



Safeguarding, Safer Recruitment & Employment WCVA & DBS

22 June 2023

Mair Rigby/Carol Eland

"Safeguarding is everyone's business"

[Code of Safeguarding Practice](#)

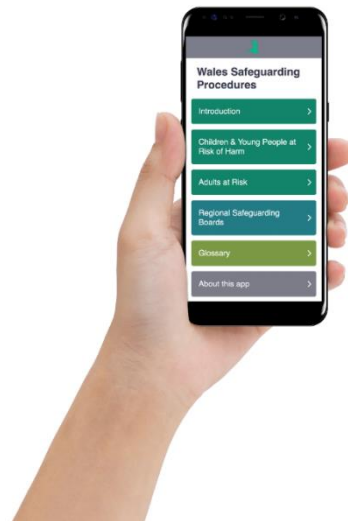
For groups working with children and/or adults and not subject to statutory requirements



Llywodraeth Cymru
Welsh Government



Gweithdrefnau Diogelu Cymru Wales Safeguarding Procedures



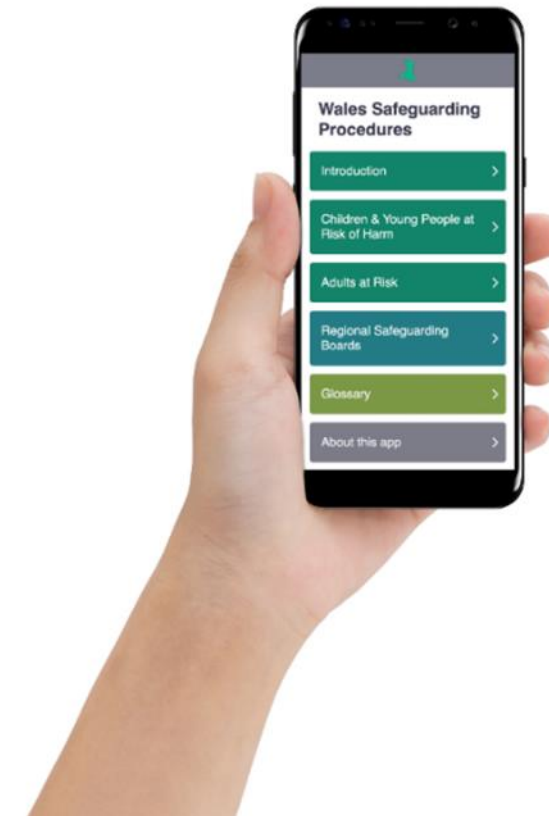
App for phone and tablet

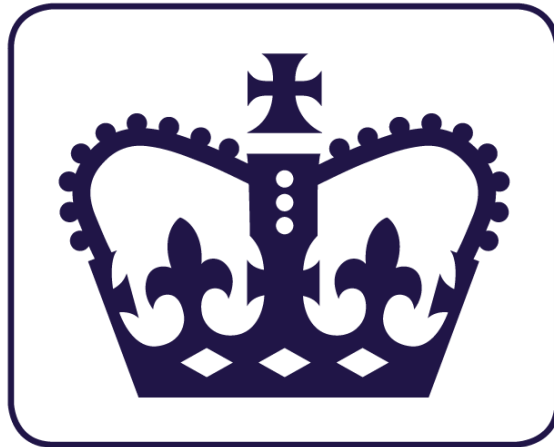
www.safeguarding.wales



Wales Safeguarding Procedures

- Free app
- Always up-to-date
- Applies to all practitioners (workers/volunteers) in contact with adults at risk and/or children
- All settings and organisations in Wales
www.safeguarding.wales





The [Charity Commission](#) regards safeguarding as a:

- key governance priority for all charities
- not just those that work with groups traditionally considered vulnerable

DBS checks

An important recruitment tool
but must sit in the context of
organisational safeguarding



Safe recruitment

- Role descriptions - recruiting into a position, not a void
- Clear task remit – what to do and what NOT to do
- Code of conduct – how to act, both in person and online, respectful of all and also safeguarding those at risk; maintain standards and support org values



Safeguarding messages

- Safeguarding policy that
 - a) safeguards volunteers and
 - b) tells them what they are expected to do/not do
- Induction to the organisation, the policy and basic safeguarding training
- Safeguarding training specific to role in contact with people at risk



Safeguarding management

- Designated Safeguarding Person to raise concerns with
- DSP/Lead officer to take on required tasks
- Support for emotional wellbeing and resilience if affected by any safeguarding issues

