



(DBS) CHECKS PROCEDURE

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1 Purpose

- 1.1 The Disclosure and Barring Service (DBS) was established to enable organisations to make safe recruitment and selection decisions. The purpose of a (DBS) check is to help identify people who may pose a risk of harm to children or vulnerable adults and as such it is a key factor in the safe recruitment and selection procedure. Those involved in the recruitment and selection of people to work with children and vulnerable adults in “*regulated activity*” must be aware of the need for and use of (DBS) checks. The definition of “*regulated activity*” is given in Appendix 1.

STEP ONE:

2 What is a Criminal Record Check?

- 2.1 The Council is a registered body with the (DBS) and where appropriate has access to criminal record information provided by the (DBS). A (DBS) check is a check that the Council undertakes into the criminal background of prospective employees who will be working with children or vulnerable adults.
- 2.2 The minimum age that someone can have a (DBS) check is 16 years old.

3 Type of Disclosure and Barring Service Check

- 3.1 The types of (DBS) check are: -
- Standard
 - Enhanced
 - Enhanced Checks with Children’s and/or Adults’ Barred List Check(s)
- 3.2 **Standard (DBS) Check** – to be eligible for a standard level (DBS) check the position must be included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975.
- 3.3 **Enhanced (DBS) Check** – to be eligible for an enhanced level (DBS) check the position must be included in both the Rehabilitation of Offenders Act Exceptions Order and in the Police Act 1997 (Criminal Records) regulations.
- 3.4 **Enhanced (DBS) Checks with Children’s and/ or Adults’ Barred List Check(s)** – to be eligible to request a check of the children’s or adults’ barred lists the position must be eligible for an enhanced level (DBS) check as above and be specifically listed in the Police Act 1997 (Criminal Records) regulations as able to check the appropriate barred list(s).
- 3.5 Further information on the types of (DBS) checks available is given in Appendix 2.

STEP TWO:

4 Portability – Is a (DBS) Check Required?

- 4.1 The decision as to whether or not a (DBS) check application is appropriate and at what level shall generally be based on the criteria set out and informed by an assessment of risk produced by the Recruiting Manager using the flow chart given in (Appendix 2). Where doubt exists on the eligibility of a position for a (DBS) check and whether barred list checks are required Service area managers/Headteachers should refer to this guidance or contact the Employment Team for advice. Registered body counter-signatories must satisfy themselves that a position is eligible for a (DBS) check based on all available information on the nature of the duties it entails and the setting in which those duties are performed.
- 4.2 With the exception of supply cover staff, the Council will accept a previously issued (DBS) check for new starters provided it: -
- is no more than 12-months old;
 - was undertaken by Torfaen County Borough Council (TCBC);
 - is the right type (standard, enhanced or enhanced with barred list checks); and
 - covers the appropriate workforce (children or vulnerable adults).
- 4.3 With the exception of supply cover, for all other posts where (DBS) checks are required the Council will not accept previously issued (DBS) check certificates obtained by other employers or other Registered Bodies however recently they may have been issued. Consequently, a new (DBS) check will be required of all new appointees to posts in a Council setting regardless of whether they already possess one by virtue of a recent application at the instigation of another employer/registered body. (DBS) check certificates will, however, be “portable” where a Council employee changes posts from one service area/school in (TCBC) to another provided the previous (DBS) check is at the level required.

Examples include: -

- a) where a teacher moves between two schools in Torfaen another (DBS) check will not be required.
- b) where a Council employee who was previously checked at the “standard” level moves to a post requiring an enhanced (DBS) check a new check will be required at the enhanced level.
- c) where there is an employee in school A in the post of a caterer (would therefore have an enhanced (DBS) check with a barred list check for working with children) who then is appointed as a Learning Support Assistant in School B - no new (DBS) check will be required.

- d) where there is a Social Worker within the Adult Services Team (would therefore have an enhanced (DBS) check with a barred list check for working with vulnerable adults) who then moves to Children Services - a new enhanced (DBS) check with Children's barred list check will be required.
- e) where a parent helper who is supervised whilst working in a school with a free of charge volunteer enhanced (DBS) check only is appointed to a Teaching Assistant post in the same school - a new enhanced (DBS) check with a check against the barred list for children will be required.

Supply Cover

- 4.4 For supply cover schools will need to get confirmation from supply agencies that the (DBS) check has been carried out. It is the responsibility of the supply agency to ensure that a (DBS) check has been done. Schools need to check this before the supply cover starts work in the school. If the agency cannot do this the teacher themselves will be able to show the school a copy of their (DBS) disclosure certificate. With the implementation of the Protection of Freedom Act 2012 only the supply cover will have a copy of the (DBS) disclosure certificate. On confirmation that one has been done the school will need to record this. Supply teachers registered with the Council are (DBS) checked by Employee Services. Where schools engage supply cover directly they are responsible for ensuring that the (DBS) check is done through arrangements with Employee Services.
- 4.5 Where service areas/schools engage supply cover staff directly they must check to see whether a satisfactory (DBS) check has been carried out by another similar organisation within the last 3-years. If not the service area/school will need to arrange for another (DBS) check to be done. If yes they can accept it by following the portability guidance given in paragraph (4.2). This will include the service area/school recording the date of the (DBS) check on their central log. They will then know that if the supply cover remains in their employ they will need to arrange for a repeat (DBS) check after a period of 3-years from the date of the previous check.

Visitors

- 4.6 It is not necessary for the service area/school to obtain a (DBS) check for visitors who will only have contact with children or vulnerable adults on an "*ad hoc*" or irregular basis for short periods of time. To determine whether one should be done in accordance with this policy the service area/school will use the flow charts given in Appendix 2. The flow charts show that (DBS) checks will be appropriate for visitors where "*regular contact*" occurs. This means work done by an individual: -
 - once a week or more often or 4 or more days in a 30-day period or overnight for children; or
 - once in a defined activity for vulnerable adults.

4.7 It is good practice, however, to ensure that visitors sign in and out and are escorted and are not left unsupervised whilst on the premises. Examples of people who do not need to apply for a (DBS) check include: -

- visitors who have business with the service area/school or other Council employees who have brief contact with children or vulnerable adults with an employee present;
- visitors or contractors who come on site only to carry out repairs or service equipment and who would not be expected to be left unsupervised on premises;
- volunteers or parents who only accompany employees and children or vulnerable adults on “one-off” outings or trips that do not involve overnight stays or who only help at specific “one-off” events e.g. sports days, fêtes, open days, etc.; or
- people who are on site before or after operating hours and when children or vulnerable adults are not present e.g. local groups who hire premises for community or leisure activities, contract cleaners who only come in after children have gone home or before they arrive.

STEP THREE:

5 What needs to be done and how do I do it?

Action One:

5.1 Where recruiting to posts that require a (DBS) check this should be made clear to potential applicants from the outset, firstly, in the job advertisement and also in other recruitment literature. It should be made clear that offers of appointment are conditional upon a satisfactory (DBS) check.

