must have an enhanced DBS check, including a check against either the Children's or Adults Barred Lists or both depending on the role. These are processed through Licensing.

5.4.8 Volunteers

Volunteers working in regulated activity (new and old definitions) will be subject to an enhanced DBS check on the same basis as employees. Managers engaging volunteers must ensure that they have a completed volunteer application form (Appendix 3), have sight of the DBS certificates and be satisfied with the disclosure, confirm identity and ensure that suitable references are received. Only after all these checks have been completed satisfactorily may the individual take up their volunteering role.

5.5 **Portability of DBS Checks**

For all external appointments an individual **may not start** work in regulated activity until a satisfactory Enhanced DBS check, check against the Barred List(s) and all other pre employment checks have been received by the Council.

For internal appointments only, employees may commence work in a similar position within the same workforce category at the discretion of the Head of Service in the following circumstances:

- The employee has a previous fully portable DBS check which is 12 months old or less.
- The individual has a previous fully portable DBS check which is less than 3 years old. However, in these circumstances whilst the employee will be able to commence work, a new DBS check will be requested.

*If an individual states they have a DBS disclosure, Managers **must** seek advice from Human Resources to check that any previous DBS disclosure is fully portable.*

A DBS 'Update Service' has been introduced. Employees will be able, for a fee, to subscribe to the Update Service. They will apply for a criminal check once and then, if they need a similar check again, they will be able to use their existing certificate and the Council will be able to carry out an on-line check to ensure that it is up to date. This will mean that individuals will not need to make an application for a new check each time they start work in a new regulated activity.

5.6 **Renewal of a DBS Disclosure**

For some posts within the Council, the frequency of a DBS check is governed by statute. For example, the Children's Homes (Wales) Regulations 2002, and other regulations covered by the Care Standards Act, set a minimum frequency of every 3 years.

The Council has determined the frequency of a renewal for all other posts subject to an Enhanced DBS disclosure is at least 3 years and no more than 4 years. Posts subject to a Standard disclosure should be renewed as a minimum every 8 years.

When an employee is requested to submit a renewal application, and fails to do so, any repeated failure of the employee to return the DBS form within a 4 week period may result in termination of employment. The employee will be given 10 working days to complete the forms. If the form has not been received within those 10 working days, a reminder will be sent out to the employee, copied to the Manager (in writing). At this stage the Manager will need to be informed giving them a further 5 working days to complete the forms otherwise the employee may be subject to disciplinary action

5.6.1 Agency Staff and Contracts of Services

Agency staff working in posts subject to an Enhanced DBS check will be subject to the same standard of renewal of their DBS check on the same basis as employees.

Contracts for Service which have access to vulnerable groups (children and/or adults) should include in the renewal standards of the contract on the same basis as if the service were being provided directly by the Council.

5.6.2 Students

There is no need for renewal of a student DBS certificate as most courses are a maximum of 3 years, e.g. Degree in Social Work, and all colleges must obtain a DBS on their students prior to entry on to the course.

5.6.3 Licensing

Current Council policy is that taxi drivers should have their DBS check renewed every 3 years.

5.6.4 Volunteers

A risk assessment should be carried out by the Head of Service/Headteacher/Manager as to the frequency of renewing checks on volunteers who require an enhanced DBS check. The maximum frequency should be every 3 years and the minimum frequency every 4 years. Heads of Service should choose the same level of frequency as if the role of the volunteer was carried out by an employee, i.e. there should be no difference between paid or unpaid work. Account should be taken for frequency of gaps between using a volunteer.

5.7 Identity Checks required for a DBS Disclosure

The HR Section will require the individual to present their documentation to the identity checker for the recruiting/licensing service or School where an Officer will meet the applicant personally in order to compare and record the photograph on the ID with the appearance and other identity documentation of the individual as required in the DBS guidance.

5.8 When a Criminal Record is revealed on a Disclosure

Disclosures containing previous convictions/cautions are not necessarily a bar to obtaining a position. However, failure to disclose such convictions may be seen as an attempt to obtain employment by deception, and as such would normally result in withdrawal of the offer of employment, when the information is known (or application to become a volunteer, foster parent, student placement etc).