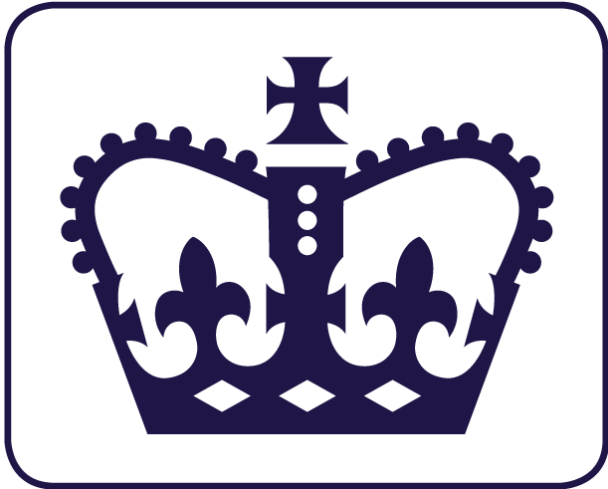


“Suitable people”



Automatic disqualification rules disqualify certain people from being a trustee, chief executive or chief finance officer: [automatic disqualification rules](#)

Trustees can be eligible for DBS checks, but it depends what kind of charity it is. Carol will cover this shortly!

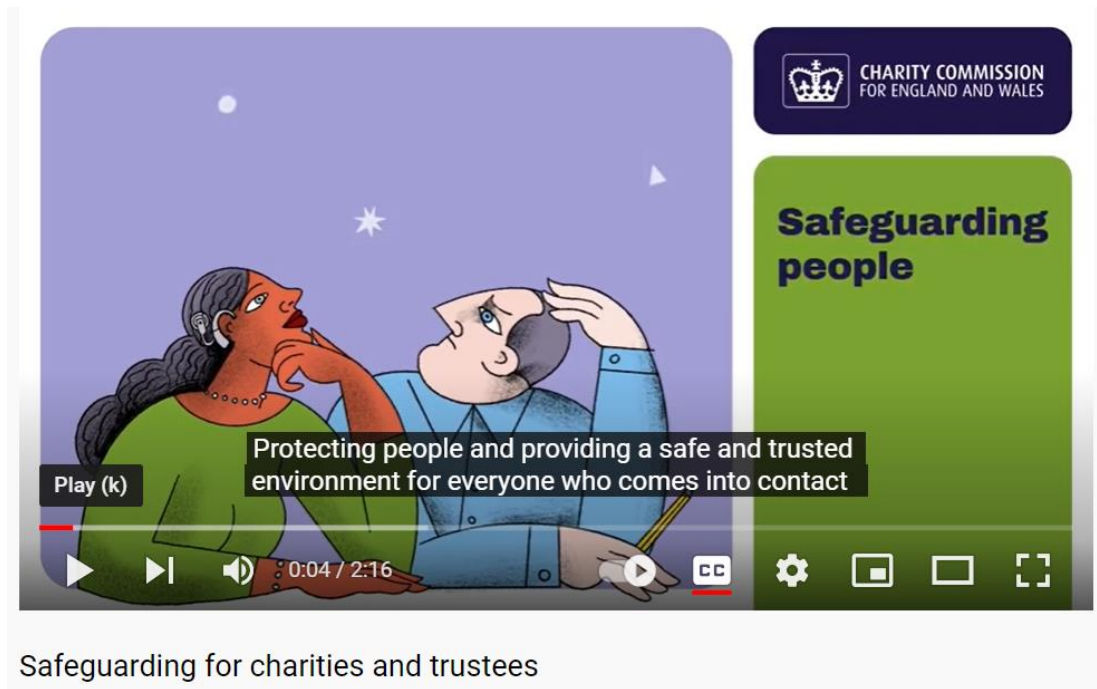


[Safeguarding duties charity trustees](#)

Trustees are held ultimately responsible for safeguarding within their organisation, however much they may devolve certain functions to others.

Charity Commission will hold trustees to account if things go wrong and check that trustees followed their guidance and the law.

