

DYDD MAWRTH 9FED EBRILL 2024

AT: HOLL AELODAU'R CABINET

YR WYF DRWY HYN YN EICH GALW I FYNYCHU CYFARFOD AML-LEOLIAD O'R CABINET A GYNHELIR YN Y SIAMBR, NEUADD Y SIR, CAERFYRDDIN, SA31 1JP NEU O BELL AM 10.00 Y.B. AR DDYDD LLUN, 15EG EBRILL, 2024 ER MWYN CYFLAWNI'R MATERION A AMLINELLIR AR YR AGENDA SYDD YNGHLWM

Wendy Walters

PRIF WEITHREDWR

Swyddog Democrataidd:	Michelle Evans Thomas
Ffôn (Ilinell uniongyrchol):	01267 224470
E-bost:	MEEvansThomas@sirgar.gov.uk

Cyfarfod aml-leoliad yw hwn. Gall aelodau'r pwyllgor fynychu'n bersonol yn y lleoliad a nodir uchod neu o bell drwy'r ddolen Zoom a ddarperir ar wahân.

**Gellir gwylio'r cyfarfod ar wefan y cyngor drwy'r ddolen canlynol:-
<https://carmarthenshire.public-i.tv/core/portal/home>**

Wendy Walters Prif Weithredwr, *Chief Executive*,
Neuadd y Sir, Caerfyrddin. SA31 1JP
County Hall, Carmarthen. SA31 1JP

Y CABINET

AELODAETH – 10 AELOD

CYNGHORYDD	PORTFFOLIO
Cynghorydd Darren Price	Arweinydd
Cynghorydd Linda Evans	Dirprwy Arweinydd ac Aelod Cabinet dros Gartrefi
Cynghorydd Glynog Davie	Addysg a'r Gymraeg
Cynghorydd Ann Davies	Materion Gwledig, Cydlyniant Cymunedol a Pholisi Cynllunio
Cynghorydd Hazel Evans	Adfywio, Hamdden, Diwylliant a Thwristiaeth
Cynghorydd Philip Hughes	Trefniadaeth a'r Gweithlu
Cynghorydd Alun Lenny	Adnoddau
Cynghorydd Edward Thomas	Gasanaethau Trafnidiaeth, Gwastraff a Seilwaith
Cynghorydd Jane Tremlett	Iechyd a Gwasanaethau Cymdeithasol
Cynghorydd Aled Vaughan Owen	Newid Hinsawdd, Datgarboneiddio a Chynaliadwyedd

AGENDA

1. YMDDIHEURIADAU AM ABSENOLDEB
2. DATGANIADAU O FUDDIANNAU PERSONOL
3. I LOFNODI FEL COFNOD CYWIR COFNODION CYFARFODYDD Y CABINET A GYNHALIWDYD AR Y DYDDIADAU CANLYNOL:-
 - 3.1 18EG MAWRTH 2024 5 - 10
 - 3.2 25AIN MAWRTH 2024 11 - 14
4. CWESTIYNAU Â RHYBUDD GAN YR AELODAU
5. CWESTIYNAU A RHYBYDD GAN Y CYHOEDD
6. DIOGELU CYFLOGAETH (POLISIŴAU / CANLLAWIAU DIWYGIEDIG A NEWYDD) 15 - 112
7. Y RHAGLEN DEG TREF (CRONFA REFENIW) 113 - 120
8. CRONFA GYFALAF Y RHAGLEN DEG TREF - LLANYBYDDER 121 - 128
9. CYMERADWYO ENWEBIAD Y CYNGHORYDD STEVE WILLIAMS I'W BENODI I GRWP CYDWEITHIO PARC HOWARD (AR Y CYD GYDA CHYNGOR TREF LLANELLI)
10. CYMERADWYO'R NEWIDIADAU GAN Y GRWP LLAFUR I AELODAETH PANELAU YMGYNGHOROL Y CABINET:-
 - Y Cynghorydd Edward Skinner i lenwi'r lle gwag ar y Panel Ymgynhorol Datblygu'r Cynllun Datblygu Lleol
 - Y Cynghorydd Anthony Leyshon i gymryd lle'r Cynghorydd Dot Jones ar Banel Ymgynhorol y Gweithgor Gwledig
 - Y Cynghorydd Lewis Davies i gymryd y lle gwag diwethaf ar Banel Ymgynhorol y Gweithgor Gwledig
11. UNRHYW FATER ARALL Y GALL Y CADEIRYDD OHERWYDD AMGYLCHIADAU ARBENNIG BENDERFYNU EI YSTYRIED YN FATER BRYD YN UNOL AG ADRAN 100B(4)(B) O DDEDDF LLYWODRAETH LEOL, 1972.

Mae'r dudalen hon yn wag yn fwriadol

CABINET

DYDD LLUN 18 MAWRTH 2024

YN BRESENNOL: Y Cyngorydd D. Price (Cadeirydd)(Yn y Siambr)

Cynghorwyr (Yn y Siambr):

C.A. Davies	G. Davies	H.A.L. Evans	L.D. Evans
P.M. Hughes	A. Lenny	E.G. Thomas	J. Tremlett

Cynghorwyr (Yn rhithwir):

A. Vaughan-Owen

Hefyd yn bresennol fel sylwedydd (Yn rhithwir):

Y Cyngorydd D. Cundy

Hefyd yn bresennol (Yn y Siambr):

W. Walters – Prif Weithredwr
J. Morgan – Cyfarwyddwr Gwasanaethau Cymunedol
C. Moore – Cyfarwyddwr Gwasanaethau Corfforaethol
G. Morgans – Cyfarwyddwr Addysg & Gwasanaethau Plant
J. Jones – Pennaeth Adfywio, Polisi & Digidol
L. Rees-Jones – Pennaeth Gweinyddiaeth a'r Gyfraith
L. Evans – Rheolwr Polisi & Ymgysylltu
C. Higginson – Rheolwr Cyfryngau
L. Jenkins – Swyddog Cymorth y Cabinet
R. Morris – Swyddog Cymorth i'r Aelodau
K. Thomas – Swyddog Gwasanaethau Democrataidd
S. Rees – Cyfieithydd ar y Pryd

Hefyd yn bresennol (Yn rhithwyr):

M. Evans Thomas – Prif Swyddog Gwasanaethau Democrataidd [Cymeryd Nodiadau]
M. Runeckles – Swyddog Cymorth i'r Aelodau

Y Siambr, Neuadd Y Sir, Caerfyrddin : 10.00 yb - 10.43 yb

1. YMDDIHEURIADAU AM ABSENOLDEB

Ni chafwyd ymddiheuriadau am absenoldeb.

2. DATGANIADAU O FUDDIANNAU PERSONOL

Y Cyngorydd / Swyddog	Rhif y Cofnod	Y Math o Fuddiant
Y Cyngorydd C.A. Davies	7 – Cyfraddau Busnes – Cynllun Rhyddhad Ardrethi Manwerthu, Hamdden a Letygarwch 2024/25	Mae ei theulu yn rhedeg busnes

Sylwer: Mae'r cofnodion hyn yn amodol ar gael eu cadarnhau yn y cyfarfod nesaf

Y Cynghorydd G. Davies	13 – Cronfa Cymunedau Cynaliadwy – Ceisiadau Rownd 4	Mae e'n Ymddiriedolwr i un o'r sefydliadau
Y Cynghorydd H.A.L Evans	7 – Cyfraddau Busnes – Cynllun Rhyddhad Ardrethi Manwerthu, Hamdden a Letygarwch 2024/25	Perthynas agos yn rhedeg busnes
Y Cynghorydd L.D. Evans	7 – Cyfraddau Busnes – Cynllun Rhyddhad Ardrethi Manwerthu, Hamdden a Letygarwch 2024/25	Perthynas agos yn rhedeg busnes
Y Cynghorydd L.D. Evans	13 – Cronfa Cymunedau Cynaliadwy – Ceisiadau Rownd 4	Mae rhywun mae hi'n adnabod wedi rhoi cais mewn am grant
Y Cynghorydd P.M. Hughes	7 – Cyfraddau Busnes – Cynllun Rhyddhad Ardrethi Manwerthu, Hamdden a Letygarwch 2024/25	Mae e'n rhedeg busnes yn y sir
Y Cynghorydd A. Lenny	13 – Cronfa Cymunedau Cynaliadwy – Ceisiadau Rownd 4	Mae e'n aelod o Gyngor Tref Caerfyrddin sydd wedi rhoi cais mewn am grant
Y Cynghorydd D. Price	13 – Cronfa Cymunedau Cynaliadwy – Ceisiadau Rownd 4	Mae ganddo cysylltiadau gyda sefydliad yn Nrefach sydd wedi rhoi cais mewn am grant
Y Cynghorydd A. Vaughan-Owen	13 – Cronfa Cymunedau Cynaliadwy – Ceisiadau Rownd 4	Mae e'n aelod o un o'r grwpiau sydd wedi rhoi cais mewn am grant

3. I LOFNODI FEL COFNOD CYWIR COFNODION CYFARFOD Y CABINET A GYNHALIWYD AR Y 4YDD O FAWRTH, 2024.

PENDERFYNWYD YN UNFRYDOL lofnodi bod cofnodion cyfarfod y Cabinet a gynhaliwyd ar 4 Mawrth, 2024 yn gofnod cywir.

4. CWESTIYNAU Â RHYBUDD GAN YR AELODAU

Dywedodd y Cadeirydd nad oedd dim cwestiynau â rhybudd wedi cael eu cyflwyno gan yr Aelodau.

5. CWESTIYNAU A RHYBYDD GAN Y CYHOEDD

Dywedodd y Cadeirydd nad oedd dim cwestiynau wedi dod i law gan y cyhoedd.

6. FERSIWN DRAFFT O GYNLLUN CYDRADDOLDEB STRATEGOL 2024-28

Bu'r Cabinet yn ystyried y fersiwn drafft o Gynllun Cydraddoldeb Strategol 2024-2028 a baratowyd er mwyn amlinellu sut y bydd y Cyngor yn cyflawni ei ddyletswyddau o dan Ddeddf Cydraddoldeb 2010 a'r Dyletswyddau Penodol i

Sylwer: Mae'r cofnodion hyn yn amodol ar gael eu cadarnhau yn y cyfarfod nesaf

Gymru ac sy'n adeiladu ar gynlluniau blaenorol y Cyngor. Mae angen i'r Awdurdod gyhoeddi'r cynllun newydd ym mis Ebrill 2024.

Mae Deddf Cydraddoldeb 2010 yn crynhoi ac yn disodli'r ddeddfwriaeth flaenorol ac yn symleiddio/atgyfnerthu'r ddeddf, fel ei bod yn haws i bobl ei deall a chydymffurfio â hi. Daeth y rhan fwyaf o'r Ddeddf i rym ar 1 Hydref 2010. Mae Dyletswyddau Penodol wedi'u cyflwyno ar gyfer Cyrff Cyhoeddus yng Nghymru ac mae datblygu Cynllun Cydraddoldeb Strategol yn un o'r dyletswyddau hynny.

Cyfeiriwyd at bwysigrwydd yr eitem hon a oedd yn rhan fawr o weledigaeth y Cabinet.

PENDERFYNWYD YN UNFRYDOL ARGYMELL I'R CYNGOR

6.1 cymeradwyo'r Fersiwn Drafft o'r Cynllun Cydraddoldeb Strategol;

6.2 cytuno ar y fersiwn drafft o'r Amcanion Cydraddoldeb Strategol.

7. CYFRADDAU BUSNES - CYNLLUN RHYDDHAD ARDRETHI MANWERTHU, HAMDDEN A LETYGARWCH 2024/25

[NODER: Gan eu bod wedi datgan buddiant yn y mater hwn yn gynharach, gadawodd y Cynghorwyr C.A. Davies, H.A.L. Evans, L.D. Evans a P.M. Hughes y cyfarfod cyn i'r Cabinet ystyried y mater a phenderfynu arno.]

Bu'r Cabinet yn ystyried adroddiad yn rhoi manylion am gynllun rhyddhad ardrethi sydd ar gael i awdurdodau bilio gan Lywodraeth Cymru ar gyfer 2024/25.

Yn 2017/18 cyflwynodd Llywodraeth Cymru Gynllun Rhyddhad Ardrethi'r Stryd Fawr ar gyfer busnesau cymwys a pharhaodd y cynllun ar gyfer 2018/19, a phob blwyddyn ers hynny. Fodd bynnag, yn wahanol i flynyddoedd blaenorol, nid oedd cynllun 2019-20 yn gyfyngedig i safleoedd y stryd fawr ond roedd yn cynnwys pob eiddo yng Nghymru a oedd yn bodloni'r meini prawf manwerthu ehangach.