During the process of application, an applicant will be given an opportunity to discuss with the appointing officer any unspent criminal records or certain spent convictions and cautions that are not protected under the Exceptions Order 1975, or any other relevant information.

A DBS check can only be requested when a formal offer of employment has been made. This is a requirement in the contract of employment.

If the DBS check identifies any information, the appointing officer (or other nominated officer) will complete a Review of Information disclosed or received through a DBS check (Appendix 2) including a meeting with the individual and make a recommendation to the relevant Head of Service as to whether this impacts on their suitability and whether the appointment or engagement should proceed.

In making decisions, based on the outcome of a DBS check, Service areas should make objective assessments; adopt an open mind and focus on the ability to do the job. Consideration should be given to the relevance of old convictions or cautions and the circumstances, dates, the nature and relevance of the offence, frequency/patterns and the potential risks involved in employing the individual and if and how these could be sensibly and effectively managed. Any decisions should be proportionate and relevant to more serious convictions/caution and whether spent or unspent. Decisions should also take account of wider pre-employment checks e.g. references

If a DBS identifies a conviction on an Agency Worker/Volunteer, then the Manager, who engages the worker, must assess the risk in the same way as if the individual was a prospective employee. In respect of Governors, and others who hold office, the relevant Head of Service will undertake the appropriate risk assessment process as available from the Governors Support Section of Learning Services.

5.9 Single Certificate

From 17 June 2103 the DBS only issue certificates to the applicant. This allows the applicant to dispute and make appropriate representations regarding information released on the certificate, without this information having already been seen by the Council. As a Registered Body the Council will be able to track the progress of applications online.

The Council will request that applicants bring in a copy of their DBS certificate, this is a condition of their contact of employment, which will be verified and with the applicants consent, a copy will be retained in accordance with DBS code of practise or statutory requirements.

5.10 Overseas Checks

The DBS certificate only relates to offences in this country. If an individual has resided in another country for 12 months or more, or 6 months or more in the last 3 years as recommended by the HMG Baseline Personnel Security Standard, the equivalent check must be obtained. The details of the process and contact points are in the relevant DBS guidance note advice is available from the Human Resources Section.

6.0 Other Pre-employment checks that relate to Safe Recruitment in the Recruitment and Selection Policy
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6.1 Immigration, Asylum and Nationality Act 2006

The law on the prevention of illegal migrant working is set out in Sections 15-25 of the Immigration, Asylum and Nationality Act 2006. These provisions came into force in 2008 and replace Section 8 of the Asylum and Immigration Act 1996.

To ensure compliance with the Act, certain original documents should be checked and copied before an individual commences employment. If there is a time limit on an individual's right to remain in the United Kingdom, the Council has a duty to repeat the checks annually. A right to work in the /identity checklist form is attached at Appendix 4

6.2 References

For all appointments (with the exception for those within Social Care), it is a requirement that TWO written references are obtained, one reference must be from the most recent or current employer or educational provider. References will only be obtained for the successful candidate and will be actioned by the HR Section.

6.3 Registration with Regulatory Bodies

A number of employees have to register with a specific regulatory body, e.g. Social Workers with the Care Council for Wales, Teachers with the General Teaching Council for Wales in order to practice. Part of the Safe Recruitment practice will be to check that individuals are registered and that they are not currently or have been subject to any conduct investigation or hearings. The registration of any Agency staff must be checked by the manager who engages that individual. The Manager must be satisfied that this check has been actioned and cleared.

6.4 Gaps in Employment/Proof of Qualification etc

Appointing Managers/Headteachers should always ask for information about previous employment and obtain satisfactory explanations for any gaps in employment. This can be done at interview using the details on the application form. Such information will also be required by the Human Resources section as part of the pre-appointment checks.

6.5 Managers and Employees should be aware

Even the most careful selection process cannot identify all those who may pose a risk to vulnerable groups (children and/or adults). Therefore, Managers and employees should always be alert to inappropriate behaviour. The emphasis should be on enabling a culture which allows and provides the people we work with the confidence and mechanisms to raise any concerns they may have. Raise with the Manager/Headteacher, follow steps in the whistle blowing Policy or the child protection arrangements set out the mechanism for doing this.