Safeguarding and trustee responsibilities



https://youtu.be/-6V_-JcbKZA

1. Provide a safe and trusted environment.

Safeguarding involves a duty of care to everyone who comes into contact with your charity, not just vulnerable beneficiaries like children and young people

2. Set an organisational culture that prioritises safeguarding,

so it is safe for people to report incidents and concerns in the knowledge they will be dealt with appropriately

3. Have adequate safeguarding policies, procedures and measures to protect people and make sure these are made public, reviewed regularly and kept up to date

4. Handle incidents as they arise.

Report them to the relevant authorities including the police and the Charity Commission. Learn from these mistakes and put in place the relevant mechanisms to stop them happening again

<https://www.gov.uk/guidance/safeguarding-duties-for-charity-trustees>

Information and Support

WcVA
CgGC



Cefnogi Trydydd
Sector **Cymru**

Third Sector
Support **Wales**

<https://thirdsectorsupport.wales/>

Safeguarding Essentials

<https://thirdsectorsupport.wales/help-and-guidance/safeguarding/safeguarding-essentials/>

E-courses <https://thirdsectorsupport.wales/our-courses/good-governance/>

Self-assessment tool

<https://thirdsectorsupport.wales/resources/safeguarding-self-assessment-tool/>



The screenshot shows a Facebook group page for 'Safeguarding / Diogelu'. The page header includes navigation tabs for 'Activity', 'Members', 'Groups', and 'Events', along with the user profile 'Mair Rigby' and a notification bell. The main content area features a large photo of a diverse group of people sitting in a circle and talking. Below the photo is a smaller icon of hands holding a family silhouette. The group title 'Safeguarding / Diogelu' is displayed with 'Private' and 'Pillar' status indicators, and a 'YOU'RE AN TOPIC EXPERT' badge. The introductory text in English and Welsh describes the group's purpose as a forum for sharing best practices and discussing issues related to safeguarding in charities and voluntary organizations.

Activity Members Groups Events Mair Rigby



Safeguarding / Diogelu Private Pillar YOU'RE AN TOPIC EXPERT

Welcome to our Safeguarding Community of Practice online discussion area. The WCVA Safeguarding Community of Practice provides a forum for people who have safeguarding responsibilities in charities and voluntary organisations to come together, share good practice, and discuss topical issues.

Croeso i fan trafod ar-lein ein Cymuned Ymarfer Diogelu. Mae Cymuned Ymarfer Diogelu CGGC yn fforwm i bobl â chyfrifoldebau diogelu mewn elusennau a mudiadau gwirfoddol ddod ynghyd, rhannu arferion da a thrafod materion llosg.

Topic Experts (2)

<https://thirdsectorsupport.wales/groups/safeguarding/>

DBS

Presenter: Carol Eland – Regional
Outreach Adviser – Wales

Date: 22 June 2023

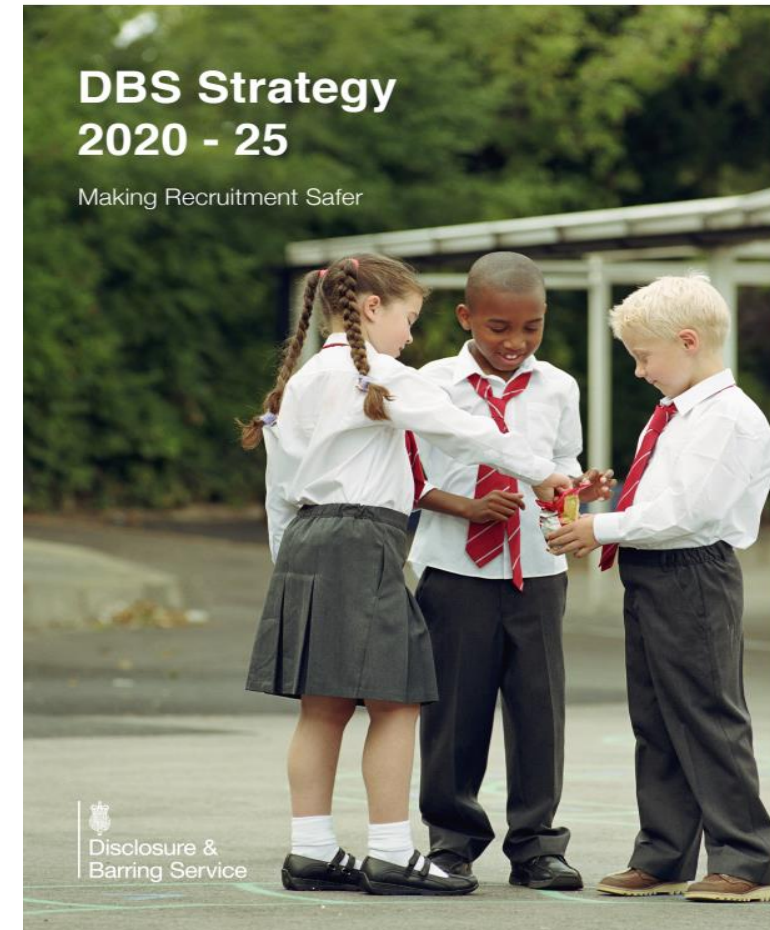


Introduction

Our Purpose:

Protecting the public by helping employers make safer recruitment and employment decisions, and by barring individuals who pose a risk to vulnerable people.