Mewn ymateb i'r argyfwng Coronafeirws yn 2020/21, cyhoeddodd Llywodraeth Cymru y byddai'n cyflwyno'r cynllun Rhyddhad Ardrethi Manwerthu, Hamdden a Lletygarwch i gynyddu'r gostyngiad i 100%. Roedd y cynllun hwn hefyd yn berthnasol yn 2021/22 ac yn ogystal â'r sector manwerthu cafodd ei ymestyn i gynnwys y sectorau hamdden a lletygarwch e.e. siopau, tafarndai a bwytai, campfeydd, lleoliadau perfformio a gwestai ledled Cymru.

Roedd y cynllun ar gyfer 2022/23, yn wahanol i'r ddwy flynedd flaenorol, yn darparu cymorth i eiddo cymwys sydd wedi'i feddiannu drwy gynnig gostyngiad o 50% ar filiau ardrethi annomestig ar gyfer 2022/23, ac roedd y cynllun ar gyfer 2023/24 yn cynnig gostyngiad o 75% ar gyfer eiddo cymwys sydd wedi'i feddiannu.

Mae Llywodraeth Cymru wedi cadarnhau'n ddiweddar y bydd yn darparu cyllid grant i bob un o'r 22 awdurdod lleol yng Nghymru i ddarparu'r cynllun Rhyddhad Ardrethi Manwerthu, Hamdden a Lletygarwch i fusnesau cymwys yn 2024-25.

Sylwer: Mae'r cofnodion hyn yn amodol ar gael eu cadarnhau yn y cyfarfod nesaf

Fodd bynnag, ar gyfer 2024/25 bydd y cynllun yn darparu gostyngiad o 40% ar gyfer eiddo cymwys sydd wedi'i feddiannu. Bydd y cynllun ar gael i bob busnes cymwys, fodd bynnag, bydd y rhyddhad yn destun cap o ran y cyfanswm y gall pob busnes ei hawlio ledled Cymru.

Mae Llywodraeth Cymru wedi nodi'r mathau o fusnes y mae'n eu hystyried yn briodol ar gyfer y rhyddhad hwn a'r rhai nad ydynt yn briodol. Roedd y rhestr anghyflawn o fathau o fusnes wedi'i hatodi i'r adroddiad yn Atodiad A.

Gan mai mesur dros dro yw'r rhyddhad hwn, nid yw Llywodraeth Cymru yn gwneud unrhyw newidiadau deddfwriaethol ond yn hytrach bydd yn caniatáu i awdurdodau bilio roi rhyddhad o dan y pwerau rhyddhad yn ôl disgresiwn cyffredinol sydd ar gael o dan Adran 47 o Ddeddf Llywodraeth Leol (Cyllid) 1988. Fodd bynnag, gan ei fod yn bŵer disgresiwn, mae angen i'r Awdurdod Lleol fabwysiadu'r cynllun yn ffurfiol. Caiff y cynllun ei ariannu'n llawn ac felly heb unrhyw gost i'r awdurdod ar yr amod bod y rhyddhad yn cael ei roi yn unol â chanllawiau Llywodraeth Cymru.

PENDERFYNWYD YN UNFRYDOL

- 7.1 bod Cynllun Rhyddhad Ardrethi Manwerthu, Hamdden a Lletygarwch 2024/25 yn cael ei fabwysiadu ar gyfer 2024/25;**
- 7.2 bod rhyddhad yn cael ei roi, yn unol â chanllawiau Llywodraeth Cymru;**
- 7.3 bod yr Aelod Cabinet dros Adnoddau yn penderfynu ynghylch unrhyw geisiadau nad ydynt o fewn cwrmpas penodol y canllawiau neu y bydd angen rhoi ystyriaeth benodol iddynt.**

8. ADRODDIAD MONITRO CYLLIDEB REFENIW Y CYNGOR

Bu'r Cabinet yn ystyried adroddiad monitro'r gyllideb refeniw a oedd yn rhoi'r wybodaeth ddiweddaraf am y sefyllfa gyllidebol fel yr oedd ar 31 Rhagfyr 2023, o ran 2023/24.

Yn gyffredinol, roedd yr adroddiad monitro yn rhagweld gorwariant ar gyfer y flwyddyn ar lefel adrannol o £10,183k ac yn rhagweld gorwariant o £4,782k ar gyllideb refeniw net yr Awdurdod.

Cyfeiriodd yr Aelod Cabinet dros Adnoddau yn benodol at y ffaith fod ysgolion yn disgwyl gwario £8.6m yn fwy na'r cyllidebau dirprwyedig, sy'n golygu y bydd y balansau presennol yn gostwng o £11.1m i £2.5m, ac roedd hyn yn destun pryder. Tynnodd sylw at y ffaith mai rhan o'r rheswm dros dynnu i lawr ar falansau ysgolion oedd oherwydd y lefel uchel o ddyfarniadau cyflog y cytunwyd arnynt yn genedlaethol gan yr NJC. Gan mai dull cyllidebol y Weinyddiaeth hon erioed yw ceisio darparu ymrwymadau cyflog llawn i gyllidebau a ddirprwyir i ysgolion, argymhellodd fod rhan o'r gyllideb wrth gefn yn cael ei dyrannu i dalu'r gost gynyddol hon i ysgolion, a amcangyfrifir i fod tua £800k.

Sylwer: Mae'r cofnodion hyn yn amodol ar gael eu cadarnhau yn y cyfarfod nesaf

PENDERFYNWYD YN UNFRYDOL

- 8.1 derbyn adroddiad monitro'r gyllideb, a nodi'r sefyllfa gyllidebol a'r camau unioni priodol a gymerwyd;**
- 8.2 o ran gorwariant sylweddol ar feysydd penodol o'r gyllideb, bod y Prif Swyddogion a'r Penaethiaid Gwasanaeth yn adolygu'n feirniadol yr opsiynau sydd ar gael iddynt er mwyn mynd i'r afael â'r effaith barhaus;**
- 8.3 bod rhan o'r gyllideb wrth gefn yn cael ei defnyddio i dalu'r costau cyflog uwch i ysgolion a achoswyd gan ddyfarniadau cyflog yr NJC, a amcangyfrir i fod tua £800k.**

9. DIWEDDARIAD RHAGLEN GYFALAF 2023/24

Bu'r Cabinet yn ystyried adroddiad yn rhoi manylion am yr alldro a ragwelir o'r rhaglen gyfalaf fel yr oedd ar 31 Rhagfyr, 2023 mewn perthynas â blwyddyn ariannol 2023/24.

Mae'r rhaglen gyfalaf gyfredol yn seiliedig ar wybodaeth oedd ar gael ar ddiwedd mis Rhagfyr 2023. Nododd Atodiad A wariant net a ragwelir o £70,752k o gymharu â chyllideb net weithredol o £139,013k, gan roi amrywiad -£68,261k.

Mae'r gyllideb net yn cynnwys rhaglenni cyfalaf gwreiddiol y Cyfrif Refeniw Tai a'r Gronfa Gyffredinol a gymeradwywyd gan y Cyngor ar 1 Mawrth a lliithriad o 2022/23. Mae rhai o'r cyllidebau hefyd wedi cael eu diwygio yn unol â'r gwahaniaethau yn y dyraniadau grant gwirioneddol o gymharu â'r dyraniadau disgwylidiedig pan gafodd y rhaglen ei chymeradwyo, a grantiau newydd oedd wedi dod i law yn ystod y flwyddyn hyd yn hyn. Roedd Atodiad B yn nodi'r prif amrywiadau ym mhob adran.

Cyfeiriwyd at y prosiectau anhygoel yr oedd y Cyngor yn ymgymryd a hwy gan gynnwys yr YMCA yn Llanelli a'r gwaith o ddylunio ac adeiladu ysgolion newydd er gwaethaf yr holl heriau.

PENDERFYNWYD YN UNFRYDOL

- 9.1 derbyn adroddiad diweddarau'r rhaglen gyfalaf;**
- 9.2 nodi a chytuno ar y prosiectau newydd, i'w hariannu o daliadau cyfalaf y flwyddyn gyfredol.**

10. UNRHYW FATER ARALL Y GALL Y CADEIRYDD OHERWYDD AMGYLCHIADAU ARBENNIG BENDERFYNU EI YSTYRIED YN FATER BRYN YN UNOL AG ADRAN 100B(4)(B) O DDEDDF LLYWODRAETH LEOL, 1972

Dyweddodd y Cadeirydd nad oedd unrhyw eitemau brys.

Sylwer: Mae'r cofnodion hyn yn amodol ar gael eu cadarnhau yn y cyfarfod nesaf

11. GORCHYMYN I'R CYHOEDD ADAEL Y CYFARFOD

UNANIMOUSLY RESOLVED, pursuant to the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007, that the public be excluded from the meeting during consideration of the following items as the reports contained exempt information as defined in paragraph 14 of Part 4 of Schedule 12A to the Act.

12. GWAREDU PARC DEWI SANT, HEOL JOBSWELL, CAERFYRDDIN

Yn sgil gweithredu'r prawf budd y cyhoedd PENDERFYNWYD YN UNFRYDOL, yn unol â'r Ddeddf y cyfeiriwyd ati yng Nghofnod 11 uchod, ystyried y mater hwn yn breifat gan orchymyn i'r cyhoedd adael y cyfarfod oherwydd byddai datgelu'r wybodaeth hon yn anfantais faterol i'r Awdurdod mewn unrhyw drafodaethau dilynol â thrydydd partïon, a gallai cael effaith niweidiol ar y pwrs cyhoeddus.

Bu'r Cabinet yn ystyried adroddiad yn rhoi manylion am gynnig diwygiedig mewn perthynas â gwaredu Parc Dewi Sant, Caerfyrddin.

PENDERFYNWYD YN UNFRYDOL fwrw ymlaen â'r cynnig diwygiedig fel y manylir yn yr adroddiad.

13. CRONFA CYMUNEDAU CYNALIADWY - CEISIADAU ROWND 4

Yn sgil gweithredu'r prawf budd y cyhoedd PENDERFYNWYD YN UNFRYDOL, yn unol â'r Ddeddf y cyfeiriwyd ati yng nghofnod rhif 11 uchod, fod y mater hwn yn cael ei ystyried yn breifat, gan beidio â gadael i'r cyhoedd fod yn bresennol yn y cyfarfod, gan y byddai datgelu'r wybodaeth yn debygol o roi'r sefydliadau a enwir yn yr adroddiad dan anfantais annheg mewn perthynas ag unrhyw gystadleuwyr.

[NODER: Gan eu bod wedi datgan buddiant yn y mater hwn yn gynharach, gadawodd y Cynghorwyr G. Davies, L.D. Evans, A. Lenny, D. Price ac A. Vaughan-Owen y cyfarfod cyn i'r Cabinet ystyried y mater a phenderfynu arno. Cymerodd y Cynghorydd P.M. Hughes y gadair ar gyfer yr eitem hon, yn absenoldeb y Cadeirydd.]

Bu'r Cabinet yn ystyried adroddiad yn rhoi trosolwg o geisiadau a gyflwynwyd o dan y Gronfa Cymunedau Cynaliadwy (Rownd 4) sy'n cael ei hariannu drwy Gronfa Ffyniant Gyffredin Llywodraeth y DU.

PENDERFYNWYD YN UNFRYDOL ddyfarnu cyllid i'r prosiectau a nodwyd, fel y nodir yn yr adroddiad.

CADEIRYDD

DYDDIAD

Sylwer: Mae'r cofnodion hyn yn amodol ar gael eu cadarnhau yn y cyfarfod nesaf

CABINET

DYDD LLUN 25AIN MAWRTH 2024

YN BRESENNOL: Y Cyngorydd D. Price (Cadeirydd) (Yn y Siambr)

Cynghorwyr (Yn y Siambr):

C.A. Davies

H.A.L. Evans

L.D. Evans

E.G. Thomas

J. Tremlett

Cynghorwyr (O Bell):

G. Davies

Hefyd yn bresennol fel sylwedydd (O Bell):

Y Cyngorydd D.M. Cundy

Hefyd yn bresennol (Yn y Siambr):

W. Walters - Prif Weithredwr

C. Moore - Cyfarwyddwr Gwasanaethau Corfforaethol

G. Morgans - Cyfarwyddwr Gwasanaethau Addysg a Phlant

A. Williams - Cyfarwyddwr Lle a Cynladwyedd

S. Davies - Pennaeth Mynediad i Addysg

L. Rees-Jones - Pennaeth Gweinyddiaeth a'r Gyfraith

D. Hockenhull - Rheolwr y Cyfryngau a Marchnata

L. Jenkins - Swyddog Cymorth y Cabinet

E. Bryer - Swyddog Gwasanaethau Democraidaidd

D. Hall-Jones - Swyddog Cefnogi Aelodau

S. Rees - Cyfieithydd ar y Pryd

Hefyd yn bresennol (O Bell):

M. Evans Thomas, Prif Swyddog Gwasanaethau Democraidaidd

M. Runeckles, Swyddog Cefnogi Aelodau

Y Siambr, Neuadd Y Sir, Caerfyrddin ac o bell : 2.00 yp - 2.15 yp

1. YMDDIHEURIADAU AM ABSENOLDEB

Derbyniwyd ymddiheuriadau am absenoldeb gan y Cynghorwyr P.M. Hughes, A. Lenny ac A. Vaughan-Owen.