6.6. Commitment to Safeguarding

The Council's commitment to safeguarding should be made clear to job applicants/volunteers etc. from the outset. The requirement for DBS checks should be specified in job adverts and within all Job Descriptions and Person Specifications that involve work with vulnerable groups (children and/or adults). This must be clearly set out in the advert and Managers should be clear with candidates throughout the recruitment process.

7.0 Responsibilities

Employees: All employees are required to adhere to the terms and conditions of this policy, and to seek clarification where necessary from their line manager in the first instance.

Heads of Service/Schools: Heads of Service are responsible for ensuring that this policy is consistently applied within their own area by their Managers.

Trade Unions: Recognised Trade Union representatives will be consulted with on the refinement of HR policy, providing feedback and checking for understanding and ease of use. They are available to support their members where appropriate.

Human Resources: Human Resources is responsible for creation, development, improvement and refinement of this policy and ensuring policy undergoes regular reviews and updates in line with Legislation and best practice. Human Resources will provide advice and guidance on the application of the Policy and where specific responsibilities are outlined within.

The Head of Legal, Human Resources and Democratic Services: The Head of Legal, Human Resources and Democratic Services will have overall responsibility for this policy and will determine the appropriate approval body.

8.0 Record Keeping

8.1 Storage and Access

A DBS check is not kept on an employee's personal file unless permission is given to allow this. Evidence of a DBS check having been undertaken will be held on the file, and the details recorded on the Human Resources Information System. Any sensitive information including DBS certificates is always kept separately and securely in restricted area and/or lockable, non-portable storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties, in accordance with the DBS Code of Practice.

9.0 Definitions

Lead Counter Signatory

An employee registered with and approved by the Disclosure and Barring Service as being suitable to authorise the appointment of counter-signatories and who is the named contact for the Disclosure and Barring Service with responsibility for ensuring compliance with the DBS Code of Practice.

Counter-Signatory

An employee registered with and approved by the Disclosure and Barring Service as being suitable to request DBS checks.

Spent Convictions

Convictions defined by the Rehabilitation of Offenders Act 1974 as being 'Spent' after specified periods of time. Spent convictions do not need to be brought to the attention of the Council unless the work or the post is covered by the Rehabilitation of Offenders 1974 Exceptions Order 1975 as amended 2013. (www.gov.uk/dbs)

Disclosure Certificate

A certificate that provides criminal record information, depending on type of disclosure requested.

Umbrella Body

An Umbrella Body acts as an intermediate between the DBS and the employing organisation. Ceredigion County Council is currently an Umbrella Organisation.

10.0 Reference Materials (optional)

10.1 Associated Policies

Recruitment & Selection Policy
Guidance For Headteachers And Governors On Appointments And Safe
Recruitment Practice

10.2 Legislation

Protection of Freedoms Act 2012
Police Act 1997
Data Protection Act 1998
Protection of Children Act 1999
Care Standards Act 2000
Freedom of Information Act 2000
Human Rights Act 1998
Safeguarding Vulnerable Groups Act 2006
Protection of Freedoms Act 2012

APPENDIX 1

DEFINITION OF REGULATED ACTIVITY PRE 10th SEPTEMBER 2012

Regulated activity covers anyone working closely with children or vulnerable adults (see definition below), either, paid or unpaid, not part of a family or personal arrangement, on a frequent, intensive or overnight basis. It can include:

Specified activities

- Teaching, training or instruction, care or supervision of children
- Teaching, training or instruction for vulnerable adults
- Providing advice or guidance wholly or mainly for children which relates to their physical, emotional or education wellbeing
- Providing advice, guidance or assistance wholly or mainly to vulnerable adults.
- Any form of healthcare treatment or therapy provided to children or vulnerable adults.
- Driving a vehicle that is being used for the specific purpose of conveying children or vulnerable adults and their carers
- Moderating an online chat room that is likely to be used wholly or mainly by children or vulnerable adults.
- Fostering a child/host families.
- CAFCASS and CAFCASS CYMRU.
- Inspections e.g. Estyn, Care and Social Services Inspectorate for Wales (CSSIW).
- Supervision that involves the day to day management or supervision of a person carrying out regulated activity
- Registered childminders.
- 'Frequently' means once a month or more. 'Intensively' means on three days or more in a 30 day period