[DBS Business Plan 2023-2024](#)



The role of DBS

The Disclosure and Barring Service, also known as DBS, is responsible for the delivery of disclosure and barring functions on behalf of government.

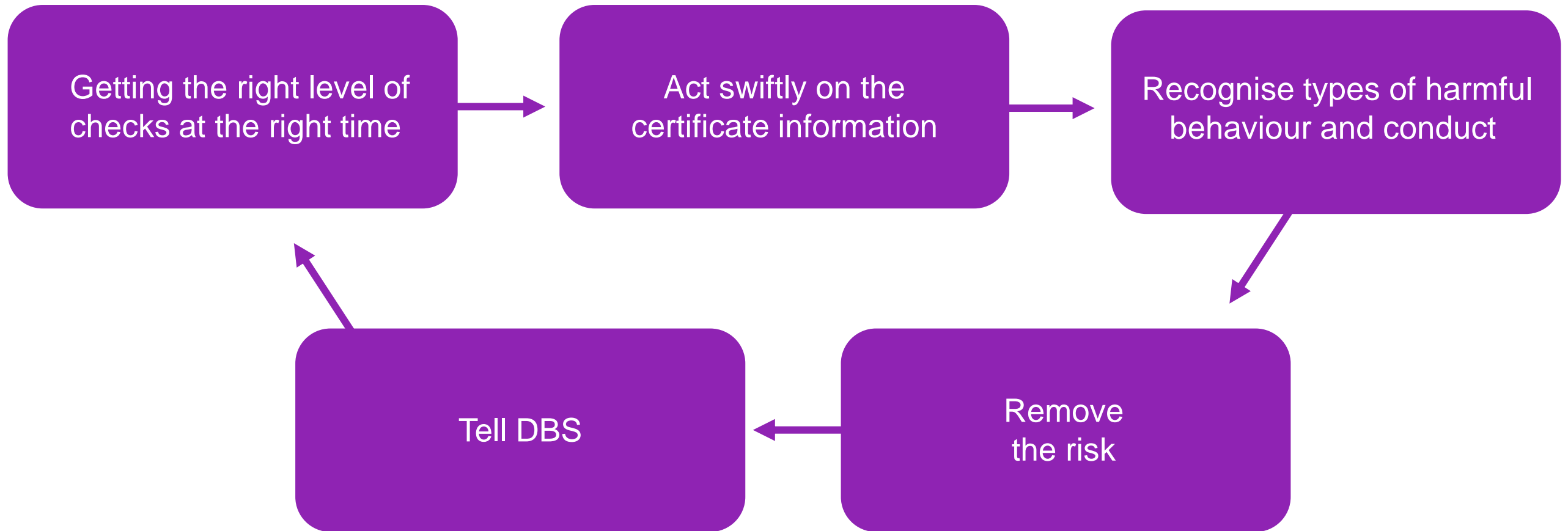
We operate **disclosure** functions for England, Wales, Jersey, Guernsey, and the Isle of Man under Part 5 of the Police Act 1997, supported by the following:

- Rehabilitation of Offenders (Exceptions Order) Act 1975
- Safeguarding Vulnerable Groups Act 2006
- Protection of Freedoms Act 2012

We also operate **barring** functions for England, Wales, and Northern Ireland under the following:

- Safeguarding Vulnerable Groups Act 2006
- Safeguarding Vulnerable Groups (Northern Ireland) Order 2007
- Protection of Freedoms Act 2012

Getting it right



Different levels of DBS check

£18 Basic DBS check	£18 Standard DBS check	£38 Enhanced DBS check	£38 Enhanced with Barred List(s) DBS check
Unspent convictions and conditional cautions	Spent and unspent convictions and cautions (subject to filtering)	Spent and unspent convictions and cautions (subject to filtering)	Spent and unspent convictions and cautions (subject to filtering)
		Relevant police intelligence	Relevant police intelligence
			Barred List(s) info (optional)

Spent and Unspent Convictions

If a conviction is spent the person has a legal right not to disclose the conviction unless applying for a role where a standard or enhanced check is required. If the conviction is unspent the person may still have to disclose if asked about any past convictions or criminal history.

Convictions become spent once a certain period of time – known as the ‘rehabilitation period’ – has passed.

For those that received sentences of over four years, or those who received sentences for public protection the conviction never becomes spent.