2. DATGANIADAU O FUDDIANNAU PERSONOL

Y Cyngorydd	Rhif y Cofnod	Y Math o Fuddiant
Y Cyngorydd C.A. Davies	5 - Derbyn Disgyblion i Ysgolion – Adolygiad Derbyn Disgyblion i Ysgolion Cynradd (Plant sy'n dod i fyny i 4 oed)	Yn gweithredu meithrinfa i blant

Sylwer: Mae'r cofnodion hyn yn amodol ar gael eu cadarnhau yn y cyfarfod nesaf

3. CWESTIYNAU Â RHYBUDD GAN YR AELODAU

Dywedodd y Cadeirydd nad oedd dim cwestiynau â rhybudd wedi cael eu cyflwyno gan yr Aelodau.

4. CWESTIYNAU A RHYBYDD GAN Y CYHOEDD

Dywedodd y Cadeirydd nad oedd dim cwestiynau wedi dod i law gan y cyhoedd.

5. DERBYNIADAU YSGOLION - ADOLYGIAD DERBYNIADAU YSGOLION CYNRADD (CODI 4)

[SYLWER: Gan ei fod wedi datgan buddiant yn y mater hwn yn gynharach, gadawodd y Cynghorydd C.A. Davies y cyfarfod cyn i'r Cabinet ystyried y mater a phenderfynu arno].

Bu'r Cabinet yn ystyried adroddiad ar yr adolygiad derbyn disgyblion i ysgolion cynradd.

Yn 2018/19 cwblhawyd Adolygiad Gorchwyl a Gorffen gan y Pwyllgor Craffu - Addysg a Phlant o'r ddarpariaeth bresennol ar gyfer addysg blynyddoedd cynnar, gofal plant a chyfleoedd chwarae. Un o'r casgliadau a nodwyd yn yr adroddiad oedd bod Polisi Dod i fyny i 4 oed yr Awdurdod yn wahanol iawn i awdurdodau lleol eraill cyfagos a bod y Cyngor yn cynnal adolygiad ffurfiol o'i bolisi derbyn presennol ar gyfer addysg llawn amser i blant 4 oed (y Polisi Dod i fyny i 4 oed).

Yn ei gyfarfod a gynhaliwyd ar 11 Rhagfyr 2023, bu'r Cabinet yn ystyried adroddiad ar y rhesymeg dros gael gwared ar y polisi o bosibl ac asesiad o oblygiadau cael gwared ar y Polisi Dod i fyny i 4 oed mewn ysgolion unigol ar ffurf dadansoddiad o fylchau. O ganlyniad, penderfynodd y Cabinet ymgynghori ar gael gwared ar y Polisi Dod i fyny i 4 oed yn ystod yr ymgynghoriad blynyddol ar dderbyn disgyblion i ysgolion ym mis Ionawr 2024, i'w weithredu ym mis Medi 2025. Cynhaliwyd ymgynghoriad helaeth rhwng 19 Ionawr 2024 ac 1 Mawrth 2024.

Roedd yr adolygiad o'r polisi derbyn disgyblion i addysg llawn amser yn rhan yn unig o adolygiad cyffredinol o ddarpariaeth addysg blynyddoedd cynnar a gofal plant ledled y sir. Mae datganiad gweledigaeth y Cabinet yn amlinellu awydd i 'wella argaeledd lleoliadau addysg blynyddoedd cynnar a gofal plant ledled y sir, yn enwedig mewn ardaloedd gwledig; gan ganolbwyntio'n benodol ar ddarparu a chryfhau gofal plant cyfrwng Cymraeg ym mhob ardal'. Trwy ddadansoddiad trylwyr o'r bylchau yn y ddarpariaeth addysg blynyddoedd cynnar a gofal plant ledled Sir Gaerfyrddin, mae swyddogion wedi nodi cymunedau lle mae darpariaeth gyfyngedig ar hyn o bryd, h.y. diffyg darpariaeth addysg blynyddoedd cynnar a/neu ofal plant. Fel rhan o weithredu polisi derbyn diwygiedig, bydd swyddogion yn datblygu cynigion i fynd i'r afael â'r bylchau hynny ac yn cyflwyno'r rhain i'r Cabinet i'w hystyried. Bydd hyn yn cynnwys cydweithio â phartneriaid ar ddarparu addysg blynyddoedd cynnar neu greu ysgolion 3-11 i ddarparu'r cynnig addysg ledled y sir. Bydd swyddogion hefyd yn gweithio ar wella'r cynnig gofal plant yn y cymunedau hynny i sicrhau bod teuluoedd yn gallu cael mynediad at Gynnig Gofal Plant 30 awr am ddim Llywodraeth Cymru yn lleol.

Sylwer: Mae'r cofnodion hyn yn amodol ar gael eu cadarnhau yn y cyfarfod nesaf

PENDERFYNWYD YN UNFRYDOL fod Sir Gaerfyrddin, fel yr Awdurdod Derbyn ar gyfer ysgolion cynradd cymunedol ac ysgolion gwirfoddol a reolir, yn mynd ati i gael gwared ar y Polisi Dod i fyny i 4 oed a gweithredu Opsiwn B (fel y nodir yn yr adroddiad) o 1 Medi 2025, h.y. derbyn dysgwyr llawn amser i ysgolion cynradd yn y tymor ysgol yn dilyn eu pen-blwydd yn bedair oed.

6. NEWIDIADAU'R GRWP LLAFUR I AELODAETH PANELAU YMGYNGHOROL Y CABINET

Bu'r Cabinet yn ystyried yr enwebiadau canlynol a gyflwynwyd gan y Grŵp Llafur i lenwi seddi gwag ar Banelau Ymgynghorol y Cabinet:-

- (1) Y Cyngorydd Tina Higgins i gymryd y sedd wag ar Banel Ymgynghorol y Gweithgor Cefn Gwlad;
- (2) Y Cyngorydd Michael Thomas i gymryd y sedd wag ar y Panel Ymgynghorol ar Ddatblygiad y Cynllun Datblygu Lleol;
- (3) Y Cyngorydd Edward Skinner i gymryd y sedd wag ar y Panel Ymgynghorol ar Rianta Corfforaethol a Diogelu;
- (4) Y Cyngorwyr Crish Davies ac Edward Skinner i gymryd y seddi gwag ar y Panel Ymgynghorol Trawsbleidiol ar Newid yn yr Hinsawdd a'r Argyfwng Natur.

PENDERFYNWYD YN UNFRYDOL gymeradwyo'r newidiadau arfaethedig i aelodaeth Panelau Ymgynghorol y Cabinet, fel y nodir uchod.

7. NEWIDIADAU'R GRWP PLAID CYMRU I AELODAETH PANELAU YMGYNGHOROL Y CABINET

Bu'r Cabinet yn ystyried y newidiadau canlynol i aelodaeth Panelau Ymgynghorol y Cabinet a gyflwynwyd gan Grŵp Plaid Cymru:-

- (1) Y Cyngorydd Russell Sparks i gymryd lle'r Cyngorydd Hefin Jones ar y Panel Ymgynghorol ar Newid yn yr Hinsawdd;
- (2) Y Cyngorydd Meinir James i gymryd lle'r Cyngorydd Liam Bowen ar y Panel Ymgynghorol ar Newid yn yr Hinsawdd.

PENDERFYNWYD YN UNFRYDOL gymeradwyo'r newidiadau arfaethedig i aelodaeth Panelau Ymgynghorol y Cabinet, fel y nodir uchod.

8. UNRHYW FATER ARALL Y GALL Y CADEIRYDD OHERWYDD AMGYLCHIADAU ARBENNIG BENDERFYNU EI YSTYRIED YN FATER BRYN YN UNOL AG ADRAN 100B(4)(B) O DDEDDF LLYWODRAETH LEOL, 1972.

Dyweddodd y Cadeirydd nad oedd unrhyw faterion brys.

CADEIRYDD

DYDDIAD

Sylwer: Mae'r cofnodion hyn yn amodol ar gael eu cadarnhau yn y cyfarfod nesaf

Mae'r dudalen hon yn wag yn fwriadol

Y Cabinet 15 Ebrill 2024

DIOGELU CYFLOGAETH (POLISIÄU / CANLLAWIAU DIWYGIEDIG A NEWYDD)

Pwrpas: Sicrhau bod ein canllawiau a'n polisïau diogelu yn cael eu hadolygu a'u diweddarau

Argymhellion / penderfyniadau allweddol sydd eu hangen:

Cytuno ar ganllawiau DBS diwygiedig, wedi'u diweddarau i gynnwys proses ddiwygiedig ynghylch asesiadau risg a phroses uwchgyfeirio ar gyfer recriwtwyr nad ydynt yn cydymffurfio.

Cytuno i'r polisïau canlynol barhau i'r Cabinet eu mabwysiadu:

1. Recriwtio Mwy Diogel
2. Recriwtio cyn-droseddwy

Rhesymau:

1. Mynd i'r afael â bylchau a nodwyd mewn polisïau cyflogaeth a chryfhau canllawiau i reolwyr.
2. Tynhau ein dull o beidio â chydymffurfio mewn perthynas â gwiriadau DBS cyn-gyflogaeth
3. ei gwneud yn ofynnol i staff sy'n gweithio mewn gwasanaethau rheoleiddiedig ddatgan unrhyw gofnodion troseddol yn flynyddol neu pan gollfarnwyd hwy yn euog
4. Gwella eglurder cyfrifoldebau a dogfennaeth gwneud penderfyniadau

Angen penderfyniad y Cabinet: Oes

Angen penderfyniad y Cyngor: Na

AELOD CABINET DEILIAD PORTFFOLIO Cynghorydd P Hughes (Sefydliad a Gweithlu)

Cyfarwyddiaeth: Enw'r Pennaeth Gwasanaeth: Paul Thomas Awdur yr Adroddiad: Alison Wood	Swydd: Prif Weithredwr Cynorthwyol Rheolwr Gwasanaethau Pobl	Ffôn:01267 224825 Ebost:PRThomas@carmarthenshire.gov.uk AMWood@carmarthenshire.gov.uk
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Executive Summary

Subject: Employment Safeguarding (Revised and new policies / guidance)

SUMMARY OF PURPOSE OF REPORT.

- To agree revised DBS Guidance, updated to include revised process around risk assessments and escalation process for non-compliant recruiters
- To agree for the following policies to continue to Cabinet for adoption (these have already been approved by CMT):
 1. Safer Recruitment
 2. Recruitment of ex-offenders

DBS Guidance

This more detailed guidance was updated following an audit undertaken by our Employment Safeguarding Officer and after consultation with managers and other key stakeholders including the Disclosure and Barring Service. The Corporate Safeguarding Group has also made further revisions to ensure that the recent recommendations from Wales Audit are taken account of.

The key changes are:

- Annual Self declaration of convictions for staff working in safeguarding roles;
- Signposting to HR for advice in relation to starting an employee without a DBS check (whilst waiting for the DBS check to be processed) – on an exceptional basis only;
- Improved escalation process for schools/recruiting managers who fail to complete DBS checks or conduct a risk assessment prior to the employee's start date;
- More detailed guidance on assessing a job's eligibility for a DBS check.

Safer Recruitment Policy

This Policy focuses on all stages of the recruitment process from ensuring safeguarding responsibilities feature in all job profiles to the importance of completing pre-employment checks and induction. This Policy consolidates and replaces current guidance.

Recruitment of Ex-offenders

This Policy brings together existing guidance and complies with the DBS Code of Practice for employers who undertake DBS checks. It sets out clearly the responsibilities of the employer and prospective employee and will be made available to all job applicants.

1. OTHER OPTIONS AVAILABLE AND THEIR PROS AND CONS

Other options available include:

2.1 No change.

This option offers no advantages and fails to address issues which have been identified by Internal Audit, the Disclosure and Barring Service, Safeguarding leads and managers within the Authority.

2.2 Introduce new policies and guidance

This option provides for more support and comprehensive guidance to be available to managers, employees, and job applicants, sends a much stronger message on safeguarding being everyone's responsibility and closes policy and guidance gaps which may have existed previously.

DETAILED REPORT ATTACHED?