Action Two:

5.2 The (DBS) check application forms will be issued to prospective applicants by Employee Services/school with appropriate guidance on completion and return to the Council for counter-signature. Employee Services or the Recruiting Manager can assist in completing the (DBS) checks for the application along with the 3rd party identity check form given in Appendix 3. Identification checks can be done by Employee Services if so required. Recruiting Managers must check that the (DBS) application form is accurately and fully completed before being sent to Employee Services for counter-signature. Where Employee Services find that the (DBS) check application form is not accurately or fully completed it will be returned to the Recruiting Manager and will not be forwarded to the (DBS) until this has been done.

Action Three:

- 5.3 Applicants will be required to provide acceptable evidence of their identity, in accordance with (DBS) standards, as part of the application process. Documentary evidence of identity will be scrutinised for authenticity by the Recruiting Manager or Employee Services. Where identity checking is carried out locally, e.g. at a school, Headteachers shall be responsible for ensuring that it is carried out efficiently and that fully completed (DBS) applications are submitted promptly to Employee Services for processing. Details of the Identification/Verification Checks are given in Appendix 3. Appendix 3 also gives details of what Recruiting Managers must do before forwarding the completed (DBS) check application form to Employee Services for counter-signing.
- 5.4 Prospective employees will be given a maximum of 10-calendar days to return their fully completed (DBS) check applications to Employee Services/school. At the end of that period if a fully completed (DBS) application form has still not been received consideration will be given to withdrawing the offer of employment.
- 5.5 Similarly for 3-year repeat (DBS) checks service areas/schools must have a process in place to ensure that a certificate is obtained in a timely manner to ensure continued cover by a (DBS) certificate. Service area managers/Headteachers are reminded that where an existing employee fails to provide a fully completed (DBS) check application form within 10-working days this may be considered as gross misconduct under the Council's/school's disciplinary procedure.
- 5.6 It is the responsibility of service areas/schools to hold and maintain a central record containing the (DBS) information i.e. (DBS) certificate number, type (enhanced children workforce or enhanced vulnerable adults), date issued and renewal date for all staff to ensure renewals are arranged 3-months prior to the expiry date of the former (DBS) check. Employee Services will issue a spreadsheet on a quarterly basis showing expired and soon to expire information to be used as an aide memoire.

Action Four:

- 5.7 The (DBS) no longer automatically issues a copy of the applicant's (DBS) check certificate to the Registered Body's counter-signatory. The Recruiting Manager will need to ask the prospective/existing employee for sight of their original (DBS) check certificate. The Recruiting Manager checks the content of the certificate and forwards a photocopy of it noted "*original seen*" sign and date and send it to Employee Services for the personnel file. (DBS) certificates must not be retained by the service area/school once forwarded to Employee Services.

- 5.8 Where the original (DBS) certificate reveals confidential sensitive information it will be presented to the service area manager/Headteacher who must not share it with anyone without the permission of the prospective/current employee. The service area manager/Headteacher may seek advice and guidance from (HR) before deciding whether the appointment can be confirmed or not. When confirming whether the appointment can be confirmed or not the service area manager/Headteacher will use the guidelines given in this procedure and those provided in the Council's "*Risk Assessment in Safe Employment*" and prepare a thorough written risk assessment identifying the risks following the low, intermediate and high risk rating model given in Appendix 2 of "*Risk Assessment in Safe Employment*". Where the risk rating is "green" or "amber" the written risk assessment will also include the measures put in place to mitigate any risk. The written risk assessment will be signed and dated and forwarded to Employee Services along with the signed and dated photocopy of the (DBS) certificate. Where the risk rating is "red" the (DBS) disclosure information is sufficiently serious and relevant to render the prospective/current employee unsuitable for the position. For a prospective employee the appointment will be aborted and the provisional offer of employment withdrawn. For a current employee referral will be made to the Council's/school's staff disciplinary procedure.
- 5.9 For advice on the safe holding and handling of (DBS) disclosure information see the Council's "*Policy Statement on the Secure Storage, Handling, Use, Retention and Disposal of (DBS) Disclosures and Disclosure Information*".

STEP FOUR:

6 The Risk Assessment Process

- 6.1 Service area managers/Headteachers are reminded that appointments cannot be confirmed or employment started before the (DBS) check process is satisfactorily completed. There should be a robust process in place that allows sufficient time in the recruitment and selection process to ensure that (DBS) checks can be carried out well in advance of the prospective employee starting work.
- 6.2 No one will be set up on payroll until all pre-employment documentation is in place. The mandatory pre-employment checks are: -
- (DBS) – applicable to everyone who works regularly in "*regulated activity*" with children or vulnerable adults;
 - Eligibility to Work in the (UK);
 - Occupational Health/Medical;
 - Employment references;
 - Qualifications;
 - Education Workforce Council registration for teachers and school learning support workers. From 1 April 2017 this will be extended to include youth support workers; and
 - Care Council for Wales registration for social workers.

- 6.3 The Council recognises that there will be extreme and exceptional circumstances where it is not possible to obtain a satisfactory (DBS) and the other mandatory checks given in paragraph (6.2) prior to the employee commencing employment. In this very rare circumstance, with the exception of eligibility to work in the (UK) and posts that are governed by the Care Council for Wales, the Recruiting Manager will carry out a risk assessment prior to the prospective employee commencing employment. The risk assessment will be in writing and should record an actual assessment of risk and risk mitigation control measures to be put in place on an individual employee basis.
- 6.4 You cannot risk assess where eligibility to work in the (UK) or posts governed by the Care Council for Wales are concerned because the appropriate pre-employment checks must be in place prior to commencement of employment.
- 6.5 The written risk assessment must be signed and dated by the Service area manager/Headteacher and forwarded to Employee Services where a copy will be kept on the prospective employee's personnel file. The Service area manager/Headteacher will review the written risk assessment with the prospective employee after a period of 2-weeks. The appointment will not be confirmed until a satisfactory (DBS) check has been received.
- 6.6 Where the risk assessment has been carried out and employment commenced care must be taken to ensure that "1 to 1" contact with children or vulnerable adults must not take place until a satisfactory (DBS) check is received.
- 6.7 For Council posts, it is the responsibility of the Recruiting Manager in consultation with their Head of Service to determine when such appointments can commence bearing in mind the requirements of legislation. In schools this will be the responsibility of the Headteacher.
- 6.8 The Council's "*Risk Assessment in Safe Employment*" gives detailed guidance on the use of risk assessments in the safe recruitment and selection procedure and where sensitive confidential information is provided following a (DBS) check.

7 Record Keeping

- 7.1 Service areas/schools should keep a central record of employees and other people detailing the recruitment and vetting checks undertaken. This should include dates and whether results were positive or satisfactory but cannot record specific details of any offences. The record should show: -
- all employees who work in the service area/school;
 - all volunteers;
 - all staff who are employed through an agency; and
 - where possible any staff who are employed by a contractor working on site.

