



Vetting & Barring Policy

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Version I March 2010					
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**Children in Wales
Vetting & Barring Policy**

1.0 General Statement

1.1 This Policy is supported by the legal framework of the Protection of Freedoms Act 2012, Safeguarding Vulnerable Groups Act 2006 and of the Rehabilitation of Offenders Act 1974 and Exceptions Orders. The Protection of Freedoms Act 2012 (PoF) revised the definition of regulated activity to focus on work that involves close and unsupervised contact with vulnerable groups

2.0 Principles

2.1 This Policy sets out guidelines for ensuring that all employees of Children in Wales, volunteers, trustees, associates and other partners are appropriately vetted prior to and during their working relationship with the organisation.

2.2 The Policy also provides guidelines for the Secure Storage, Handling, Use, Retention & Disposal of Disclosure and Barring Service (DBS) documentation and other information.

3.0 Scope of Policy

3.1 This policy applies to all staff, volunteers, trustees, associates and any other partner deemed to have a relevant working relationship with Children in Wales

3.2 Roles which fall into regulated activity, with children or adults at risk due to age, illness or disability, **must by law** be checked against the appropriate barring list (adult, child or both) which is accessed through an enhanced DBS check. It is an offence for a barred person to seek work in regulated activity or for an employer to knowingly employ a barred person into regulated activity, when relevant to the workforce to which the barring applies

3.2 Roles outside regulated activity but still working close to vulnerable groups may be eligible for a DBS enhanced check, subject to DBS eligibility criteria, but cannot be checked against any barring list. Requesting an enhanced DBS check for non-regulated activity is a matter of good practice

3.3 For the purpose of DBS checks, volunteers are treated the same as paid staff with the exception that volunteers working with children are

no longer deemed in regulated activity if they are supervised in accordance with Department of Education (DoE) guidance

- 3.4 Requesting a check when the role is not eligible or asking to see more information than an employer is entitled to see, is an offence.
- 3.5 Appropriate DBS checks will be obtained for or checked using the DBS Updater Service and re-checked every three years for each employee, associate or other partner deemed to have a relevant working relationship with Children in Wales who is working in regulated or non regulated activity with children, young people or vulnerable adults.
- 3.4 Enhanced DBS checks will be re-checked every three years for all trustees.

4.0 Related Policies

- 4.1 The following other Children in Wales policies should be read in conjunction with this policy
 - 4.1.1 Children in Wales Safeguarding Children Policy
 - 4.1.2 Children in Wales Protection of Vulnerable Adults Policy
 - 4.1.3 Children in Wales Recruitment & Selection Policy
 - 4.1.4 Children in Wales Data Protection Policy

5.0 Guidance

- 5.1 Guidance as to the procedures that should be followed in relation to barring and the storage, access and handling of DBS checks and documentation is detailed in the appendices listed below.
- 5.2 Definition of regulated activity at Appendix B.

6.0 Appendices

- 6.1 Appendix A: Vetting Procedure
- 6.2 Appendix B: DBS Definition of Regulated Activity
- 6.3 Appendix C: Barring Procedure
- 6.4 Appendix D: Storage, Access and Handling of DBS information

**Children in Wales
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Appendix A: Vetting Procedure**

1. On agreement that an individual should be vetted using an Enhanced DBS check, it should first be ascertained whether that individual subscribes to the DBS Updater Service. If yes, see 1.1 below. If no, see 1.2 below.
 - 1.1 After viewing the original DBS Certificate, if you are entitled to carry out a Status Check and have the individual's permission, go to www.gov.uk/dbs-update-service. Note that if an individual subscribes to the DBS Updater Service, their original DBS Certificate may be more than three months old.
 - 1.1.1 Enter your: organisation name, forename and surname
 - 1.1.2 Enter the applicant's DBS Certificate number, current surname of the DBS Certificate holder - as specified on their DBS Certificate, date of birth of the DBS Certificate holder - as recorded on the DBS Certificate
 - 1.1.3 The result will be returned instantly
 - 1.1.4 Note that the individual will be able to see who has carried out a Status Check on their DBS Certificate and when the Status Check was carried out.
 - 1.2 Individuals should complete a DBS Application Form and provide the original documents required, in accordance with Appendix D to this Policy.
 - 1.2.1 Individuals should be advised that they should bring in the original of their DBS Certificate to be processed by the Administration Manager at Children in Wales. A copy will be taken, signed and dated to indicate that the original has been seen. Copies will be kept in accordance with Appendix D.
2. Employment at Children in Wales is conditional upon the receipt of at least two references, one of which should be the individual's most recent employer, and after careful scrutiny of the applicant's working history in accordance with the organisation's Recruitment Policy.
3. Associates and other consultants, trainers, volunteers and workers will be engaged by Children in Wales on condition that they take part in face-to-face interviews prior to the start of their contract, upon the receipt of at least two references (one of which should be the individual's most recent employer if possible), and after careful scrutiny of the individual's working or other history (CV).
4. Trustees will be asked to provide an Enhanced DBS check, dated within the last three months or an agreement that the organization can check their status through the DBS Updater Service. Trustees will be

checked annually using the National Individual Insolvency Register to ensure they are not disqualified from acting as a trustee.