No - appendices only



Recruitment of
Ex-offenders Policy



Draft Safer
Recruitment Policy v6



DBS Guidance v3
Nov 23.docx

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report:

Signed: Paul Thomas, Assistant Chief Executive

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets	Bio-diversity & Climate Change
YES	YES	NONE	YES	YES	YES	NONE	NONE

1. Policy, Crime & Disorder and Equalities

- The recommendations are in line with published policy and strategic direction of the authority, in particular the Corporate Strategy and Well-being Objectives.
- The recommendations include the adoption of new draft HR policies - Safer Recruitment and Recruitment of Ex-Offenders and revised, more comprehensive DBS Guidance for Managers.

2. Legal

The Authority must comply with the following legislation, regulations, and statutory guidance in relation to recruitment and employment practice:

- Safeguarding Vulnerable Groups Act 2006
- Keeping Learners Safe (2022), Statutory Guidance in Wales
- Staffing of Maintained Schools (Wales) Regulations 2017
- Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017
- Wales Safeguarding Procedures
- DBS Code of Practice
- DBS Guidance for Employers

4. ICT

- The recommendations may include some modifications to Resourcelink / My View.

5. Risk Management Issues

Comprehensive policies and guidance for managers, employees and job applicants provides a framework within which the Authority can promote safeguarding as a priority and ensure consistency which, in turn, reduces risk in its recruitment and employment practices.

7. Staffing Implications

Development of Resourcelink/MyView will need to be built into the Resourcelink Team's work programme.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below:

Signed: Paul Thomas, Assistant Chief Executive

(Please specify the outcomes of consultations undertaken where they arise against the following headings)

1. Scrutiny Committee request for pre-determination	NO
If yes include the following information: -	
Scrutiny Committee	
Date the report was considered:-	
Scrutiny Committee Outcome/Recommendations:-	

2. Local Member(s)

n/a

3. Community / Town Council

n/a

4. Relevant Partners

n/a

5. Staff Side Representatives and other Organisations

n/a

CABINET MEMBER PORTFOLIO HOLDER(S) AWARE/CONSULTED YES	Include any observations here
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**Section 100D Local Government Act, 1972 – Access to Information
List of Background Papers used in the preparation of this report:**

THERE ARE NONE

Title of Document	File Ref No.	Locations that the papers are available for public inspection

People Management – Policy and Guidance
Recruitment of Ex-Offenders Policy March 24



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NOTE: This Policy is intended to be published externally to job applicants and volunteers as well as internally to staff and managers.

The Policy should also be publicised by organisations for which the Council provides an umbrella body function to their job applicants, staff and volunteers.

Introduction

1. The Rehabilitation of Offenders Act 1974 ensures that ex-offenders who have not re-offended for a period of time since their conviction are not discriminated against when applying for jobs. Unless a position is exempted from the Act, employers are not allowed to discriminate on the grounds of spent convictions.
2. The Rehabilitation of Offenders Act 1974 enables some criminal convictions to become 'spent', or ignored, after a 'rehabilitation period'. A rehabilitation period is a set length of time from the date of conviction. <https://www.gov.uk/guidance/rehabilitation-periods>
After this period, with certain exceptions, an ex-offender is not normally obliged to mention their conviction when applying for a job.
3. All employees, casual workers, volunteers, contractors, agency workers will undergo some form of pre-employment vetting checks. The type and level of checks will vary dependent upon the role and the access to children or adults at risk.
4. Many positions within the Council qualify for Disclosure and Barring Service (DBS) checks which provide access to sensitive criminal record information about candidates.
5. Having a criminal record will not necessarily bar an individual from working with the Council. This will depend on the nature of the position and the circumstances and background of the offences.
6. A disclosure is only requested after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a Disclosure is required, job adverts, job profiles and any other recruitment information provided about the post must contain a statement that a Disclosure will be requested in the event of the individual being offered the position.
7. The Authority will only require applicants to disclose 'unspent' criminal convictions as part of their application form if the post involves working with children or vulnerable adults, or is based within a school, pupil referral unit, children's home or care home, or for certain financial and legal professional roles, or civil enforcement officer roles.

Types of DBS Checks

8. There are 4 types of DBS checks which the Council may request.

Basic Disclosure

Shows unspent convictions and conditional cautions only. Any post is eligible for this type of check if it is deemed proportionate and relevant for the role.

Spent convictions and cautions will not be included in a Basic level criminal records check and do not need to be disclosed by applicants applying for a job role which requires a Basic DBS check.

Standard Disclosure

Shows spent and unspent convictions, cautions, reprimands, and final warnings.

Enhanced Disclosure

Shows the same as a standard check plus any information held by the police that is considered relevant to the role.

Enhanced Disclosure with barred lists

Shows the same as an enhanced check plus whether the applicant is on the list of people barred from working with these service users.

For enhanced DBS checks with barring certificate:

Children's workforce – provides access to a check of the Children's barred list

Adults' workforce – provides access to a check of the Adults' barred list

Children's and Adults' workforce - provides access to a check of the Children's and Adults' barred lists. These are for roles which work with both children and adults at risk.

Other workforce - provides access to a check of the Children's and Adults' barred lists. These are roles which do not specifically relate to working with children and/or adults.

8. For job roles where a DBS certificate at either Standard or Enhanced level is requested, these checks will normally show spent and unspent convictions and cautions. However, certain old or minor offences may not be disclosed on DBS certificates. These are known as 'protected' offences. Protected convictions and cautions are removed by a process known as 'filtering' so that they are not disclosed on a DBS certificate. The Council can only ask an individual about convictions and cautions that are not protected.

For further information, refer to:

[DBS filtering guide - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

9. There is a [list of offences](#) that will always be disclosed on a Standard or Enhanced DBS certificate (unless they relate to a youth caution). These are known as 'specified offences' and are usually of a serious violent or sexual nature or are relevant for safeguarding children and adults at risk.

All convictions resulting in a custodial sentence, whether or not suspended, will always be disclosed.

Youth cautions, warnings and reprimands will not be disclosed automatically on a Standard or Enhanced DBS certificate.

10. For those 18 or over at the time of the offence an adult conviction will be removed from a DBS certificate if:
- 11 years have elapsed since the date of conviction; and
 - it is the person's only offence, and
 - it did not result in a custodial sentence

Even then, it will only be removed if it does not appear on the list of offences which will never be removed from a certificate. If a person has more than one offence, then details of all their convictions will always be included.

An adult caution will be removed after 6 years have elapsed since the date of the caution - and if it does not appear on the list of offences relevant to safeguarding.

For those under 18 at the time of the offence, the same rules apply as for adult convictions, except that the elapsed time period is 5.5 years. The same rules apply as for adult cautions, except that the elapsed time period is 2 years.

10. If applicants are barred from engaging in regulated activity with a vulnerable group, it is an offence if they seek, offer or engage in regulated activity with a group that they are barred from working or volunteering with. Any such attempts by barred individuals will be reported to the Police.
11. Successful applicants will be required to consent to subsequent criminal record checks during employment as deemed appropriate by the Council or regulatory bodies.

Scope

12. This Policy applies to all those who work or are applying to work in roles within the Authority and within organisations for which the Authority acts as an umbrella body, including:

- Job Applicants
- Existing employees
- Casual or temporary staff
- Volunteers and prospective volunteers

For Schools, it is recommended that the governing body should formally adopt this policy.

14. This Policy will be made available to all job applicants at the start of the recruitment process via the Council's Jobs and Careers web page and to all staff via the Council's Intranet. Prospective and existing volunteers will be directed to the Council's Jobs and Careers web page. For jobs advertised via Eteach.com, this policy should be provided to applicants within the set of recruitment documents.

This will enable any person who objects to the vetting process, for whatever reason, to withdraw their application early in the recruitment process.

15. Organisations for which the Council provides an umbrella function must also make this policy available to their job applicants, staff and volunteers.

Policy Statement

16. Safeguarding and protecting children and adults at risk is a high priority for Carmarthenshire County Council and ensuring that there are robust arrangements and procedures in place. This includes implementing safe recruitment procedures and practices.

17. Carmarthenshire County Council is committed to the fair treatment of its staff, potential staff, prospective and existing volunteers, regardless of their background, culture, race, colour, nationality, ethnic or national origins, disability, religion and belief or non-belief, age, sex, gender reassignment, gender identity and gender expression, sexual orientation, pregnancy or maternity, marital or civil partnership status or their offending background.

18. The Council actively promotes equality of opportunity for all and welcomes applications from a wide range of candidates, including those

with criminal records. We will short-list all candidates for interview based on their skills, qualifications, and experience.

- 19.** We undertake to treat all applicants for positions fairly and not to discriminate unfairly against any applicant based on a conviction or other information revealed in their Disclosure.
- 20.** Managers who are involved in the recruitment process will be suitably trained to identify and assess the relevance and circumstances of offences, with appropriate support and guidance from People Services. Managers will also receive appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders.
- 21.** Where a Disclosure is to form part of the recruitment process, we request that information on a criminal record is detailed on the application form (self-declaration). We guarantee that this information is only seen by those who need to see it as part of the recruitment process and is not taken into consideration in the shortlisting or interviewing process.
- 22.** As an organisation assessing applicants' suitability for positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order using criminal record checks processed through the Disclosure and Barring Service (DBS), the Council complies fully with the [code of practice](#).
- 23.** We comply fully with our obligations under the Data Protection Act 1998 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of certificate information.
- 24.** The Council makes job applicants, employees and volunteers aware of the existence of the DBS [code of practice](#) through the publication of this policy on its website and will make a copy of the code of practice available on request.
- 25.** We undertake to discuss any matter revealed on a DBS certificate with the individual seeking the position before a decision is made to withdraw a conditional offer of employment.
- 26.** Disclosures containing previous convictions and/or cautions are not necessarily a bar to obtaining a position. However, failure to disclose such convictions where it is required will be discussed further with the individual regarding their reasons for not having disclosed this information. If it is thought that there was an attempt to obtain employment by deception, this would usually result in withdrawal of the offer of an employment, or disciplinary action or termination of employment, if the individual has already been appointed.

27. The Council reserves the right to withdraw access to this service where an organisation using the umbrella body service fails to comply with this policy.

Procedures

28. Declaration of convictions

For all job roles, the Council will ask applicants about their convictions and cautions. The declaration will be provided to Recruiting Manager immediately after the preferred candidate has been selected, to enable the manager to act promptly to undertake a risk assessment to determine if the recruitment can proceed, and if so to consider if safeguards in the workplace are appropriate.

See Appendix 1: Declaration of convictions

29. Self-disclosure Form

Where a DBS check is to form part of the recruitment process, the preferred candidate will be asked to complete a self-disclosure form. This information is provided confidentially to the recruiting manager or chair of the interview panel. This information will only to be seen by those who need to see it as part of the recruitment process. Recruiting managers will hold an open and measured one-to-one discussion on the subject of any offences or other matters that might be relevant to the position.

See Appendix 2: Self Disclosure form

30. Disclosure and Barring Service certificates

30.1 Storage and access

Certificate information, i.e., disclosure reference number is kept in a secure HR system and is only accessible by the system administrators.

30.2 Handling

In accordance with section 124 of the Police Act 1997, certificate information is only passed to those who are authorised to receive it in the course of their duties. We maintain a record of all those to whom certificates or certificate information has been revealed and it is a criminal offence to pass this information to anyone who is not entitled to receive it.

30.3 Usage

Certificate information is only used for the purposes of recruitment and continuous employment for which it was requested and for which the applicant's full consent has been given.

30.4 Retention

Once a recruitment (or other relevant) decision has been made, we do not keep certificate information for any longer than is necessary.

In the case of unsuccessful recruitment, this is generally for a period of 18 months after recruitment has been completed, to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep certificate information for longer, we will consult the vetting body about this and consider the Data Protection and Human Rights of the individual before doing so.

In the case of successful recruitment, or re-checking of existing staff and volunteers, the information will remain on the employee file for 3 years after which a new check will be requested.

Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.

30.5 Disposal

Once the retention period has elapsed, we will ensure that any certificate information is destroyed by secure means. While awaiting destruction, certificate information will be kept securely.

We will not keep any photocopy or other image of the certificate or any copy or representation of the contents of a certificate. However, we will keep a record of the date of issue of a certificate, the name of the subject, the type of certificate requested, the position for which the certificate was requested, the unique reference number of the certificates and the details of the recruitment decision taken as part of the employee personal file.

30.6 Acting as an umbrella body

As an umbrella body (an umbrella body being a registered body which countersigns applications and receives certificate information on behalf of other employers or recruiting organisations), we will take all reasonable steps to satisfy ourselves that the employing organisation will handle, use, store, retain and dispose of certificate information in compliance with the code of practice and in accordance with this policy.

31. Ensuring Equality of Treatment

All employees are required to adopt a positive, open and fair approach and ensure the Authority's Equality and Diversity policy is adhered to and applied consistently to all irrespective of race, colour, nationality, ethnic or national origins, disability, religion and belief or non-belief, age, sex, gender reassignment, gender identity and gender expression, sexual orientation, pregnancy or maternity, marital or civil partnership status.