- 7.2 The record should also include all others who have been chosen to work in “*regulated activity*” with children or vulnerable adults. This will cover: -
- trustees who also work as volunteers within the service area/school and people brought in to provide additional care or support for children, or vulnerable adults but who are not employees e.g. activity coordinators, coaches or theatrical workers, etc.; and
 - agency/contractor staff where the service area/school will also need to have written confirmation from them that satisfactory (DBS) checks have been completed.
- 7.3 The central record will show whether or not the prospective employee’s post involves regularly caring for, training, supervising or being in sole charge of children or vulnerable adults. The central record should detail: -
- the date the (DBS) application form was issued to the prospective employee;
 - the date a fully completed (DBS) application form was returned by the prospective employee to the service area/school;
 - the date it was forwarded to Employee Services for processing;
 - the date the (DBS) disclosure certificate was seen by the service area/school;
 - who obtained it;
 - the level of the (DBS) disclosure; and
 - it’s unique reference number.
- 7.4 The central record must indicate whether or not the following have been completed: -
- identity checks;
 - qualification checks for any qualifications legally required for the job;
 - checks of eligibility to work in the (UK);
 - (DBS) checks; and.
 - further overseas records checks where appropriate.

8 Roles and Responsibilities in the (DBS) Check Process

- 8.1 The role of the Counter-signatory is crucial in the (DBS) check process. They are the officers authorised by the Council and approved by the (DBS) to have access to and sight of all the personal and sensitive information contained in the (DBS) disclosure certificate. Counter-signatories are the key contact with the (DBS) with responsibility for ensuring that the process is carried out in accordance with these guidelines and the “*(DBS) Code of Practice*”. A list of the Counter-signatories for the Council is given in Section 14 of the Council’s “*(DBS) Checks Policy*”. This list will be maintained by Employee Services. No one under the age of 18 can be a Counter-signatory. The Counter-signatory will check and despatch the (DBS) application form.

8.2 Service Areas/Schools will: -

- compile and maintain a schedule of all posts requiring (DBS) checks and the type required;
- compile and maintain a list of employees by name who are in posts subject to a (DBS) check;
- continue to review current procedure whether a (DBS) check is needed for a role;
- establish if a (DBS) check is required and what type when recruitment is required to an existing post. This will include advising the Recruitment Team within Employee Services of this requirement at the time that the request to recruit and advertise the post is made. The Recruitment Team will ensure that the appropriate requirements are specified in the job description, person specification and job advertisement. Where schools do not use the Recruitment Team they will need to ensure this requirement is met; and
- at the point of offering the appointment the required pre-employment documentation must be forwarded to Employee Services.

8.3 Employee Services will: -

- on a 3-monthly basis report to service areas/schools giving a list of those employees who will require a repeat (DBS) check in accordance with the 3-year rolling programme; and
- ensure that the requirement and type of (DBS) check is included in the written statement of particulars forwarded at the offer of appointment.

8.4 The Chief Officer for each service area or Headteacher in schools will be responsible for ensuring that the process concerning the requirement for (DBS) checks is carried out properly.

9 What happens where a prospective job applicant self-discloses?

9.1 Prospective job applicants will be aware that they will only be offered a post in “*regulated activity*” where there has been a satisfactory criminal record check. They may anticipate this, therefore, by self-disclosing criminal record check information in advance of the selection process. Self-disclosure can play an important part in the recruitment and selection process because it: -

- gives candidates an opportunity to share relevant information at an early stage; and
- can then be discussed at interview and/or considered before the (DBS) certificate is returned.

9.2 It is important to be aware, however, that: -

- it is discriminatory to use information provided by self-disclosure for short-listing;

- self-disclosure information should not be used to exclude someone from being considered for the post;
- fair assessment criteria should always be applied;
- once short-listing has occurred self-disclosure information can then be considered; and
- job applicants may also lie when self-disclosing and so the (DBS) certificate must still be sought. This will allow information provided by the (DBS) to be compared with the self-disclosure.

9.3 Where job applicants make a self-disclosure it is still essential to carry out a (DBS) check. It is not unknown for abusers to disclose a trivial criminal offence that is not relevant to working with children or vulnerable adults to establish him/herself as an honest and credible job applicant. They may do this to persuade a potential employer that the formality of a criminal check is not necessary.

10 What happens when a (DBS) Check discloses sensitive confidential information?

10.1 Where a (DBS) check reveals any information that suggests that a person may pose a risk to or otherwise be unsuitable for work with children or vulnerable adults the Service area manager/Headteacher who with advice and guidance from (HR) must consider the information revealed in line with the “(DBS) Code of Practice”. They may also wish to take advice from (HR).

10.2 The Service area manager/Headteacher will meet with the subject of the (DBS) check to discuss the content prior to making an offer of employment. In determining whether to make an offer of employment regard will be given to the Council’s “Policy Statement on the Recruitment of Ex-Offenders”. Where it is decided that the offer of employment should be withdrawn the prospective employee will be advised in writing of this and of their right to appeal to the school governing body/Chief Officer. Where it is decided that the appointment should be confirmed a risk assessment should be carried out in accordance with the Council’s “Risk Assessment in Safe Employment” guidance to ensure that appropriate control measures are put in place where required.

10.3 Where criminal record information is revealed in a (DBS) check on existing employees as part of the Council’s 3-year rolling programme of repeat (DBS) Checks, Service area managers/Headteachers will discuss the content of the check with the employee concerned giving consideration to the requirements of the Council’s/School’s “Code of Conduct”, the Council’s “Policy Statement on the Recruitment of Ex-Offenders”. Again the Service area manager/Headteacher may wish to carry out a risk assessment and put in place appropriate control measures. It may be appropriate to move the employee to an alternative post with no access to children or vulnerable adults depending on the nature of the disclosure and pending the outcome of a full investigation. Where there is no suitable alternative post the Service area manager/Headteacher must give consideration to invoking the Council’s/school’s staff disciplinary procedure. The employee may be

suspended on full pay pending the outcome of a disciplinary investigation. Only after a full appraisal of the situation, the risks involved and suitable alternative employment options investigated should the possibility of dismissal be considered.

11 Gender Recognition Certificates

- 11.1 Transsexual people who have undergone gender reassignment can apply for a gender reassignment certificate. When a full gender recognition certificate has been issued the person is legally considered to be of the acquired gender. Where the person is required to undergo a (DBS) check as part of the recruitment process they must disclose any previous names and/or gender to the (DBS) who have established a special application procedure/dedicated contact officer to maintain confidentiality (email: sensitive@dbsgsi.gov.uk or telephone: 0151 6761452).
- 11.2 Gender confidentiality will be maintained where the individual has no criminal convictions and where there is no other information held by any Police Authority as a clear disclosure certificate is the ultimate result. If the person does have convictions under their previous gender, however, that are considered relevant to the post applied for then the individual's gender change will be come evident through the provision of conviction information on the (DBS) disclosure certificate which will show both gender names

12 Persons Barred from Working in "Regulated Activity"

- 12.1 It is illegal for the Council/school to knowingly employ any person (paid or unpaid) who is barred from working with children or vulnerable adults in "*regulated activity*." It is also illegal for a barred person to seek employment in "*regulated activity*." Where it becomes known to the Council/ school that a barred person is working in "*regulated activity*" the Service area manager/Headteacher must immediately suspend them from duty and alert (HR) because a referral must be made to the (DBS).
- 12.2 Where an employee has harmed someone or is dismissed or removed from "*regulated activity*" the Council is legally required to forward information about that person to the (DBS). This will also apply where the employee resigns while disciplinary procedures are pending or in progress where the allegations relate to gross misconduct and involve issues of adult or child protection. In such circumstances, the Council/school governing body must proceed with the disciplinary hearing where it is determined that such action is required and must not enter into any settlement agreements with the employee. Further information is available in the Council's/school's disciplinary procedure and the Council's "*Guidance on Referral to the (DBS) and other Professional Bodies*."