Children in Wales Vetting & Barring Policy Appendix B: DBS Definition of Regulated Activity

Factsheet 12: Summary of Regulated Activity relating to Children

• V1.0 - June 2013

This Factsheet provides a summary of the main provisions of regulated activity relating to children. It is intended as a general aid. It is not legal advice or guidance and does not cover all aspects of regulated activity relating to children or cover all exceptions.

Activity of a specified nature

- Teaching, training, instruction, care for or supervision of children (except if the person undertaking the activities is under regular supervision)¹ if carried out by the same person frequently² or overnight³.
- Advice or guidance (except legal advice) provided wholly or mainly for children which relates to their physical, emotional or educational well-being if carried out by the same person frequently² or overnight³.

Activity within specified establishment

- Any activity that is for or on behalf of the establishment with the opportunity for contact with children if carried out frequently².
- Excepted is work by volunteers under regular supervision¹ or occasional or temporary contract work that is not an activity of a specified nature listed above.
- Specified establishments are schools, pupil referral units, academies, nursery schools, Further Education (FE) establishments mostly for children, institutions for the detention of children, children's homes, children's centres (in England), children's hospitals (in Northern Ireland) and childcare premises including nurseries.

Healthcare of a child (any frequency)

- Healthcare provided to a child by a health care professional or by a person acting under the direction or supervision of a healthcare professional.
- A health care professional who is a person regulated by a professional healthcare regulator (i.e. a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002).
- Health care includes: all forms of health care provided for children and includes physical, mental and palliative health care; diagnostic tests and investigative procedures and procedures similar to surgical or medical

care, but not provided in connection with a medical condition.

Personal Care of a child (any frequency)

- Physical help with eating or drinking for reasons of illness or disability.
- Physical help with toileting (including menstruation), washing, bathing or dressing for reasons of age, illness or disability.
- Prompting together with supervision when a child is otherwise unable to decide for themselves in relation to any of the above personal care activities.
- Training or advice given to a child in relation to any of the above personal care activities.

Moderating an online forum for children

Moderating a public electronic interactive communication service likely to be used wholly or mainly by children and carried out by the same person frequently². Except activity by a person who does not have access to the content of the matter or with users of the service.

Driving a vehicle used for conveying children

Driving a vehicle being used only for conveying children and their carers or supervisors under a contract or similar arrangement when carried out by the same person frequently².

Early years or later years childminding (any frequency)

Early or later years childminding where there is a requirement to register or for voluntary registration under the Childcare Act 2006 and where the activity takes place on domestic premises for reward.

Fostering a child (any frequency)

Day to day management of regulated activity (any frequency)

Day to day management on a regular basis, of a person who is providing a regulated activity in relation to children. This includes the supervisor of a person who would be in regulated activity if not under regular supervision¹.

Northern Ireland and Wales

Regulated activity with children in Northern



Disclosure & Barring Service

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Factsheet 12: Summary of Regulated Activity relating to Children

Ireland and in Wales also includes a number of office holders that are not in regulated activity in England. Further information is available on the DBS website.

Other key exceptions to regulated activity relating to children

Family and Personal Relationships

Excepted from regulated activity relating to children is any activity conducted in the course of a family relationship, or a personal relationship between friends for no commercial consideration.

Family relationships involve close family (e.g. parents, siblings, grandparents) and relationships between two people who live in the same household and treat each other as family.

Personal, non commercial relationships are arrangements where either no money changes hands, or any money that does change hands is not part of a commercial relationship (for example, gifting a friend money for petrol after they have driven you to the hospital), and the arrangement is made between friends or family friends.

Peer Groups

Excepted from regulated activity relating to children is a person who is part of a peer group and is assisting or under the direction of a person who is engaging in regulated activity. For example a student helping a teacher.

Supervising a Child in Employment

Excepted from regulated activity relating to children is a person who supervises a child in the course of the child's employment including work experience. However, it is regulated activity if the child is under 16 and it is carried out by an unsupervised¹ person for whom arrangements exist principally for that purpose.