In addition, the Welsh Language Standards ask us to 'ensure that the Welsh language is treated no less favourably than the English language' and this principle should be adopted in the application of this policy. If you have any equality or diversity concerns in relation to the application of this policy and procedure, please contact a member of the HR team who will, if necessary, ensure the policy / procedure is reviewed accordingly.

If you require this publication in an alternative format, please contact CEDuty@carmarthenshire.gov.uk

APPENDIX 1: DECLARATION OF CONVICTIONS

Do you have any unspent conditional cautions or convictions under the Rehabilitation of Offenders Act 1974?

YES / NO

If yes, please give details including dates.

If the Job Profile has indicated that the post for which you are applying will be subject to a standard or enhanced DBS check, please answer the following question.

Do you have any adult cautions (simple or conditional) or spent convictions that are not protected as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020?

YES / NO

If yes, please give details including dates.

A criminal record will not necessarily bar you from working for the Council. This will depend on the nature of the job and the circumstances and background of your offences.

The amendments to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020) provides that when applying for certain jobs and activities, certain convictions and cautions are considered 'protected'. This means that they do not need to be disclosed to employers, and if they are disclosed, employers cannot take them into account.

Guidance about whether a conviction or caution should be disclosed can be found on the Ministry of Justice website.

The Ministry of Justice's online disclosure checker is a new service being piloted and may be useful:

[Caution or conviction - Check when to disclose cautions or convictions - GOV.UK \(check-when-to-disclose-caution-conviction.service.gov.uk\)](https://www.gov.uk/check-when-to-disclose-caution-conviction)

Help is available from Unlock, a national independent advocacy charity that supports people with criminal records to move on positively in their lives.

[Disclosing criminal records to employers - Unlock](#)

Warning:

If you are barred from engaging in regulated activity with a vulnerable group, it is an offence if you seek, offer or engage in regulated activity with a group that you are barred from working or volunteering with.

Any such attempts by barred individuals will be reported to the Police.

APPENDIX 2: SELF-DISCLOSURE FORM

Self-disclosure form for roles which are exempt from the Rehabilitation of Offenders Act 1974. For completion by the person applying for the role, in addition to the Declaration of Convictions.

Name of candidate/person:
Previous name(s):
Please include date(s) each name was used
Address with postcode:
Telephone/mobile number:
Date of birth:

All information you provide will be treated as confidential and managed in accordance with relevant data protection legislation and guidance.
You have a legal right to access information held about you.

Have you ever been known to any Social Services department or the Police as being a risk or potential risk to children or adults at risk? YES / NO

If yes, please provide further information:

Have you been the subject of any investigation and/or sanction by any organisation or body due to concerns about your behaviour towards children or adults at risk? YES / NO

If yes, please provide further information and include details of the outcome:

Have you ever been the subject of disciplinary sanctions or been asked to leave employment or voluntary activity due to inappropriate behaviour towards children or adults at risk? YES / NO

If yes, please provide further information:

If you are registered with the DBS Update service, please answer this question:

Have you been cautioned, subject to a court order, bound over, received a reprimand or warning or found guilty of committing any offence since the date of your most recent enhanced DBS disclosure? YES / NO

If yes, please provide further information.

Do you have any overseas convictions?

YES / NO

If yes, please provide further information:

Confirmation of declaration (tick boxes below)

I agree that the information provided here may be processed in connection with recruitment purposes and I understand that an offer of employment may be withdrawn, or disciplinary action may be taken if information is not disclosed by me and subsequently comes to the organisation's attention.

In accordance with the organisation's procedures, if required I agree to provide a valid criminal record certificate and consent to the organisation clarifying any information provided on the disclosure with the agencies providing it.

I agree to inform the organisation within 24 hours if I am subsequently investigated by any agency or organisation in relation to concerns about my behaviour towards children or adults at risk.

I understand that the information contained on this form, the results of the DBS check and information supplied by third parties may be supplied by the organisation to other persons or organisations in circumstances where this is considered necessary to safeguard children or adults at risk.

Signature of candidate:

Print name:

Date:

**People Management – Policy and Guidance
Safer Recruitment Policy - DRAFT
March 2024**



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PART 1: SAFER RECRUITMENT POLICY

Introduction

1. **Safeguarding is everyone's business whether they work for, or on behalf of the Council.**
2. Carmarthenshire County Council's Corporate Safeguarding Policy has the following overarching Principles:
 - Every child and adult at risk (whatever their background, culture, race, colour, nationality, ethnic or national origins, disability, religion and belief or non-belief, age, sex, gender reassignment, gender identity and gender expression, sexual orientation, pregnancy or maternity, marital or civil partnership status) has a right to participate in a safe society without any violence, fear, abuse, bullying, harassment or discrimination.
 - Every child and adult at risk has the right to be protected from harm, neglect exploitation and abuse.
 - All councilors, employees and volunteers who work for or with the Council have a responsibility for protecting children and adults at risk from abuse and neglect and working in a way that promotes and supports their best interests.
 - The Authority will invest in preventative and early intervention services and endeavor to prevent situations arising where abuse, neglect or harm may occur.
3. Carmarthenshire County Council's Recruitment and Selection Policy aims to ensure that internal and external appointments to posts at all levels within the Authority are equitable, consistent and safe. Carmarthenshire County Council will ensure our workforce comprises of employees with the knowledge, skills, experience and attributes which maximise the performance of the Council's activities, ensuring best value services to the community of Carmarthenshire.

Scope

4. This policy applies to all adults who have contact with children, young people, and adults at risk through their work, whether in paid or voluntary capacity. It applies to permanent, temporary and agency staff, including those recruited from overseas. It also applies to staff who do not have direct responsibility for children and adults at risk, but who will have contact with children and adults at risk and will be seen as safe and trustworthy and/or have access to confidential and sensitive information for example, administrative staff, receptionists, caretakers, catering, cleaning and maintenance staff.
5. The principles of safer recruitment will be included in any contract or service level agreement drawn up between the Council and contractors or agencies that provide services for, or staff to work with children and adults at risk. It will be a requirement that these organisations must be able to demonstrate that they have safer recruitment procedures in place. All service level agreements and contracts will contain reference to the Corporate Safeguarding Policy and the standards expected of working on behalf of the Council.

Policy Statement

6. Safeguarding and protecting children and adults at risk is a high priority for Carmarthenshire County Council and ensuring that there are robust arrangements and procedures in place. This includes implementing safe recruitment procedures and practices.
7. The aims of this policy are:
 - To deter unsuitable applicants from applying for roles working with children and adults at risk.
 - To identify and reject applicants who are unsuitable to work with children and adults at risk.
 - To respond to concerns about the suitability of applicants during the recruitment process.
 - To ensure that all candidates are treated fairly, consistently and in compliance with all relevant legislation.
 - To respond to concerns about the suitability of employees and volunteers once they have begun their role.

- To ensure all new staff and volunteers participate in an induction which includes safeguarding appropriate to their role.
 - To ensure that managers, relevant staff and councillors involved in recruitment are trained in safer recruitment and understand their responsibilities under this policy.
 - To minimise the possibility of children and adults at risk suffering harm from those in a position of trust.
8. The Council will not employ anyone to work with children or adults at risk where there is any reasonable doubt about their suitability for the role.

Roles and Responsibilities

9. Ensuring the effectiveness of safer recruitment and selection procedures is the responsibility of the employing department, with support and advice from the People Services team.
10. It is the responsibility of Directors, Heads of Service and senior managers to ensure that the department is operating safer recruitment procedures and to monitor contractors and agencies compliance with safer recruitment procedures and standards.
11. Anyone who is directly involved in the recruitment process, i.e. shortlisting, interviews and assessments, must “declare an interest” if they have a close personal association or relationship with any of the candidates. Please refer to the **Employee Code of Conduct** and **Close Personal Associations and Relationships guidance**.
12. Where appropriate and where there may be a perception of a conflict of interest, another suitably experienced manager may have to stand in to ensure independence and transparency.
13. Due to the size and diversity of the Council, the recruitment and selection of employees will be the responsibility of recruiting managers at several levels across the organisation. Managers involved in the recruitment and selection of staff which have contact with children, young people and adults at risk are responsible for familiarising themselves with, and complying with, the provisions of this policy.
14. Safer recruitment training is a mandatory requirement for recruiting managers. A minimum of one selection panel member must have attended this training. Please contact the Organisational Development Team for further information.

15. The Corporate Safeguarding Group is responsible for ensuring that there are safer recruitment procedures in place and monitoring compliance with them.
16. The Designated Officers for Safeguarding (DOS) are responsible for managing all allegations made against staff and volunteers who work with children and adults at risk within their area.
- Carmarthenshire County Council has two designated officers:

Rebecca Robertshaw, DOS for Children and Young People
childprotection@carmarthenshire.gov.uk
Cathy Richards, DOS for Adults at Risk
SCHAdultSafeguarding@carmarthenshire.gov.uk

Context

17. This Safer Recruitment Policy supports the over-arching Corporate Safeguarding Policy.
18. This policy works alongside other Council policies and guidance including:
- Recruitment and Selection policy
 - Equality and Diversity policy
 - Disclosure and Barring Service Checks and Self Disclosures – Guidance for Managers (REVISED)
 - Employment References- Guidance (REVISED)
 - Probationary policy
 - Whistleblowing policy
 - Shortlist guidance
 - Officers' Code of Conduct
 - Behavioural Standards in the Workplace guidance
 - Close Personal Associations: Relationships at Work guidance
 - Recruitment of Ex-Offenders policy (NEW)
19. This policy takes account of:
- Social Care Wales: Code of Practise for Social Care Workers, and Guidance for Registered Workers

- Education Workforce Council: Code of Professional Conduct and Practise
- Social Care Wales: All Wales Induction Framework

20. The legislation and national guidance that support this policy statement are:

- Social Services and Well-being (Wales) Act 2014
- Working Together to Safeguard People statutory guidance
- Children Act 1989 and 2004
- Rehabilitation of Offenders Act 1974 and Rehabilitation of Offenders (Exceptions Order) Act 1975, as amended 2013 and 2020
- Police Act 1997, Part 5
- Safeguarding Vulnerable Groups Act 2006
- Protection of Freedoms Act 2012
- Education Act 2002
- Data Protection Act 2018
- Welsh Government guidance, Keeping Learners Safe, 2020

21. This policy statement links to the [Wales Safeguarding Procedures](#) for children and adults at risk of abuse and neglect. Specifically, Section 5: Safeguarding allegations / concerns about Practitioners and those in Positions of Trust.

22. In particular, the Children Act 2004 requires local authorities to have in place arrangements that reflect the importance of safeguarding and promoting the welfare of children, including:

- Safe recruitment practices and ongoing safe working practices for individuals whom the organisation or agency permit to work regularly with children, including policies on when to obtain a criminal record check;
- Appropriate supervision and support for staff, including undertaking safeguarding training;
- Creating a culture of safety, equality and protection within the services they provide.

In addition,

- Ensuring that their staff are competent to carry out their responsibilities for safeguarding and promoting the welfare of

- children and creating an environment where staff feel able to raise concerns and feel supported in their safeguarding role;
- Staff should be given a mandatory induction, which includes familiarisation with child protection responsibilities and the procedures to be followed if anyone has any concerns about a child's safety or welfare;
 - All practitioners should have regular reviews of their own practice to ensure they have knowledge, skills and expertise that improve over time.

PART 2: Safer Recruitment Procedures

23. Safer recruitment procedures support the policy aims by ensuring that there is a consistent and thorough process of obtaining, collating, analysing, and evaluating information from and about candidates to ensure that all persons appointed are suitable to work with children and/or adults at risk.

24. Job Profile

When a post becomes vacant, or a new post is created, the job profile needs to be reviewed to ensure compliance with this policy.

The Job Profile cover should state:

“Safeguarding is everyone's business. All Council employees have a responsibility for protecting children and adults at risk from abuse and neglect and working in a way that promotes and supports their best interests.”

The job profile should clearly state:

- The safeguarding requirements and responsibilities of the role, such as the extent of contact or responsibility for children and adults at risk.
- The individual's responsibility for promoting and safeguarding the welfare of the children and adults at risk they are responsible for or will come into contact with.
- The requirements needed to perform the role in relation to working with children and adults at risk.
- The competencies, values, and qualities that the successful candidate should be able to demonstrate

- The type of DBS check that will be requested for the role (if required) and the justification for requesting this type of DBS check.