13 Monitoring and Control

- 13.1 The Employee Services Manager will fulfil the role of 'Lead Counter-signatory' and take managerial responsibility for compliance with the "*(DBS) Code of Practice*".
- 13.2 Three-monthly monitoring reports will be produced by the Employment Team in order to audit compliance and to ensure adequate management control over the process and its outcomes.
- 13.3 Employee Services will keep a central record of the dates (DBS) checks are done, at what level and when they need to be renewed. (within the limits set by the (DBS) on data retention).

REGULATED ACTIVITY

**“Regulated Activity”**

1.1 Originally defined as:-

- activity involving contact with children or vulnerable adults and is of a specified nature (e.g. teaching, training, care, supervision, advice, medical treatment or in certain circumstances transport) on a frequent, intensive and/or overnight basis);
- activity involving contact with children or vulnerable adults in a specified place (e.g. schools, care homes etc.), frequently or intensively;
- fostering and childcare;
- certain specified positions of responsibility (e.g. school governor, director of children's services, director of adult social services);
- *'frequently'* means once a month or more often. *'Intensively'* means on four or more days in a 30-day period.

Summary of the Definition of Regulated Activity

- 1.2 The full legal definition of *“regulated activity”* is set out in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006, as amended by the Protection of Freedoms Act 2012.

Regulated Activity in Relation to Children

- 1.3 *“Regulated activity”* relating to children means: -

- (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:** e.g. schools, children’s homes, childcare premises. Not work by supervised volunteers.
- (iii) **Relevant personal care** e.g. washing or dressing; or health care by or supervised by a professional;
- (iv) **Registered childminding and foster carers.**

- 1.4 Work under (i) and (ii) is *“regulated activity”* only if done ‘regularly’ by one person (once a week or more often or 4 or more days in a 30-day period or overnight).

1.5 Exceptions to the categories listed above are: -

- (i) **Activities:** supervised activity - under reasonable day to day supervision by another person engaging in regulated activity.
- (ii) **Establishments:** activity by a person contracted (or volunteering) to provide occasional temporary services (not teaching, training or supervision of children) e.g. maintenance work. Volunteering, under day to day supervision of another person engaging in regulated activity.
- (iii) **Health care:** health care not by, or directed or supervised by, a health care professional (e.g. first aid).

1.6 For advice on supervision see the flowcharts in Appendix 2.

Regulated Activity in Relation to Adults

1.7 There are six categories of people who fall within the new definition of “*regulated activity*” as will anyone who provides day to day management or supervision of those people.

- (i) **Providing healthcare** – provision by a healthcare professional or under the direction or supervision of one
- (ii) **Providing personal care** – provision of physical assistance with eating or drinking, going to the toilet, washing or bathing, dressing, oral care or care of the skin, hair or nails because of the adult’s age, illness or disability;

Prompts and then supervises an adult who, because of their age, illness or disability, cannot make the decision to eat or drink go to the toilet, wash or bathe, get dressed or care for their mouth, skin, hair or nails without prompting or supervision: and

Trains, instructs or offers advice or guidance which relates to eating or drinking, going to the toilet, washing or bathing, dressing, oral care or care of the skin, hair or nails to adults who need it because of their age, illness or disability.

- (iii) **Providing social work:** the provision by a social care worker of social work which is required in connection with any health care or social services to an adult who is a client or potential client.
- (iv) **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.

- (v) **Assisting in the conduct of people's own affairs:** anyone who provides various forms of assistance in the conduct of an adult's own affairs, for example by virtue of an enduring power of attorney (see the Safeguarding Vulnerable Groups Act, as amended by the Protection of Freedoms Act 2012, for further categories covered by this clause).
- (vi) **Conveying adults:** to, from, or between places, where they receive healthcare, relevant personal care or social work because of their age, illness or disability (excludes family, friends and taxi drivers).

Note: the frequency test has been removed and 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.

- 1.9 An adult is a person aged 18 years or over.
- 1.10 A person whose role includes the day to day management or supervision of any person engaging in "*regulated activity*" is also in "*regulated activity*".
- 1.11 "*Regulated activity*" for adults excludes activity carried out in the course of family relationships and personal, non-commercial relationships.

(DBS) Checks and when to use them - Flow Charts

- 1.1 The following types of (DBS) check are available. A series of flow charts are provided in Annex 1 to enable you to establish, which, if any, level of check is required. The checks that are available are: -

Standard DBS Check

- 1.2 Used primarily for specific positions or for work that brings a person into contact with vulnerable groups. Standard DBS checks just involve a check of the police national computer and do not include a check of police information or the children or adult's barred lists. A standard disclosure is issued to the individual and includes information on both spent and unspent convictions, as well as details of reprimands, cautions and final warnings that have not been filtered. Standard disclosure is available in relation to recruitment into posts that are exempt from the provisions of the Rehabilitation of Offenders Act 1974.

Enhanced DBS Check

- 1.3 Used where someone meets the pre-September 2012 definition of regulated activity (see Diagram 3). This level of check involves a check of the police national computer and police information.

Enhanced Check for Regulated Activity (Children)

- 1.4 Used when someone is undertaking regulated activity relating to children (see Flow Chart 1). This check involves a check of the police national computer, police information and the children's barred list. This type of certificate is available in relation to recruitment into posts that are exempt from the provisions of the Rehabilitation of Offenders Act 1974 and that are listed in the Police Act 1997 (Criminal Records) Regulations 2002 (SI 2002/233).

Enhanced Check for Regulated Activity (Adults)

- 1.5 Used when someone is undertaking regulated activity relating to adults (see Flow Chart 2). This check involves a check of the police national computer, police information and the adult's barred list. This type of certificate is available in relation to recruitment into posts that are exempt from the provisions of the Rehabilitation of Offenders Act 1974 and that are listed in the Police Act 1997 (Criminal Records) Regulations 2002 (SI 2002/233).