Specified Settings and Establishments

Regulated activity includes anyone who works or volunteers in the following settings on a frequent, intensive or overnight basis, and whose work brings them into contact with children or vulnerable adults:

- Schools
- Pupil Referral Units
- Childcare premises (including nurseries)
- Residential homes for children in care
- Children's hospitals
- Children's detention centres
- Children's centres
- Adult care homes

Specified Positions

- School Governors
- Members of relevant Local Government Bodies
- A member of a local authority who discharges any education or social services functions
- A member of an executive of a local authority that discharges any education or social services functions
- A member of a committee or sub-committee of a local authority that discharges any education or social services functions
- The Chief Executive of a local authority that has any education or social services functions
- The Director of Social services of a local authority in Wales
- The Chief Education Officer of a local authority in Wales
- Trustees of charities that carry out work targeted at children and/or vulnerable adults and engage in regulated activity
- The lead Directors of children and young people's services in Wales
- The Children's Commissioner or Deputy Children's Commissioner for England or Wales
- Members of the Youth Justice Board for England and Wales
- Management Committees of Pupil referral units
- Members of Local Safeguarding Children's Board
- Members of Fostering and Adoption Panels
- Members of CAFCASS
- A deputy appointed by the Court of Protection to make decisions on behalf of a child under section 16(2)(b) of the Mental Capacity Act 2005
- Members and staff of the ISA.
- Individuals carrying on or managing establishments or agencies regulated under the Care Standards Act
- The Commissioner and Deputy Commissioner for Older People in Wales

No distinction made between paid and voluntary work

Frequent

This is defined as once a week or more but in health and personal care services, frequent is once a month or more.

Intensive

This is defined as four days or more in a single month

Overnight

Between 2 am – 6 am.

Definition of Vulnerable adults:

A vulnerable adult is defined by the SVGA and the SVGO as a person who is aged 18 years or over and who:

- is living in residential accommodation, such as a care home or a residential special school
- is living in sheltered housing
- is receiving domiciliary care in their own home
- is receiving any form of healthcare
- is detained in lawful custody (in a prison, remand centre, young offender institution, secure training centre or attendance centre, or under the powers of the Immigration and Asylum Act 1999)
- is under the supervision of the probation services
- is receiving a specified welfare service, namely the provision of support, assistance or advice by any person, the purpose of which is to develop an individual's capacity to live independently in accommodation or support their capacity to do so
- is receiving a service or participating in an activity for people who have particular needs because of their age or who have any form of disability
- is an expectant or nursing mother living in residential care
- is receiving direct payments from a local authority or health and social care trust in lieu of social care services, or
- requires assistance in the conduct of their own affairs.

Definition of a child:

- A person who is under 18 years of age

DEFINITION OF REGULATED ACTIVITY POST 10th SEPTEMBER 2012

ADULTS:

The new definition of Regulated Activity for adults defines the activities provided to any adult as those which, if any adult requires them, will mean that the adult will be considered vulnerable at that particular time.

Adults will no longer be labelled as 'vulnerable' because of the setting in which the activity is received, nor because of the personal characteristics or circumstances of the adult being provided for by the activities.

There are six categories (described in detail in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006) within the new definition of Regulated Activity:

- **Providing healthcare** – provision by a healthcare professional or under the direction or supervision of one. This may include psychotherapy and counselling, first aid administered on behalf of an organisation established for the purposes of providing first aid. This does not include workplace first aiders, members of peer support groups or life coaching.
- **Providing personal care** – physical assistance with eating or drinking, going to the toilet, washing or bathing, dressing, oral care or care of skin, nails or hair (but not where this involves only cutting hair) because of the adult's age, illness or disability. This also includes anyone who trains, instructs or provides advice on the provision of personal care or those who prompt and then supervise an adult to do one of the above.
- **Providing social work.**
- **Assisting with general household matters** – assistance with managing a person's cash, paying a person's bills or shopping on their behalf because of the adult's age, illness or disability.
- **Assisting in the conduct of people's own affairs.**
- **Conveying adults to, from, or between places, where they receive healthcare, relevant personal care or social work because of their age, illness or disability.** This includes hospital porters, patient transport service drivers and assistants, ambulance technicians and emergency care assistants but does not include taxi or licensed private hire drivers.