25. Information for Candidates

When advertising job vacancies, the following information will be provided to applicants:

- The Council's commitment to safeguarding and promoting the well-being of children and adults at risk
- The Job Profile
- That appropriate pre-employment vetting, including DBS checks and proof of identity, will be undertaken
- A statement that it is an offence to apply for the role if an applicant is barred from engaging in regulated activity relevant to children or adults at risk (where the role involves this type of regulated activity)
- A link to the Corporate Safeguarding policy and other relevant policies.
- Relevant information about the Authority and/or service area and relevant aspects of employment such as induction, training, supervision, career development, employee support.

26. Application Form

The Council requires job applicants to complete a standard application form via its online recruitment process. Curriculum vitae will not be accepted. This provides a consistent basis from which to shortlist and make recruitment decisions. Adjustments to this process may be allowed in certain circumstances e.g. where the applicant requires an alternative format due to disability.

In the case of job roles working with children or adults at risk, there is a risk that a CV will only contain the information an applicant wishes to present and may omit relevant information.

The application form should obtain the following information:

- Identifying details of the applicant including current and former names, current address and National Insurance Number;
- **N.B.** To comply with the Equality Act 2010, **date of birth** is not included on the main application form, but is included in the diversity monitoring form, which can be retained by HR/Personnel and not made available to those involved in the short-listing process;
- Academic and/ or vocational qualifications with details of awarding body and date of award;

- A full history in chronological order since leaving secondary education, including periods of any post-secondary education/training and part-time and voluntary work as well as full time employment, with start dates, explanations for periods not in employment or education/training and reasons for leaving employment;
- Details of referees, one of which should be the applicant's current or most recent employer/line manager. References will not be accepted from relatives or friends.
 - Where an applicant is not currently working with children or adults at risk, but has done so in the past, it is important that a reference is also obtained from that person / organisation and reason for leaving in addition to the current or most recent employer;
- A statement of the skills and abilities, and competencies/experience that the applicant believes are relevant to their suitability for the post and how they meet the job profile;
- Information will be requested about any previous - including spent - convictions, cautions, reprimands, warnings or bind-overs.

27. Shortlisting and Interviewing Panel

The shortlisting process will usually involve 3 people, but at least 2 people. Consideration should be given to representing diversity within the panel. The same selection panel should short list and interview the candidate. Please note that shortlisting should not be delegated to one panel member; it is important that all panel members are involved.

At least one member of the panel should have undertaken safer recruitment training.

The members of the panel will:

- Have the necessary authority to make decisions about the appointment;
- Declare an interest if they have a close association or relationship with any candidate and excuse themselves from the panel if appropriate;
- Meet before the interview to agree their assessment criteria in accordance with the job profile and to prepare a list of questions they will ask all candidates relating to the requirements of the post;
- Identify any issues they wish to explore with each candidate based on the information provided in their application form and in the references (if received prior to the interview);

- Notes of the applicant's interview answers should be collated by the chair of the panel and stored for 6 months.

All application forms should be scrutinised to check:

- They are fully and properly completed. Incomplete applications should not be accepted;
- The information is consistent and does not contain any discrepancies;
- Gaps in employment or training and reasons given for them
- History of repeated changes of employment without any clear career or salary progression or a mid-career move from a permanent to temporary post and reasons given.

The panel will:

- Consider any inconsistencies, discrepancies or gaps in employment and reasons given for them
- Explore all potential concerns

Candidates will be asked to complete a self-declaration of their criminal record or any information that may make them unsuitable to work with children or adults at risk. This information will not be shared with the Interviewing panel until they have selected the preferred candidate.

However, we would welcome candidates who wish to share any relevant information contacting the Manager directly for an informal, open discussion at an earlier stage, should they wish to do so.

We appreciate that 27% of working age adults in the UK have a criminal record and any information shared will be treated sensitively and fairly.

28. Interview

Candidates should bring the following documentation to the interview:

- Evidence of their **right to work** in the UK, as prescribed by the **Home Office**.
- Evidence of their **identity**, such as:
 - a current driving licence OR
 - a current passport OR
 - a full birth certificate.

Note: Some form of photographic ID must be seen.

AND

- a document such as a utility bill or financial statement (less than 3 months old) that shows the candidate's current name and address

AND

- where appropriate, change of name documentation, such as a marriage certificate.
- Certificates confirming **educational and professional qualifications**. If this is not possible, written confirmation must be obtained from the awarding body.
- Documentation of **registration with a professional body** (if appropriate).

A copy of the documents used to verify the successful candidate's identity and qualifications must be kept for the personnel file.

29. Scope of the Interview

The panel will:

- Assess the merits of each candidate against the job profile, and explore their suitability to work with children and adults at risk
- Emphasise to the candidate that the identity of the successful candidate will be checked thoroughly. Also, that a Disclosure and Barring Service check will be required as part of the vetting process.
- Record all information considered and decisions made

In addition to assessing and evaluating the applicant's suitability for the post, the panel should explore:

- The candidate's attitude towards children or adults at risk;
- Their ability to support the organisation's agenda for safeguarding and promoting the welfare of children and adults at risk;
- Any gaps in employment, or where the candidate has changed employment or location frequently, and ask candidates to explain this
- Concerns or discrepancies arising from the information provided by the candidate and/or referee;

- Whether the candidate wishes to declare anything relating to the requirement for a Disclosure and Barring Service check.

The interview should also explore issues relating to safeguarding, including:

- Motivation to work with children or adults at risk;
- Ability to form and maintain appropriate relationships and personal boundaries;
- Emotional resilience in working with challenging behaviours;
- Attitudes to use of authority.

30. Participation of children, young people, and adults at risk

Children, young people and adults at risk can make a valuable contribution to the recruitment process and their participation should be considered for key strategic and managerial posts as well as for posts where staff will have a high level of responsibility for personal care e.g. residential staff.

The following considerations should be taken into account in planning the involvement of children, young people and adults at risk:

- Clarification of the role they will take in the process, how their views will be taken into account in selection and what weighting these will be given;
- Preparation and/or training for the role they will be taking;
- Process for debriefing them on the outcome.

31. Pre-employment vetting checks

All offers of appointment will be conditional until satisfactory completion of the necessary pre-employment checks.

The Recruiting Manager will:

- Verify the candidate's identity
- Verify their professional qualifications, as appropriate to the role

The Recruitment Team will:

- Check the candidate's identity documents are appropriate

- Verify their right to work in the UK. (See **GOV.UK website** for information on how to check a candidate is allowed to work in the UK)
- Obtain a Disclosure and Barring Service Disclosure at the appropriate level (unless the Disclosure and Barring Service Update Service applies). Inform the (See **Disclosure and Barring Service Checks Guidance**).
- Verify their mental and physical fitness to carry out their work responsibilities has been assessed by Occupational Health, if appropriate.
- Verification of professional status/registration where required, i.e. Social Care Wales, Education Workforce Council, Health & Care Professions Council.
- Receive written references, where possible confirmed by telephone. Specific questions relating to safeguarding allegations or concerns and their suitability to work with children and adults at risk are included in the Request for Reference template. (See **Employment References Guidance**.)
- Check if the applicant has previously worked for the Authority and the reason for leaving.
- Carry out further additional checks, as appropriate, on candidates who have lived or worked outside of the UK. These could include, where available:
 - Criminal records check: see **GOV.UK - Criminal records checks for overseas applicants**.
 - For teaching positions: obtaining a letter from the professional regulating authority in the country where the applicant has worked, confirming that they have not imposed any sanctions or restrictions on that person, and/or are aware of any reason why that person may be unsuitable to teach

If any Safeguarding concerns are revealed by these checks, the Recruiting Manager and the HR Adviser will be informed and will be required to undertake a risk assessment.

(For further information, see **Disclosure and Barring Service (DBS) Checks and Self-Disclosures Guidance for Managers**).

All checks should be:

- Confirmed in writing;

- Documented and retained on the personnel file (subject to restrictions on the retention of information imposed by Disclosure and Barring Service regulations);
- Followed up with the candidate where they are unsatisfactory or where there are discrepancies in the information provided.

The following information will be reported to the Police and/or the Disclosure and Barring Service:

- The candidate is found to be on the Barred Lists, or the Disclosure and Barring Service check shows that they have been disqualified from working with children or adults at risk by a Court;
- The candidate has provided false information in, or in support of, their application;
- There are serious concerns about an applicant's suitability to work with children or adult at risk.

Anyone who is barred from work with children or adults at risk is committing an offence if they apply for, offer to do, accept or do any work which constitutes regulated activity. It is also an offence for an employer knowingly to offer work in a regulated position, or to procure work in a regulated position for an individual who is disqualified from working with children or adults at risk or fail to remove such an individual from such work.

32. Employment of Ex-Offenders

Employers must make a judgement about suitability, taking into account only those offences which may be relevant to the post in question. In deciding the relevance the following should be considered:

- The nature of the appointment;
- The nature of the offence;
- The age at which the offence took place;
- The frequency of the offence.

For further information, see **Recruitment of Ex-Offenders Policy** (insert hyperlink).

33. Employment Agency Staff and Contractors

For all agency staff or contractor staff who are working in regulated activity or whose work provides them with an opportunity for regular contact with children or adults at risk, written confirmation should be obtained from the agency or contractor that the appropriate checks have been undertaken, using the template in Appendix 2. This template requires the agency to provide signed confirmation against each pre-employment check.

Agency staff or contractors who have not had the required checks will not be allowed to work unsupervised or engage in regulated activity under any circumstances.

The identity of the staff presenting themselves for work must be checked to ensure that they are the same person on whom the checks have been made. This identity check should be recorded on the template.

Managers who are seeking to appoint agency social workers or consultants in Adult Services or Children's Services must follow the *Agency Social Work - Recruitment and Monitoring Process* (Appendix 3).

34. Staff Records

For each member of staff appointed, a record should be kept to show:

- Written references obtained and confirmed by telephone;
- Gaps in employment history checked;
- A satisfactory Disclosure and Barring Service / Enhanced Disclosure and Barring Service certificate obtained, with unique reference number and date;
- Reasons/decision to appoint despite criminal convictions (i.e. a Risk Assessment);
- Evidence of proof of identity (this will have been provided for the Disclosure and Barring Service check);
- Evidence of qualifications;
- Details of registration with appropriate professional body;
- Confirmation of right to work in UK;

- Record of interview questions and candidate's answers to be kept for the duration of the individual's probationary period, and then can be destroyed.

Records should be signed and dated by the appointing manager.

35. Induction in relation to Safeguarding

There should be an induction programme for **all** staff and volunteers. The purpose of the induction is to:

- Provide training and information about the organisation's safeguarding and child protection policies and procedures. This training should be at a level appropriate to the member of staff role and responsibilities with regard to children;
- Support individuals in a way that is appropriate for their role;
- Confirm the conduct expected of staff;
- Provide opportunities for a new member of staff or volunteer to discuss any issues or concerns about their role or responsibilities;
- Enable the line manager or mentor to recognise any concerns or issues about the person's ability or suitability at the outset and address them immediately;
- Ensure that the person receives written statements of:
 - Policies and procedures in relation to safeguarding;
 - The identity and responsibilities of staff with designated safeguarding responsibilities;
 - Safe practice and the standards of conduct and behaviour expected;
 - Other relevant personnel procedures e.g. whistle blowing, disciplinary procedures.
- Verify successful completion of the **All Wales Induction Framework** where appropriate.

36. Probationary period

All new appointees will be subject to the completion of a satisfactory probationary period as allowed for in the contract of employment, for

example, the first six months of employment up to a maximum of 12 months (unless extended in exceptional circumstances). Newly qualified Social workers are subject to a probationary period of 12 months.

The recruiting manager must implement the **Managing Probationary Employees Policy** from the date of commencement.

37. Existing staff

In certain circumstances, all the relevant checks on existing staff will be carried out as if the individual was a new member of staff. These circumstances are when:

- There are concerns about an existing member of staff's suitability to work with children or adults at risk; or
- An individual moves from a post that is not working with children or adults at risk to one that is; or
- An individual's job duties have changed and they are now working with children or adults at risk;
- There has been a break in service of 12 weeks or more; or
- There has been a change in DBS guidance since the staff member was appointed, or the DBS guidance was not followed correctly at the time of their appointment.

38. Ensuring Equality of Treatment

All employees are required to adopt a positive, open and fair approach and ensure the Authority's Equality and Diversity policy is adhered to and applied consistently to all irrespective of race, colour, nationality, ethnic or national origins, disability, religion and belief or non-belief, age, sex, gender reassignment, gender identity and gender expression, sexual orientation, pregnancy or maternity, marital or civil partnership status.

In addition, the Welsh Language Standards ask us to 'ensure that the Welsh language is treated no less favourably than the English language' and this principle should be adopted in the application of this policy. If you have any equality or diversity concerns in relation to the application of this policy and procedure, please contact a member of the HR team who will, if necessary, ensure the policy / procedure is reviewed accordingly.

If you require this publication in an alternative format, please contact CEDuty@carmarthenshire.gov.uk

Appendix 1: What is Regulated Activity?