Enhanced Check for Regulated Activity (Children and Adults)

- 1.6 Used when someone is undertaking regulated activity relating to both children and adults (see Flow Chart 1, 2 & 3). This check involves a check of the police national computer, police information and the children and adult's barred list. This check is available in relation to recruitment into posts that are exempt from the provisions of the Rehabilitation of Offenders Act 1974 and that are listed in the Police Act 1997 (Criminal Records) Regulations 2002. In addition to a check of local police records, this check includes information about whether or not the individual is on either of the barred lists held by the (DBS). This type of certificate is appropriate where the job involves working with children or vulnerable adults in a regulated activity.
- 1.7 The table below summarises what the different levels of disclosure reveal: -

The table below summarises what the different levels of disclosure reveal:	Type of Disclosure			
	Standard	Enhanced	Enhanced with Children's barred list	Enhanced with Adult's barred list
Information Included				
Unspent convictions	✓	✓	✓	✓
Spent convictions	✓	✓	✓	✓
Cautions	✓	✓	✓	✓
Children's barred list check	x	x	✓	x
Adult's barred list check	x	x	x	✓
Other relevant information held by police forces and released on the Disclosure applicant's copy and employer's copy	x	✓	✓	✓

DBS Eligibility Flow Diagrams

Eligibility for DBS Check

This flow diagram and supporting guidance is designed to enable you to identify:
 a) if a check is required, and
 b) if it is, what type of check is appropriate.
 The definitions provided in this document are to establish eligibility for a DBS check.
 Torfaen CBC has a duty to ensure it is not unnecessarily undertaking checks which could result in a breach of the Rehabilitation of Offenders Act 1974 (Exceptions) 1975.

Steps to establish if a DBS check is required as defined in the diagrams attached

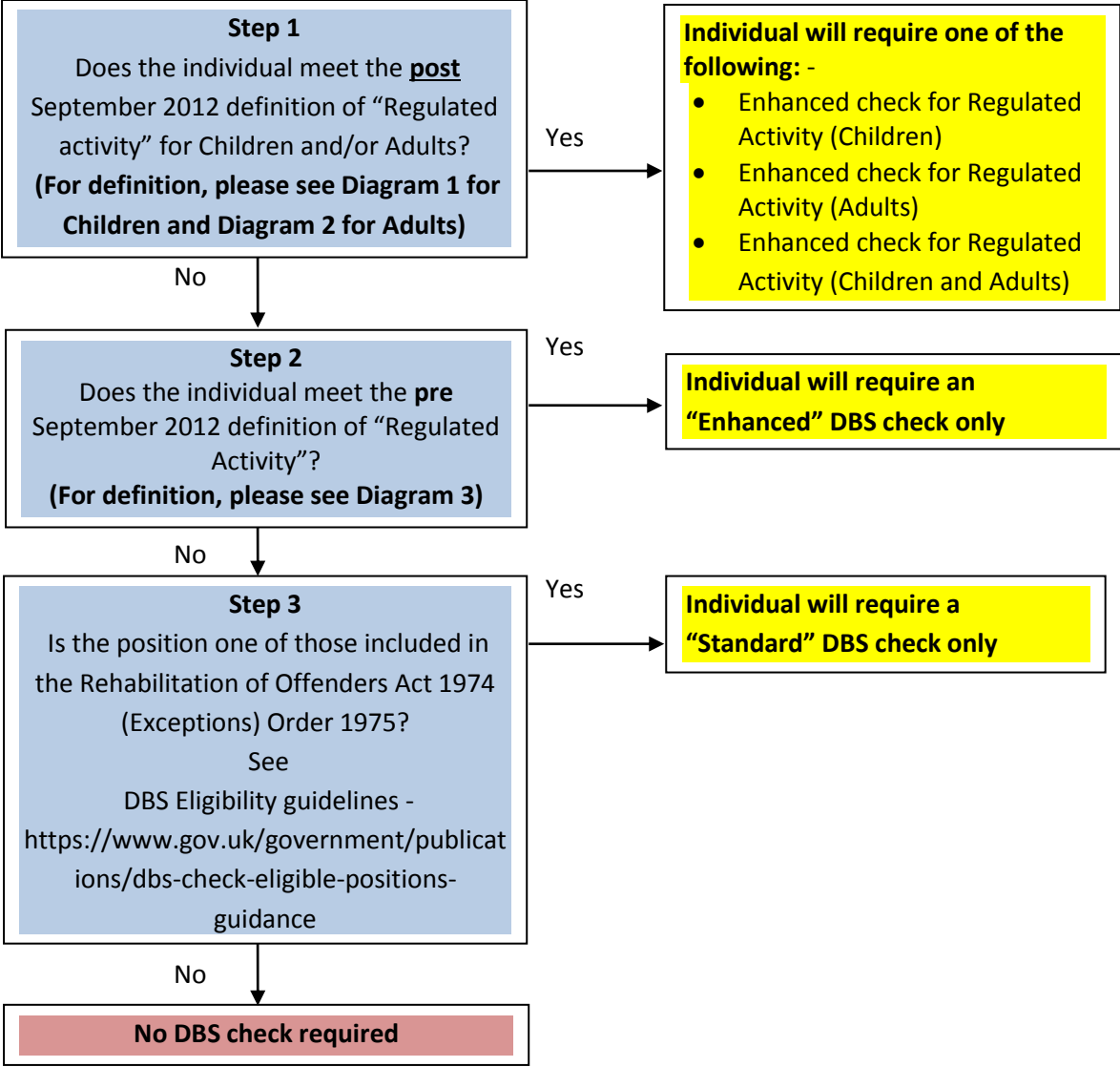


Diagram 1
Regulated Activity relating to Children (post September 2012 Definition)