Any frequency means that doing the activity once or more is regulated activity.

¹**Supervision** as defined in statutory guidance on supervision.

²**Frequently** means once a week or more or four or more times in any 30 day period.

³**Overnight** means once or more between 2am and 6am with the opportunity for face to face contact with children

Definition of a Child

A child is a person aged under 18 years of age.

Statutory Supervision Guidance

To be supervised in accordance with HM Government statutory guidance, the supervision must be regular and day-to-day, by a person engaging in regulated activity and reasonable in all the circumstances for the protection of children. Further information is provided in the HM Government statutory supervision guidance available from the DBS website.

DBS Check

An eligible organisation recruiting to a position (paid or unpaid) that falls within the definition of regulated activity relating to children, may request an applicant to obtain an enhanced DBS Check with barred list check to help determine their suitability for the position, prior to engaging them. Eligible staff in post may also be re-checked to help confirm their ongoing suitability. Further information on eligibility for DBS Checks is available on the DBS website.

Legislation and Guidance

Regulated activity relating to children is defined in Schedule 4 to the Safeguarding Vulnerable Groups Act 2006 (as amended). Further information is provided in the HM Government Factual Note on regulated activity relating to children and statutory supervision guidance available from the DBS website.

Further Information

For more information please contact us:

Website: www.gov.uk/dbs

Barring

Helpline: 01325 953 795

Email: dbsdispatch@dbs.gsi.gov.uk

Disclosure

Helpline: 0870 9090 811

Email: customerservices@dbs.gsi.gov.uk



**Children in Wales
Vetting & Barring Policy
Appendix C: Barring Procedure**

1. Barring Procedure

- 1.1 In the event of an Enhanced DBS check revealing that an individual has criminal convictions (whether spent or not) the following procedure should be adopted.
- 1.2 Staff or Volunteers – The Chief Executive, Line Manager (if applicable) and Administration Manager will meet to consider the whether the nature of the offence(s) warrants withdrawal of a job offer or termination of employment. The decision will be made in accordance with the Rehabilitation of Offenders Act 1974 and Exceptions Orders. In cases relating to the Chief Executive, this meeting will include the Chair of the Board of Trustees instead. In cases relating to the Administration Manager, the meeting will include a Policy Director instead. Legal advice will be sought if necessary.
- 1.3 Associates and other Partners - The Chief Executive, Policy Director and Administration Manager will meet to consider the whether the nature of the offence(s) warrants withdrawal of a contract or termination of the relationship between the individual and Children in Wales. The decision will be made in accordance with the Rehabilitation of Offenders Act 1974 and Exceptions Orders. Legal advice will be sought if necessary.
- 1.4 Trustees – The Chief Executive and Chair of the Board of Trustees will meet to consider the whether the nature of the offence(s) warrants termination of trusteeship. The decision will be made in accordance with the Rehabilitation of Offenders Act 1974 and Exceptions Orders. Legal advice or advice from the Charity Commission will be sought if necessary. In cases relating to the Chair of the Board of Trustees, this meeting will include the Vice Chair of the Board of Trustees instead.

Appendix D: Storage, Access and Handling of DBS Information

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

- 2. Handling**
 - 2.1 In accordance with section 124 of the Police Act 1997, Disclosure information is only passed to those who are authorised to receive it in the course of their duties. Records are kept of all those to whom Disclosures or Disclosure information has been revealed. This information is never passed to anyone who is not entitled to receive it.

- 3. Usage**
 - 3.1 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.

- 4. Retention**
 - 4.1 Once a recruitment (or other relevant) decision has been made, Disclosure information is not kept 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, the DBS will be consulted and full consideration will be given to the data protection and human rights of the individual before doing so. Throughout this time the usual conditions regarding the safe storage and strictly controlled access will prevail.

- 5. Disposal**
 - 5.1 Once the retention period has elapsed, any Disclosure information is immediately destroyed by secure means. While awaiting destruction, Disclosure information will not be kept in any insecure receptacle. No photocopy or other image of the Disclosure or any copy or representation of the contents of a Disclosure will be kept. However, notwithstanding the above, 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 details of the recruitment decision taken will be kept.

- 6. Engaging an Umbrella Body or Agent to process DBS applications**
 - 6.1 Before engaging an Umbrella Body or agent (one which countersigns applications and receives Disclosure information on behalf of other employers or recruiting organisations), all responsible steps will be taken that this third party organisation will handle, store, retain and

dispose of Disclosure information in full compliance with the DBS Code and in full accordance with this policy. Any body or individual, at whose request applications for Disclosure are countersigned, should have a written policy for that body or individual to use or adapt for this purpose also.