Regulated activity is work that a barred person must not do.

For further information on Regulated Activity with Children, refer to:

Department for Education Regulated Activity Children

For further information on Regulated Activity with Adults, refer to:

Department of Health Regulated Activity Adults

There is also detailed guidance on Regulated Activity included in the **Disclosure and Barring Service (DBS) Checks and Self-Disclosures Guidance for Managers** (insert hyperlink).

Appendix 2: Agency Workers Pre-Employment Checks

TO BE COMPLETED BY THE AGENCY SUPPLYING THE STAFF

Agency Name	
Name of Agency Administrator responsible for completing this form	
Telephone Number (to be used in the event of a query)	
Date of Submitting Form to Carmarthenshire County Council	

AGENCY WORKER'S PERSONAL DETAILS

Full Name	
Date Of Birth	
Gender Pronouns to be used at work	
Contact Telephone Number	

RECORD OF PRE-EMPLOYMENT CHECKS

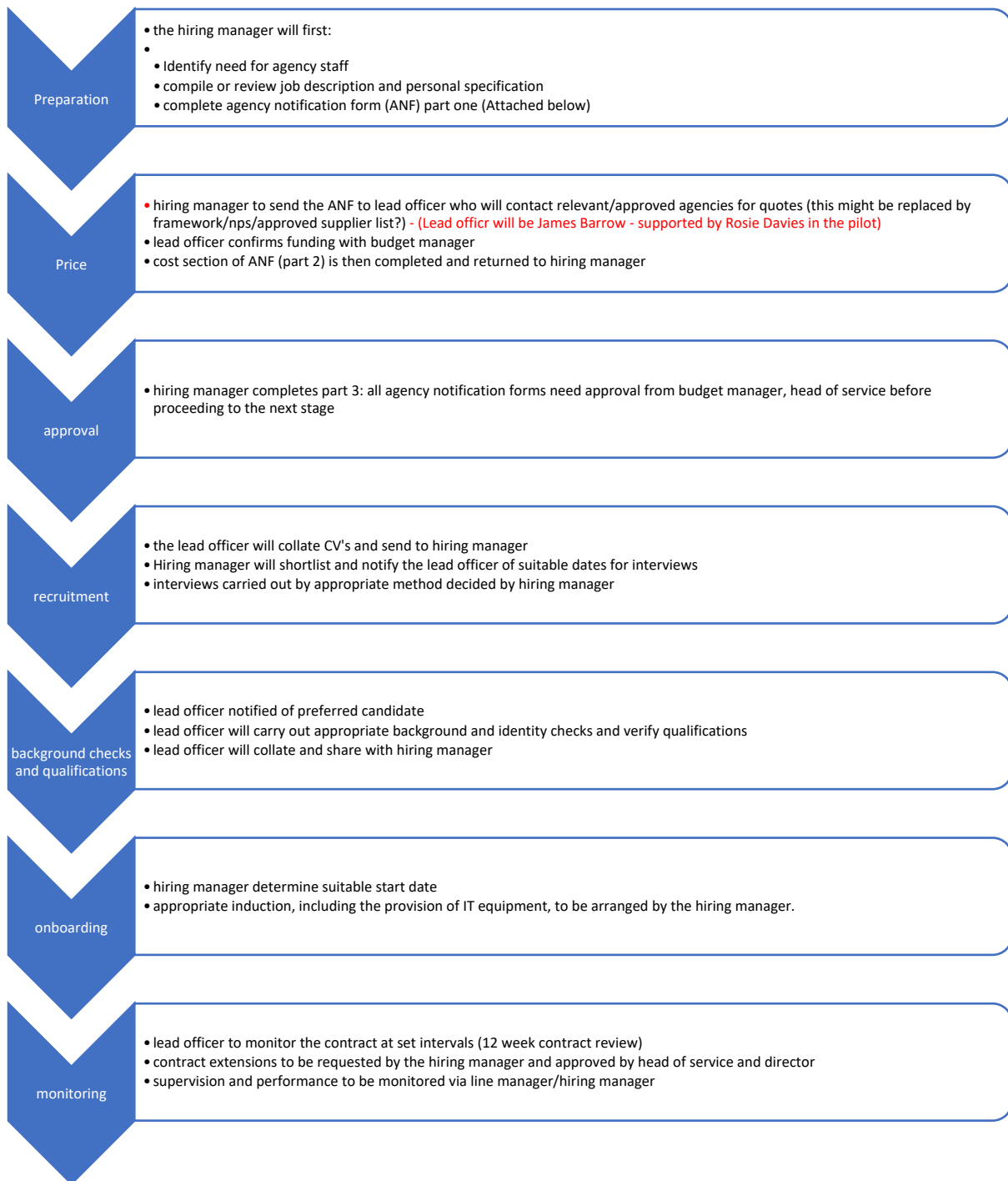
Pre-Employment Check (appropriate to the role)	Date of Check	Checked by: (Signature)	Satisfactory Result of Check: YES / NO
Identity document – specify:			
Professional Qualifications – specify:			
Right to Work in UK			
Enhanced DBS Check with Barring List <i>Tick relevant Workforce:</i> - Child Workforce <input type="checkbox"/> - Adult Workforce <input type="checkbox"/> - Child & Adult Workforce <input type="checkbox"/>			
Health Assessment			
Professional Registration <i>Tick relevant Registration Body:</i> - Education Workforce Council <input type="checkbox"/> - Social Care Wales <input type="checkbox"/> - Health and Care Professions Council <input type="checkbox"/> - Other (specify):			
Category of Professional Registration <i>Tick relevant Category:</i> - School Teacher <input type="checkbox"/> - School Learning Support Worker <input type="checkbox"/>			

- Social Worker <input type="checkbox"/> - Social Worker <input type="checkbox"/> - Social Care Manager <input type="checkbox"/> - Social Care Worker <input type="checkbox"/> - Occupational therapist <input type="checkbox"/> - Other (specify):			
Employment Reference 1			
Employment Reference 2			
Additional Checks on Workers who have lived or worked outside UK. Please specify checks carried out:			

TO BE COMPLETED BY THE MANAGER OR HEADTEACHER

Form of Identity Checked (e.g. Passport, Photo Driving Licence)	Date of Check	Checked by: (Signature)	Does the name and date of birth match the details provided by the agency on this form? YES / NO	Does the photographic image resemble the person presenting for work? YES / NO

Appendix 3: Agency Social Workers Recruitment and Monitoring Process



Agency worker recruitment process chart 16/12/22 – Rhys Page



Agency Notification Form.docx

[Agency Notification Form](#)

**People Management – Policy and Guidance
Disclosure & Barring Service (DBS) Checks and
Self-Disclosures Guidance for Managers
March 2024**



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SECTION 1: OVERVIEW

1. Introduction

This document aims to provide practical guidance for managers on their responsibilities when they are:

- Recruiting into a post (paid or unpaid) that may be eligible for a Disclosure and Barring Service (DBS) check
- Receiving a disclosure which could affect an individual's suitability for a post
- Dealing with a situation involving a person who carries out regulated activity when you believe that they have caused harm or pose a future risk of harm to children or adults at risk.

This Guidance should be read in conjunction with the following policies:

- Safer Recruitment Policy (draft)
(insert hyperlink)
- Recruitment of Ex-offenders Policy (draft)
(insert hyperlink)
- Recruitment & Selection Policy
<http://intranet/our-people/hr/recruitment/>
- Disciplinary Policy
<http://intranet/our-people/hr/employee-relations/disciplinary/>
- Investigation Policy
<http://intranet/our-people/hr/employee-relations/investigations/>
- Wales Safeguarding Procedures
<https://www.safeguarding.wales/en/>

2. The Disclosure and Barring Service (DBS)

The DBS provides a facility for organisations to make safer recruitment decisions via a check against different types of information such as criminal and police records and information held on the barred list for children and adults.

Employers are allowed to ask for information in relation to a person's history under the Exceptions Order to the Rehabilitation of Offenders Act (ROA) 1974 (as amended) in certain circumstances including where employees work in a regulated activity. Checks can only be requested where it is proportionate and relevant to the role or where it is required by statute.

The Council is a Registered Body with the DBS and the People Services recruitment team provides a service for the appropriate check to be requested to the DBS in accordance with the scope of this Policy. To do so, the Council must comply with the DBS Code of Practice.

[DBS Code of Practice](#)

Under this Code of Practice, the Council must ensure that, before allowing a DBS check application to be submitted, they have assessed the role to be eligible under current legislation, correctly applied the right level of check, and correctly requested the appropriate barring list information.

The Council is a regulated activity provider. This brings obligations under the Safeguarding Vulnerable Groups Act 2006, including a legal duty to refer an individual to DBS when it is believed that a person has caused harm or poses a future risk of harm to children or adults at risk.

An employer is breaking the law if they knowingly employ someone in a regulated activity with a group from which they are barred from working. A barred person is breaking the law if they seek, offer or engage in regulated activity with a group from which they are barred from working.

3. Types of DBS Checks

There are 4 types of DBS checks which the Council may request.

Basic Disclosure

Shows unspent convictions and conditional cautions only. Any post is eligible for this type of check if it is deemed proportionate and relevant for the role.

Standard Disclosure

Shows spent and unspent convictions, cautions, reprimands, and final warnings.

Enhanced Disclosure

Shows the same as a standard check plus any information held by local police that is considered relevant to the role.

Enhanced Disclosure with Barred Lists

Shows the same as an enhanced check plus whether the applicant is on the list of people barred from working with these service users.

4. Types of Workforces

Applications for standard or enhanced DBS certificates must contain a workforce.

For Enhanced Level Disclosure with Barred List certificates:

Children's workforce – provides access to a check of the Children's barred list

Adults' workforce – provides access to a check of the Adults' barred list

Children's and Adults' workforce - provides access to a check of the Children's and Adults' barred lists. These are for roles which work with both children and adults at risk.

Other workforce - provides access to a check of the Children's and Adults' barred lists. These are roles which don't specifically relate to working with children and/or adults. For more information on the type of roles that fall under this category of workforce, please refer to [Other workforce guide](#)

5. Assessing if the Role is Eligible for a DBS Check

Assessing if the job role is eligible for a DBS check can be complicated, but there are several sources of help to guide managers and counter-signatories. This section is to help you select the correct level of check and barring list (if appropriate).

Please refer to **Appendix 1: Establishing DBS Eligibility form**

You should complete this form to record the reason for selecting the type of DBS check and workforce for the job role.

Sources of guidance are as follows:

- DBS Eligibility Tool
- DBS Guidance Leaflets
- DBS Eligibility Guidance – this is the full guidance

5.1 DBS Eligibility Tool. DBS has made an online eligibility tool available which covers most, but not all, job roles.

Here is the link: [DBS Eligibility Tool](#)

This tool does not cover all roles currently. If the role is not covered, seek guidance from the People Services Recruitment team/ HR Adviser.

5.2 DBS Guidance Leaflets. DBS has published a range of guidance leaflets, which cover various areas of work.

DBS Checks in Sport – Working with Children

[DBS Checks in Sports - Working with Children.pdf](#)
([publishing.service.gov.uk](#))

DBS Checks in Sport – Working with Adults

[DBS Checks in Sports - Working with Adults.pdf](#)
([publishing.service.gov.uk](#))

Children's Social Care Providers

[DBS guidance for children's social care providers and managers](#)
([www.gov.uk](#))

Regulated Activity Working with Children

[Regulated Activity with Children in Wales.pdf](#)
([publishing.service.gov.uk](#))

Adult Social Care

[Social care roles for adults.pdf](#) ([publishing.service.gov.uk](#))

Regulated Activity Working with Adults

[Regulated Activity with Adults in Wales.pdf](#)
(publishing.service.gov.uk)

Note: If you think that a job role might be in Regulated Activity, please also read Section 6 “**What is Regulated Activity?**”

School Governors and Elected Councillors

[A Guide to School Governor and Elected Councillor Roles in Wales.pdf](#) (publishing.service.gov.uk)
[School Governor Councillor roles Cymraeg.pdf](#)
(publishing.service.gov.uk)

All these guidance documents (and others) can be found here:
[DBS guidance leaflets - GOV.UK \(www.gov.uk\)](#)

- 5.3 DBS Full Eligibility Guidance.** The full guidance is available on the DBS website, which includes the legislative wording. As this is not very user-friendly, it is recommended that you use the other sources of guidance first, and then use the full guidance to check and confirm that you are selecting the correct type of DBS check. Here is the link: [DBS Eligibility Guidance](#)

For Standard DBS checks, please refer to the [Eligibility guidance for standard DBS checks](#)

For Enhanced DBS checks and Enhanced DBS checks with Barred Lists, please refer to the [Eligibility guidance for enhanced DBS checks](#)

If you are still unsure about whether a post requires a DBS check, or the level of check required, please contact the People Services Recruitment Team / your HR Adviser to discuss.