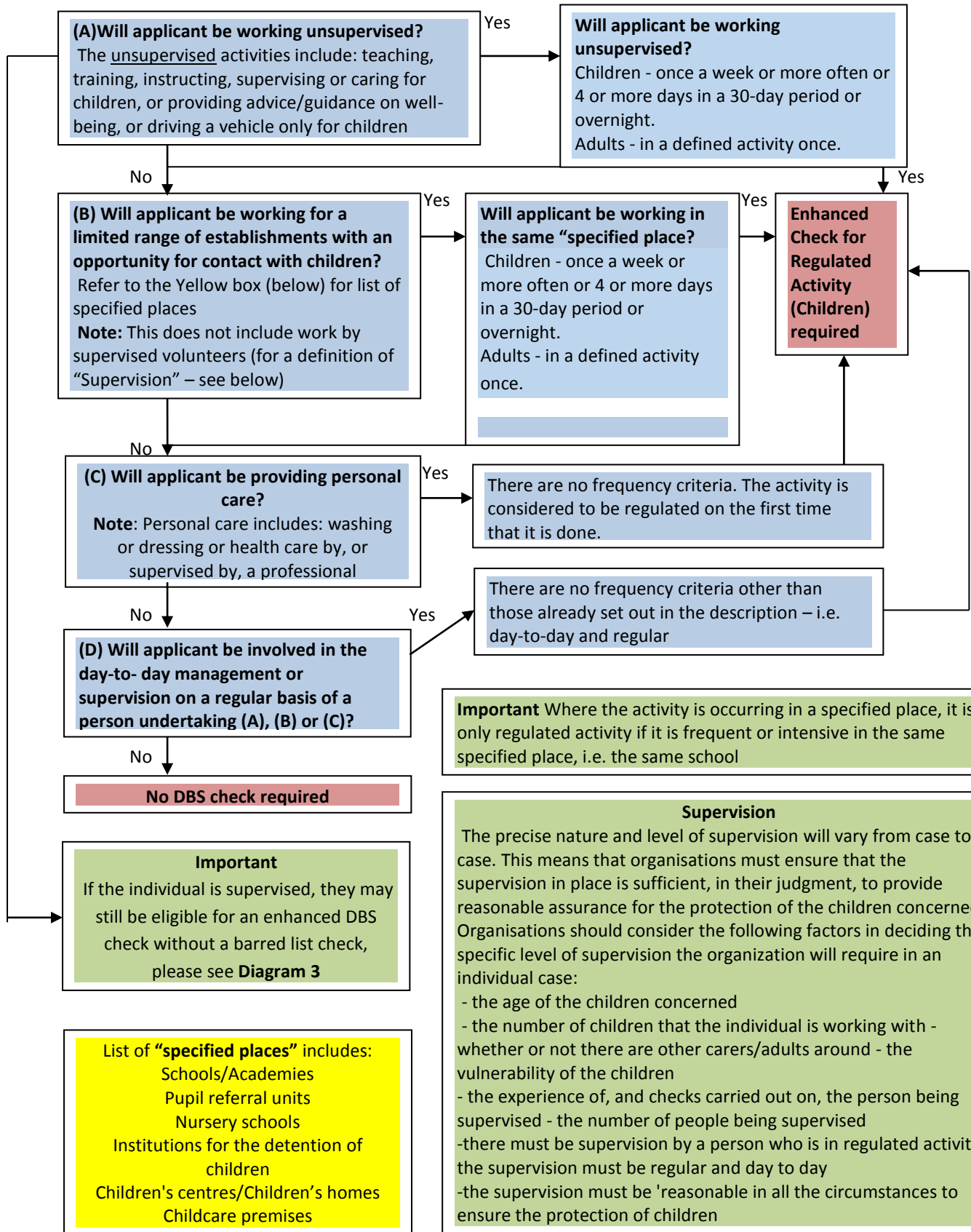
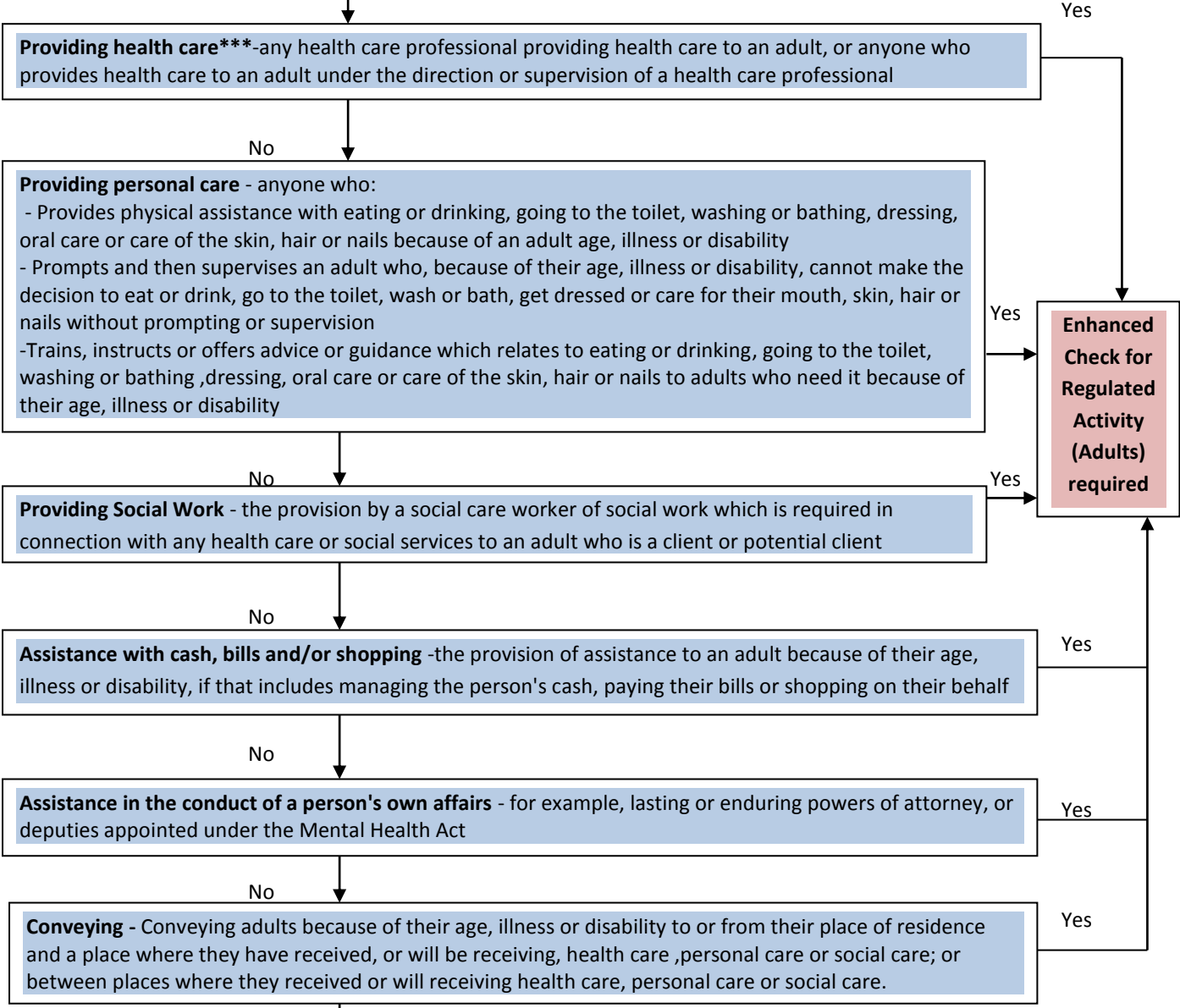


Diagram 2
Regulated Activity relating to Adults (post September 2012 definition)