Please note: An individual only needs to engage in a defined activity once to be carrying out Regulated Activity and the new definition removes the word 'vulnerable' when describing Regulated Activity relating to adults.

Certain elements of the original scope of Regulated Activity set out in the Safeguarding Vulnerable Groups Act (SVGA) 2006 will not be changed:

- An adult is a person aged 18 years or over.
- A person whose role includes the day-to-day management or supervision of any person engaging in Regulated Activity, is also in Regulated Activity.
- Regulated Activity for adults excludes activity carried out in the course of family relationships and personal, non-commercial relationships. Family relationships include close family (e.g. parents, siblings, grandparents) and the relationship between two people who live in the same household and treat each other as family.
- Personal, non-commercial relationships are arrangements where no money changes hands or if any money does change hands it is not part of a commercial relationship (e.g. giving a friend petrol money to drive you to the hospital), and the arrangement is made between friends or family friends.

CHILDREN:

The new definition of Regulated Activity relating to children is set out in three parts by The Protection of Freedoms Act. A person can be in Regulated Activity because of what they do (activities), where they work (establishments) or who they are (specified position).

The new definition of Regulated Activity is described in detail in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006 and covers:

- **Unsupervised activities:** teach, train, instruct, care for or supervise children, or provide advice/guidance on wellbeing, moderate a public electronic interactive service or drive a vehicle only for children carried out on a frequent, intensive or overnight basis. An individual carrying out activities as above, under reasonable day-to-day supervision by another person who is also engaging in Regulated Activity is not undertaking Regulated Activity.
- **Work for a limited range of establishments** (schools, nursery schools, childcare premises, children's homes, children's centres) with the opportunity for contact with children carried out on a frequent, intensive or overnight basis. A volunteer carrying out supervised activities under reasonable day-to-day supervision by another person who is also engaging in Regulated Activity is not undertaking Regulated Activity, however a supervised paid employee working for a specified establishment does come under Regulated Activity.
- Activities by a person contracted (or volunteering) to provide occasional or temporary services (which are not teaching, training or supervision of children) is no longer Regulated Activity (e.g. maintenance contractors) but please remember, as stated above, supervised paid employees in specified establishments are in Regulated Activity.
- **Providing healthcare** – provision by a healthcare professional or under the direction or supervision of one. This may include psychotherapy and counselling, first aid administered on behalf of an organisation established for the purposes of providing first aid. This does not include workplace first aiders, members of peer support groups or life coaching.
- **Providing personal care** – physical assistance (or prompting with supervision or training or providing advice or guidance) with eating or drinking because of illness or disability, physical assistance (or prompting with supervision or training or providing advice or guidance) with going to the toilet, washing or bathing or dressing because of age, illness or disability, because of the age, illness or disability.
- **Registered childminders and foster carers**
- **Day-to-day management or supervision of individuals carrying out Regulated Activity relating to children.** For statutory guidance on supervision visit the Department of Education website.

CYNGOR SIR CEREDIGION COUNTY COUNCIL

CONFIDENTIAL

REVIEW OF ADVERSE INFORMATION DISCLOSED OR RECEIVED THROUGH A DISCLOSURE AND BARRINGSERVICE (DBS) CHECK

NAME OF APPLICANT:	POSITION APPLIED FOR:
1. Does the post involve one to one contact with children or other vulnerable groups as employees, customers and clients?	
2. What level of supervision will the post holder receive?	
3. Does the post involve any direct responsibility for finance or items or value?	
4. Does the post involve direct contact with the public?	
5. Will the nature of the job present any opportunities for the post holder to re-offend in the work place?	
6. What is the seriousness of the offence and its relevance to the safety of other employees, customers, clients and property?	
7. What is the length of time since the offence occurred?	
8. Provide any relevant information offered by the applicant about the circumstances which led to the offence being committed, such as the influence of domestic or financial difficulties:	
9. Was the offence a one-off or part of a history of offending?	
10. Have the applicant's circumstance changed since the offence was committed, making re-offending less likely?	
Additional information, comments or observations:	

To be completed by the applicant:
 I agree with the information stated above and further agree that the information will be retained in my Personal file as a record of the decision made.