For those sentences of four years exactly or under, the rehabilitation period varies depending on the age of the offender at conviction, the length of the sentence, and the type of sentence.

Charity Trustees

The level of check that trustees are eligible for depends on what type of charity they support:

Children's Charity

(a charity is a children's charity if the workers or volunteers include those who carry out work that falls into the legal definition of **regulated activity** with children as part of the charities main activities.)

Adult's Charity

(a charity is an adult's charity if the charity workers or volunteers include those who carry out work that falls into the legal definition of **work with adults** or **regulated activity** with adults.)

All other charities

Enhanced

Basic

DBS workforces

The Police Act 1997 (Criminal Records) regulations separate eligibility for Enhanced DBS checks into the following categories:



[Work with Children
- Child Workforce
Guide](#)



[Work with Adults -
Adult Workforce
Guide](#)



[Everything Else -
Other Workforce
Guide](#)

DBS workforces



Standard Check - Eligibility Guidance

DBS Update Service

Organisations and employers can check online, free-of-charge, with the individual's consent – the certificate must be at a level that you are able to check and for the correct workforce.

Those making the check will be advised:

- No new information exists
- If the original certificate contained 'no relevant information'
- New information exists
- There is no record of the certificate in the service



Benefits of the Update Service:

- Re-check when you need to with the individual's consent
- Faster results – you will know instantly if there is no change or if you need to get a new certificate

Who has a legal duty to refer?

A regulated activity provider:

Employers or voluntary organisations who are responsible for the management or control of regulated activity and make arrangements for people to work in regulated activity

Personnel suppliers:

An employment business, employment agency or an educational institution that makes arrangements with a person with a view to supplying that person to employers to undertake regulated activity

When must you refer?

Condition one:

You withdraw permission to engage in regulated activity: dismissed, re-deployed, retired, been made redundant, or resigned

Condition two:

You think the person has either:

- engaged in relevant conduct
- satisfied the harm test; or
- received a caution for, or a conviction for, or been convicted for a relevant offence

What is relevant conduct?

- Relevant conduct is conduct which :
- endangers a child or adult, or is likely to endanger a child or adult
- if repeated against or in relation to a child or adult, would endanger the child or adult, or be likely to endanger the child or adult
- involves sexual material relating to children (including possession of such material)
- involves sexually explicit images depicting violence against human beings (including possession of such images)
- is of a sexual nature involving a child or adult

What is harm?

A person's conduct endangers a child or adult if they:

- harm a child or adult
- cause a child or adult to be harmed
- put a child or adult at risk of harm
- attempt to harm a child or adult
- incite another to harm a child or adult

Impact of being barred from regulated activity across UK jurisdictions

Children's Barred List - not allowed to engage in regulated activity with children in England, Wales, and Northern Ireland.

Adults' Barred List - not allowed to engage in regulated activity with vulnerable adults in England, Wales, and Northern Ireland.

It is a criminal offence to work, seek work, or offer to work in regulated activity when barred on the relevant list

It is a criminal offence for a person to permit an individual they know (or have reason to believe) is barred from regulated activity to engage in regulated activity

There is a maximum penalty 5 years imprisonment and or a fine

The bar also applies to regulated work in Scotland

Useful Links

[DBS Guidance Leaflets](#)

[DBS Check process explained - video](#)

[DBS eligibility guidance](#)

[Eligibility guidance for enhanced DBS checks](#)

[DBS Barring Referral Guidance](#)

[DBS Barring Referral Form and Guidance](#)

[How to make a Good Quality Barring Referral](#)

[Information for Individual who have been referred to DBS](#)

How to contact us

Please get in touch for bespoke support:

- Questions about DBS checks, eligibility, and regulated activity
- Support with making barring referrals and the 'legal duty to refer'
- Delivery of training and workshops directly to your team or network
- Support your training programmes that require DBS information
- Provide us feedback so we can improve our DBS products and services

Regional Outreach Adviser – Wales
CarolAnn.eland@dbs.gov.uk

Regional Outreach Team
DBSregionaloutreach@dbs.gov.uk

• **Further information - Disclosure:**
• **Customer Services:** 03000 200 190 / 191
- **Email:** customerservices@dbs.gov.uk

Further information - Barring:
- **Customer Services:** 03000 200 190 / 191
Email: Contactus@dbs.gov.uk

- **Website:** www.gov.uk/dbs

- **Facebook:**
<https://www.facebook.com/dbsgovuk/>

- **Twitter:** <https://twitter.com/DBSGovUK>

Thank you for listening.
Any questions?