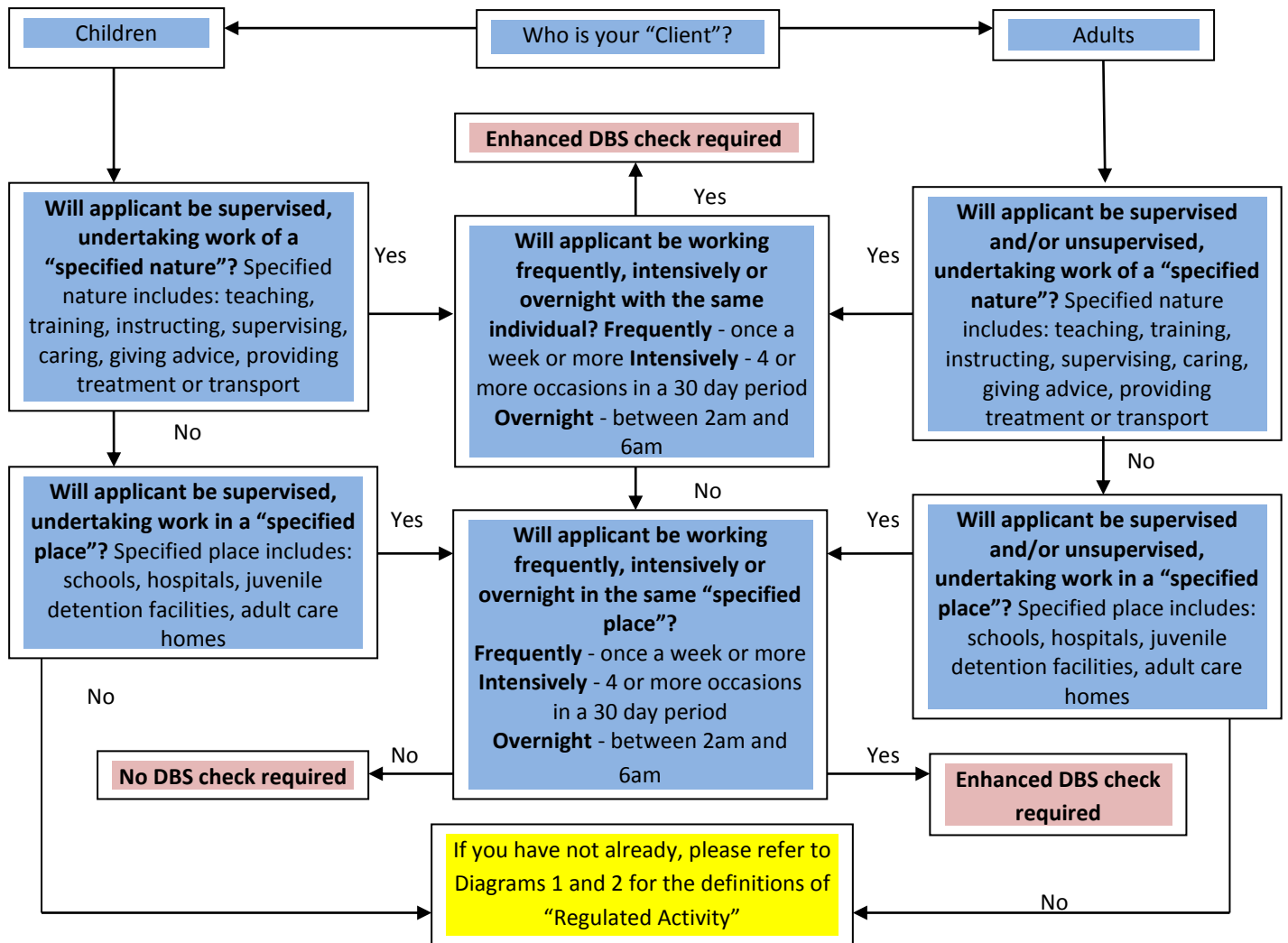
Regulated activity relating to adults identifies activities which, if any adult requires them, lead to that adult being considered vulnerable at that particular time. There is not a requirement to do the activity a certain number of times before it is considered as engaging in regulated activity. Anyone meeting the six definitions below (**including a person who provides day-to-day management or supervision of those people**) will require an enhanced DBS Check with an adults barred list check.



*****Health Care** includes all forms of health care provided for adults, whether relating to physical or mental health, and includes palliative care. This includes diagnostic tests and investigative procedures. It also includes procedures that are similar to forms of medical or surgical care that are not provided in connection with medical condition, i.e. taking blood from a blood donor or cosmetic surgery

For an Enhanced CRB check with no barred list check
 If an individual does not meet the definition of 'regulated activity' as set out above but **does** fall within the old definition of "regulated activity". (See Diagram 3 to see if they meet the old definition)

Diagram 3
DBS Check without a barred list check (Pre September 2013 definition)



Important

Where the activity is occurring in a specified place, it is only regulated activity if it is frequent or intensive in the same specified place, i.e. the same school

Supervision

The precise nature and level of supervision will vary from case to case. This means that organisations must ensure that the supervision in place is sufficient, in their judgment, to provide reasonable assurance for the protection of the children concerned. Organisations should consider the following factors in deciding the specific level of supervision the organization will require in an individual case:

- the age of the children concerned
- the number of children that the individual is working with
- whether or not there are other carers/adults around
- the vulnerability of the children
- the experience of, and checks carried out on, the person being supervised
- the number of people being supervised
- there must be supervision by a person who is in regulated activity - the supervision must be regular and day to day
- the supervision must be 'reasonable in all the circumstances to ensure the protection of children

(DBS) - Confirmation of Identity Check

Three Routes of (ID) Checking

Route One

- 1.1 All applicants must initially be considered for Route 1.
- 1.2 Can the applicant produce a group 1 document? If yes, then the applicant must produce 3 documents: -
 - 1 document from group 1 (refer to list of valid identity documents); and
 - 2 further documents from group 1, 2a or 2b; one of which must verify their current address.
- 1.3 If the applicant has satisfied this route then the document check is complete. If the applicant cannot produce a group 1 document then go to route two.
- 1.4 European Economic Area (EEA) Nationals (Non-UK): -
 - where an (EEA) National has been resident in the UK for five years or less the registered body should validate identity via route one through the checking of a current passport or current Group 1 Driving Licence (photo card) plus 2 further documents.
- 1.5 In the absence of a group 1 document the registered body must satisfy themselves of a valid reason for using route two.
- 1.6 Non-(EEA) Nationals: -
 - all Non-(EEA) Nationals should be validated via route one only.

Route Two

- 2.1 The applicant must produce 3 documents from group 2 consisting of: -
 - 1 document from group 2a; and
 - 2 further documents from group 2a or 2b - one of which must verify their current address: and
 - the organisation conducting the (ID) check will then need to ensure an appropriate external (ID) validation service is used to check the applicant against their records to establish the applicant's name and living history footprint.

Route Three

- 3.1 All employers must have tried to take Route 1 and Route 2 before you consider processing through Route 3 which should only be used where you have fully explored with the applicant why their identity has not been successfully validated via Routes 1 or 2.
- 3.2 To do this, you should hold a probing discussion with the applicant about the likely reasons why their identity has not been validated before considering using Route 3. For example, there may have been a recent or previous change of name that has not been declared. You should keep a record of this discussion for internal purposes. It is the employer's responsibility to establish the true identity of the applicant through the examination of a range of documents set out in this guidance.
- 3.3 For Route 3, the applicant must produce their birth certificate (UK and Channel Islands) – (issued after the time of birth by the General Register Office/relevant authority i.e. Registrars – Photocopies are not acceptable) and 4 further documents from group 2 consisting of: -
 - 1 document from group 2a; and
 - 3 further documents from group 2a or 2b; one of which must verify their current address.
- 3.4 If you are still unable to validate the applicant's identity using routes one, two or three then you should indicate this on the application form at Box W59 and return the form to us.