SIGNED _____ **PRINT NAME** _____ **DATE** _____

INTERVIEWING OFFICER

I have interviewed the applicant and recommend that Ceredigion County Council should / should not (delete as appropriate) continue with the appointment.

Signed _____ Print Name _____ Designation _____ Date _____

The following individuals were present during the interview: _____

TO BE COMPLETED BY SENIOR OFFICER

APPOINTMENT CONFIRMED: YES / NO

Signed: _____ Print Name _____ Designation: _____ Date _____

Ffurflen Gais Gwirfoddolwyr Cyngor Sir Ceredigion
--

Cyfenw/Enw'r Teulu	Enw/au Cyntaf
Nodwch unrhyw enwau eraill a ddefnyddiwyd gennych	Rhyw
Cyfeiriad cartref:	Os ydych yn fyfyrwr, nodwch eich cyfeiriad adeg tymor:
Côd post: Rhif ffôn:	Côd post: Rhif ffôn: Pa gwrs? Llawn/rhan-amser
Rhif ffôn piced:	E-bost:
Rhif Yswiriant Gwladol:	Enw'r Sefydliad Addysgol yr hoffech wirfoddoli ynddi:
A ydych chi'n gweithio ar hyn o bryd? Os ydych, rhowch ddisgrifiad cryno:	
YDW / NAC YDW (Llawn/rhan-amser?)	
A oes gennych chi unrhyw brofiad o weithio gyda phlant ar sail gyflogedig neu wirfoddol fel rhiant/gofalwr? Os oes, rhowch fanylion.	
Pam ydych chi am fod yn wirfoddolwr gydag Adran Addysg a Gwasanaethau Cymunedol Cyngor Sir Ceredigion?	
Ble clywsoch chi am y cyfle hwn i wirfoddoli?	

Geirdaon: rhowch enw 2 unigolyn sydd ddim yn perthyn ichi ac, os oes modd, dylent fod yn hŷn na 18 ac wedi'ch adnabod am fwy na 2 flynedd. Dylai 1 canolwr fod yn gysylltiedig â'ch profiad gyda phlant.

Canolwr 1 - Enw

Cyfeiriad

E-bost:

Rhif ffôn yn ystod y dydd:

Rhif ffôn yn ystod yr hwyr:

Ym mha gyd-destun y mae yn eich adnabod?

Canolwr 2 - Enw

Cyfeiriad

E-bost:

Rhif ffôn yn ystod y dydd:

Rhif ffôn yn ystod yr hwyr:

Ym mha gyd-destun y mae yn eich adnabod?

A oes gennych gollfarnau neu rybuddion wedi'u disbyddu a heb eu disbyddu neu a ydych yn destun ymholiadau presennol yr heddlu neu erlyniadau i ddyfod?

Ydw

Nac ydw

(Os 'Ydw', bydd gennych y cyfle i drafod y mater yn y cyfweiliad. Caiff unrhyw wybodaeth a roir ei chadw'n gyfrinachol ac ni fydd o angenrheidrwydd yn eich eithrio rhag cael eich ystyried i fod yn wirfoddolwr.)

Anabledd

A ydych chi'n ymwybodol o unrhyw gyflyrau corfforol neu feddyliol y gallai effeithio ar eich gwaith fel gwirfoddolwr?

Ydw

Nac ydw

(Os eich ateb yw 'ydw', ni fydd angen unrhyw fanylion pellach oddi wrthyf yn awr ond byddem am drafod y mater mewn cyfweiliad).

