



Vetting & Barring Policy

Version & Notes	Submitted to F&HR	Outcome	Submitted to TB	Outcome	Review Date
Version I March 2010					
Version II July 2010					
Version III January 2013			26.3.2013	Approved	
Version IV January 2014	21.2.14	Approved	12.3.14		April 2015
Version V	11.8.17	Approved	05.09.17	Approved	2020

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

3.3 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

3.4 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

- 3.5 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.
- 3.6 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.
- 3.7 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 Safeguarding Children Policy
 - 4.1.2 Safeguarding Adults at Risk
 - 4.1.3 Recruitment & Selection
 - 4.1.4 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
Vetting & Barring Policy
Appendix A: Vetting Procedure**

- 1.0 On agreement that an individual should be vetted using an Enhanced Disclosure and Barring Service (DBS) check and/or Barred List 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 and original proof of ID, if you are entitled to carry out a Status Check and have the individual's permission, go to www.gov.uk/dbs-update-service and follow the instructions provided. Note that if an individual subscribes to the DBS Updater Service, their original DBS Certificate may be more than three months old. 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 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 DBS Certificate when this is received 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**



Guide_to_eligibility
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<https://www.gov.uk/government/publications/dbs-check-eligible-positions-guidance>

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

1.0 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

1.0 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.

2.0 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.

3.0 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.

4.0 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.

5.0 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.

6.0 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.