DBS applications
PO Box 3961
Wootton Bassett
SN4 4HF

- 3.5 The applicant will then need to be sent for fingerprinting by the police. This can cause delays to the (DBS) application process and your recruitment campaign.

Group 1: Primary identity documents

Document	Notes
Passport	Any current and valid passport
Biometric residence permit	UK
Current driving licence photo-card - (full or provisional)	UK, Isle of Man, Channel Islands and EU
Birth certificate - issued at time of birth	UK and Channel Islands - including those issued by UK authorities overseas, e.g. embassies, High Commissions and HM Forces
Adoption certificate	UK and Channel Islands

Group 2a: Trusted government documents

Document	Notes
Current driving licence photo-card - (full or provisional)	All countries outside the EU (excluding Isle of Man and Channel Islands)
Current driving licence (full or provisional) - paper version (if issued before 1998)	UK, Isle of Man, Channel Islands and EU
Birth certificate - issued after time of birth	UK and Channel Islands
Marriage/civil partnership certificate	UK and Channel Islands
HM Forces ID card	UK
Firearms licence	UK, Channel Islands and Isle of Man

All driving licences must be valid.

Group 2b: Financial and social history documents

Document	Notes	Issue date and validity
Mortgage statement	UK or EEA	Issued in last 12 months
Bank or building society statement	UK and Channel Islands or EEA	Issued in last 3 months
Bank or building society account opening confirmation letter	UK	Issued in last 3 months
Credit card statement	UK or EEA	Issued in last 3 months
Financial statement, e.g. pension or endowment	UK	Issued in last 12 months
P45 or P60 statement	UK and Channel Islands	Issued in last 12 months
Council Tax statement	UK and Channel Islands	Issued in last 12 months
Work permit or visa	UK	Valid up to expiry date
Letter of sponsorship from future employment provider	Non-UK or non-EEA only - valid only for applicants residing outside of the UK at time of application	Must still be valid
Utility bill	UK - not mobile telephone bill	Issued in last 3 months
Benefit statement, e.g. Child Benefit, Pension	UK	Issued in last 3 months
Central or local government, government agency, or local council document giving entitlement, e.g. from the Department for Work and Pensions, the Employment Service, HMRC	UK and Channel Islands	Issued in last 3 months
EU National ID card	-	Must still be valid

Cards carrying the PASS accreditation logo	UK and Channel Islands	Must still be valid
Letter from Headteacher or college principal	UK - for 16 to 19 year olds in full time education - only used in exceptional circumstances if other documents cannot be provided	Must still be valid

N.B. Following the identification check the form given in Annex 1 must be completed and returned to Employee Services.

Identity Check Form

This form must be completed and submitted with the DBS application to: Employee Services, Floor 4, Civic Centre.

N.B. For **NEW** employees to the Council, some of the documentation stated below (marked *) serves the additional purpose of a Right to Work in the UK eligibility check. If the applicant is a NEW employee please photocopy documents marked * and send with this form and DBS application.

Applicants must provide THREE pieces of original ID one of which must show their current address.

DETAILS OF APPLICANT			
NAME		POST	
DBS FORM NUMBER - F01_----- —		SERVICE AREA/LOCATION/SCHOOL	
IDENTIFICATION CHECK			
Use Route 1 if applicant can provide at least one Group 1 document	Tick the boxes of the documents examined from Group 1 detailed opposite	Passport (Any current & valid passport) *	<input type="checkbox"/>
		Birth Certificate issued at time of birth (UK & Channel Islands – including those issued by UK authorities overseas e.g. Embassies, High Commissions & HM Forces *)	<input type="checkbox"/>
		Current Driving Licence (full or provisional) – Photo card (UK/Isle of Man/Channel Islands & EU All licences must be valid (https://www.gov.uk/driving-nongb-licence)	<input type="checkbox"/>
		Biometric Residence Permit (UK) *	<input type="checkbox"/>
		Adoption Certificate (UK & Channel Islands) *	<input type="checkbox"/>
	If required, list the codes for the 2 additional documents examined from Group 2a or 2b overleaf		
Use Route 2 if applicant cannot provide a Group 1 document	List the codes for the documents examined in Group 2a overleaf		
	List the codes for the 2 documents examined from Group 2a and 2b		

	Provide additional information	Bank Account No.	Bank Account Sort Code
		Mother's Maiden Name	Country of Birth
Cost code for Recharge of DBS fee <u>MUST BE PROVIDED</u>			

I certify that the documentation examined and detailed above has been checked as proof of the applicant's identity and that to the best of my knowledge, this information is correct

PRINT NAME _____ SIGNATURE _____

POST TITLE _____ SERVICE AREA/SCHOOL _____

CONTACT NUMBER _____ DATE _____

Please see items marked * which may also be utilized for a Right to Work eligibility check. Copies should be sent to Employee Services if these have been provided as identification checks for NEW employees to the Council.

Group 2a	Group 2b
2a.1 Current Driving Licence (full or provisional). – photo card. All countries. All licences must be valid (https://www.gov.uk/driving-nongb-licence)	2b.1 Mortgage Statement issued in last 12 months (UK or EEA)
2a.2 Current Driving Licence (full or provisional). – paper version. UK, Isle of Man, Channel Islands & EU. All licences must be valid (https://www.gov.uk/driving-nongb-licence)	2b.2 Bank/Building Society Statement issued in last 3 months. (UK/Channel Islands or EEA)
2a.3 Birth Certificate issued after the time of birth (UK & Channel Isles) *	2b.3 Bank/Building Society account opening confirmation letter issued in last 3 months (UK)
2a.4 Marriage/Civil Partnership Certificate (UK and Channel isles)	2b.4 Credit Card Statement issued in last 3 months (UK or EEA)
2a.5 HM Forces ID Card (UK)	2b.5 Financial Statement e.g. pension, endowment issued in last 12 months (UK)
2a.6 Fire Arms Licence (UK/Channel Islands & Isle of Man)	2b.6 P45/P60 Statement issued in last 12 months (UK or Channel Islands) *
	2b.7 Council Tax Statement issued in last 12 months (UK or Channel Islands)
	2b.8 Work Permit/Visa issued in last 12 months (UK)

<p>2b.9 Utility Bill - Not Mobile Phone issued in last 3 months (UK)</p>
<p>2b.10 Benefit Statement e.g. Child Allowance, Pension issued in last 3 months (UK)</p>
<p>2b.11 Central or local government, government agency, or local council document giving entitlement e.g. Dept of Works and Pensions, the Employment Service, HMRC issued in last 3 months (UK or Channel Islands) *</p>
<p>2b.12 EU National ID Card – must still be valid</p>
<p>2b.13 Cards carrying the PASS accreditation logo – must still be valid (UK or Channel Islands)</p>
<p>2b.14 Letter of Sponsorship from future employment provider (Non-UK or non EES only – valid only for applicants residing outside UK at time of application) must still be valid</p>
<p>2b.15 Letter from Headteacher or College Principal - for 16 to 19 year olds in full time education – only used in exceptional circumstances if other documentation cannot be provided (UK)</p>