Mae diogelu plant a phobl ifanc yn fater hollbwysig i ni, a bydd yn ofynnol ichi felly ymgymryd â datgeliad manylach o'ch cofnodion troseddol gan y Swyddfa Cofnodion Troseddol a derbyn dau eirida boddhaol cyn dechrau'ch gwaith gwirfoddol.

Llofnod yr ymgeisydd.

(Mae angen llofnod y rhiant hefyd ar gyfer ymgeiswyr dan 18)

Dyddiad

Dyddiad

Diolch am gwblhau'r ffurflen hon. Dychwelwch hi at y Gwasanaeth/Sefydliad Addysgol yr hoffech wirfoddoli ynddi. Yna, caiff y wybodaeth ei gyrru at Adain Adnoddau Dynol ar gyfer ei phrosesu.

Ceredigion County Council Volunteer Application Form

Surname/Family Name	First Name/s
If you have used any other names please specify	Gender
Home address:	If you are currently a student, please give your Term Time address:
Post code: Telephone:	Post code: Telephone: Which course? Full/ part time/
Mobile	Email
NI Number:	Educational Establishment that you wish to volunteer at:
Are you currently employed? YES / NO (Full / part time?) If yes, please give a brief description:	
Have you had any experience of working with children on a paid or voluntary basis or as a parent/carer? If so, please give details.	
Why do you want to become a volunteer with the Ceredigion County Council, Dept of Education & Community Services?	
Where did you hear about this volunteering opportunity?	

References: please give the names of 2 people to whom you are not related, who have preferably known you for more than two years and are over 18. One referee should relate to your experience with children.

Referee 1- Name	Referee 2 - Name
Address	Address
E Mail:	E Mail:
Telephone Day:	Telephone Day:
Telephone Evening:	Telephone Evening:
In what capacity do they know you?	In what capacity do they know you?

Do you have any spent or unspent convictions or cautions or are you the subject of current police enquiries or pending prosecutions?

Yes

No

(If answering 'Yes', you will have the opportunity to discuss the matter at interview. Any information given will be kept confidential, and will not necessarily exclude you from being considered for the role of a volunteer.)

Disability

Are you aware of any physical or mental conditions that potentially could affect you undertaking work as a volunteer?

Yes

No

(If your answer is 'yes' we do not require any further details now but we would like to discuss this at interview).

Safeguarding of children and young people is of paramount importance to us, you will therefore be required to undertake an enhanced disclosure of your criminal record by the criminal records bureau and receive two satisfactory references before commencing your volunteering.

Applicant's signature.

(Parent's signature also required for under 18s)

Date

Date

Thank you for completing this form. Please return it to the Service/Educational Establishment that you wish to volunteer at. Your information will then be forwarded to the Human Resources Section for processing.

CEREDIGION COUNTY COUNCIL
RIGHT TO WORK/ IDENTITY CHECK LIST

Full Name of Candidate

Post Title

Post Number

Proof of identity seen and photocopied. Only one proof of identity needed from list 1 or two proofs of Identity from list 2 if no documents can be provided from list 1.

<u>List 1</u>	
British/European Passport	<input type="checkbox"/>
European Identity Card	<input type="checkbox"/>
<u>Please ensure documents are in date</u>	
1 only	

<u>List 2</u>	
A) National Insurance Number on	
**P45	<input type="checkbox"/>
**P60	<input type="checkbox"/>
National Insurance Card	<input type="checkbox"/>
Government Letter	<input type="checkbox"/>
**Please ensure documents are current & in date	
Plus one of the following	
2 only	
B) British Birth Certificate	<input type="checkbox"/>
C) Channel Islands, Isle of Man or Ireland Birth Certificate	<input type="checkbox"/>
D) Certificate of Registration or Naturalisation	<input type="checkbox"/>
E) **UK Border Agency (Home Office) Letter/Document	<input type="checkbox"/>

I hereby certify that the documentary evidence detailed above has been verified by myself as genuine to the best of my knowledge and relates to the applicant presenting themselves.

Signature

Position in Authority

Date

Photocopies of the original documents attached
Documents must show Nationality & permissions to stay & work