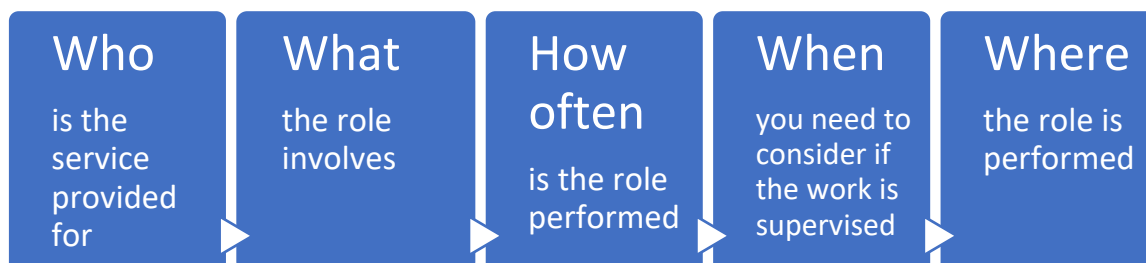
Home Based Checks

For roles that take place in the applicant's own home, the DBS application form should answer 'Yes' to the question '*Does this position involve working with children or adults at the applicant's home address?*'. This allows a home-based check to be carried out. This means that the police will consider disclosing any relevant information held not only about the applicant, but also on any other person who is associated with the address that the applicant will be working from. This does not apply if the applicant is travelling to someone else's home to carry out regulated activity.

6. What is Regulated Activity?

Regulated activity is work that a barred person must not do.

There are 5 aspects you will need to think about:



Regulated activity can be summarised as follows:

6.1 Regulated Activity – Children

Definitions:

Children are usually under 18 years old, but not if the activity is in relation to the child's paid or unpaid employment, and they are 16 or 17 years old.

Supervision of a worker means day to day supervision.

Regular means carried out by the same person on a frequent basis – on more than 3 days in a 30-day period or ever working overnight (between 2am and 6am) where there may be face-to-face contact with children.

To establish whether or not an individual is engaging in **regulated activity with children**, you have to take into consideration three factors:

- the role - what activity a person carries out, how often the person does it and whether they are supervised
- the setting - where the role takes place and how often the person will work there

Regulated activity refers to the following unsupervised activities. These activities must be carried out regularly (i.e., on a frequent basis as defined above).

There are NINE categories that define Regulated Activity with Children.

The first FOUR activities must be carried out **regularly**:

1. **Teaching, training, instructing, caring for** or **supervising** children, or
2. Providing **advice or guidance** on physical, emotional or educational wellbeing, or
3. **Driving** a vehicle solely for children.
4. **Moderating** a website wholly or mainly for children

The following TWO activities are classed as **regular**, even if the activity is only carried out once:

5. **Health care**, which is provided by, or under the direction of, a regulated health care professional, or
6. **Personal care** for children, such as assisting with washing and dressing.

There are no frequency conditions placed on the following THREE activities:

7. Registering to be a **foster carer**
8. Registering to be a **childminder** or **childcare provider**
9. **Specified positions in Wales**. These are mainly inspection functions.

If someone does not meet regulated activity because of what they do, they may meet it because of where they work.

Places of Regulated Activity

The Safeguarding Vulnerable Groups Act 2006 identifies Schools and other specified settings as a place of Regulated Activity

Other specified settings include: an educational institution for the full time education of children, a pupil referral unit, a provider of nursery education, a detention centre for children, a children's home or home provided under the Children Act 1989, a children's centre, a children's hospital in Wales and relevant childcare premises.

If the role meets the definition of regulated activity with children because it involves teaching, training or instructing children, or is providing any form of care for or supervision of children in a specified establishment and the period condition is met, then the organisation must consider the Department for Education (DfE) statutory supervision guidance.

<https://www.gov.uk/government/publications/supervision-of-activity-with-children>

If the role is undertaking one of the specified activities in a specified establishment, is **voluntary** and the organisation decides that the role is sufficiently supervised, then the volunteer is not in regulated activity with children and is eligible for an enhanced DBS certificate only.

If that role working within the specified establishment is **paid**, then the individual will always be in regulated activity with children and eligible for an enhanced DBS with children's barred list certificate. This is regardless of the level of supervision they are under.

Ancillary roles in specified establishments (such as catering, cleaning or caretaking) must meet all four of the following criteria to be in regulated activity with children:

- they work there on more than 3 days in a 30-day period or overnight between 2am and 6am with the opportunity for face-to-face contact with the children **and**
- they have the opportunity, because of their job, to have contact with the children in the establishment **and**
- they work there for the purpose of the establishment **and**
- it is not temporary or occasional work, and it is not a supervised volunteer role.

All individuals meeting these 4 criteria working within one of the specified settings must have an enhanced DBS with children's barred list certificate.

Schools must also comply with the Staffing Maintained Schools Wales Regulations 2005 and Staffing Maintained Schools (Miscellaneous Amendments) Wales Regulations 2007 in addition to the Safeguarding Vulnerable Groups Act.

6.2 Regulated Activity – Adults

Definitions:

Adults are aged 18 and over.

Personal care includes teaching, training, instructing, caring for or supervising adults, or providing advice/guidance on wellbeing.

Supervision of a worker means day to day supervision.

Regular means carried out by the same person on a frequent basis working with adults receiving care – once a week or more, on more than 3 days in a 30-day period or ever working with adults receiving care overnight (between 2am and 6am).

Unlike regulated activity with children, regulated activity with adults focuses on the specific activities that are provided to an adult that requires them, rather than the setting in which a specific activity is taking place.

For example, any individual that provides personal care to an adult will be engaging in Regulated Activity irrespective of whether that occurs in a hospital, a care home, a prison or in the person's own home.

There are **EIGHT** categories that define Regulated Activity with Adults:

1. **Health Care** which is provided by or under the direction of a regulated health care professional to an adult, including palliative care, psychotherapy, and counselling.
2. Providing **Personal Care** to an adult in the form of feeding, washing, dressing, toileting, oral care or care of the skin, hair *, or nails* because of the adult's age, illness or disability. This includes prompting and then supervising an adult who because of their age, disability or illness 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 and supervision. It also includes training, instructing or providing 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.
3. Providing **Social Work** to an adult in connection with assessing or reviewing the need of health or social care services and providing ongoing support to clients.
4. Drivers or assistants who **transport adults** because of their age, illness, or disability, to and from health care, personal care or social work activities, appointments, etc.
5. **Assisting an adult** in the conduct of their own affairs, where: a lasting power of attorney is created; an enduring power of attorney is registered or applied for; the Court of Protection has made an order in relation to the making of decisions on the adult's behalf; an independent mental health or mental capacity advocate is appointed; independent advocacy services are provided; a representative is appointed to receive benefits payments on the adult's behalf.
6. **Assisting an adult** with general household matters such as managing cash, paying bills or shopping on their behalf, where it is required because of their age, illness, or disability.
7. **Day to day management or supervision** of anyone carrying out the above activities.
8. **Specified positions in Wales.** These are mainly inspection functions.

* There are exceptions to this. Excluded from regulated activity is any physical assistance provided to an adult in relation to the care of their hair or nails when that assistance is not related to their age, illness or disability. For example, a hairdresser who cut the hair of residents in care homes is not engaging in regulated activity.

For example, a beauty therapist who attends a day care centre and provides manicures for anyone who would *like* one, instead of for people who *need them* because of their age, illness or disability, is not engaging in regulated activity.

7. Re-checking existing staff

The Authority will check existing staff where required to do so, for example in the following circumstances:

- To maintain the registration requirements of regulatory or professional bodies such as Social Care Wales (SCW), Education Workforce Council (EWC) and Health and Care Professionals Council (HCPC);
- To meet the statutory regulations for regulated services;
- When staff change their job role (see section 10 below);
- If there has been a change in the employee's criminal record (see section 11 below).

Employees may be required to sign up to the DBS Update Service to enable appropriate re-checks to be made.

See Appendix 2: Letter for Staff joining the Update Service

Individuals who have changed their name by marriage, civil partnership or deed poll will be required to undergo a new DBS check at the next re-checking date.

7.1 All Staff who are subject to a DBS Check

Employees are not required to disclose information about their criminal record unless asked to do so by their employer.

All staff in roles subject to a DBS Check will be requested to make a Self-Disclosure annually via MyView, at the same time as the annual Declaration of Gifts and Hospitality and Declaration of Interests is usually made in April. Managers must review the Declarations made by their staff and ensure that every member of the team has completed their Declarations.

Note: This facility will not be available until after April 2024.

See Appendix 3: Self-Disclosure Form

7.2 Staff who are registered with Social Care Wales

Those who work in posts which are required to be registered with Social Care Wales will be asked for an updated DBS disclosure in accordance with their re-registration requirements.

A list of posts for which registration is a requirement may be found in this link: [What is registration? | Social Care Wales](#)

Employees in roles which require re-checks may be expected to join and maintain a subscription with the DBS Update Service to allow for re-checks to be undertaken. The Council will not reimburse any costs associated with this.

For staff who work in the following **Regulated Services**:

- Care home services
- Domiciliary support services
- Secure accommodation services
- Residential family centre services
- Adult placement services
- Fostering services

If the individual is registered with the DBS update service, the service provider must check the person's DBS certificate status at least annually.

If the individual is not registered with the DBS update service, the service provider must apply for a new DBS certificate within three years of the issue of the previous certificate.

7.3 Staff who are registered with Education Workforce Council

Posts which are required to be registered with Education Workforce Council may be found in this link: [Applying for registration \(ewc.wales\)](#)

The DBS provides the EWC with regular updates on barred individuals.

There is no legal requirement to re-check staff who work in regulated activity/settings including those who work in Schools unless there has been a break in service of more than 3 months.

The School Governing Body is advised to adopt this policy. In the absence of a locally adopted policy, the Council will apply this policy. If the School's

policy varies from this, they will be expected to pay any additional costs associated with it.

7.4 Staff who are registered with Health and Care Professional Council

Posts which are eligible to be registered with the HCPC may be found in this link: [Are you eligible for registration? | HCPC](#)

Those who work in posts which are required to be registered with the HCPC will be asked to renew their registration every two years which includes a personal declaration.

The personal declaration includes a statement that the person has not had any change relating to their good character (this includes any conviction or caution that they are required to disclose).

In addition, registrants are required to immediately self-refer to HCPC if a conviction has resulted in a significant change to their good character.

Further guidance from HCPC is provided at this link: <https://www.hcpc-uk.org/resources/guidance/guidance-on-health-and-character/>

8. DBS checks for non-employees

8.1 Social Work Students and Student Teachers on placement

Student teachers and Social work students should be checked by their University. Schools should seek written confirmation that checks have been carried out and by whom. Schools should then check the identity of the student on their arrival.

8.2 Agency or Supply Staff

The Agency is the employer of the workers it provides. It must therefore carry out the same level of checks as required by this Policy and the post assessment. Service managers must ensure that the Agency provides written confirmation that DBS and all other pre-employment checks have been undertaken before the worker commences their placement. Managers should also arrange to see the original DBS certificate on the first day the Agency worker commences work.

8.3 Contractors

The organisation providing the service/contractors is the employer. It must therefore ensure that the appropriate DBS and pre-employment checks are undertaken. Contractors are required to comply with this Policy and this should be provided during the procurement process. Separate guidance is available from the Procurement Team.

Note: The Passenger Transport Service coordinates DBS checks for its contractors.

8.4 Volunteers

The DBS define a volunteer as *'a person who performs any activity which involves spending time, unpaid (except for travelling and other approved out-of-pocket expenses), doing something which aims to benefit someone (individuals or groups) other than or in addition to close relatives.'*

The DBS does not charge for providing disclosures for volunteers but before submitting a request for a volunteer, you must be satisfied that they will not:

- benefit financially from the position for which the application is being submitted
- receive any payment (except for travel and other approved out-of-pocket expenses)
- be on a work placement
- be in a trainee position or undertaking a course of study that will lead to a full-time role/qualification
- be a paid foster carer or a member of a foster care household

If your service contracts with other organisations who use volunteers then those organisations must follow this Policy /Guidance.

8.5 Elected Members

There is no general requirement for Elected Members to be DBS checked.

Elected members are eligible for an enhanced DBS check without a barred list check in the child and/or adult workforce if they are appointed as a member of a committee or sub-committee involved in:

- the delivery of services for children relating to education or social services;
- the delivery of services for adults relating to social services.

If the councillor is an appointed member of one of these types of committees, the 'Position Applied For' field on a DBS application form would need to reflect this committee role, rather than indicate that the applicant is an elected councillor.

8.6 Committee and Sub-committee Members

Other individuals appointed as local authority committee and sub-committee members can be eligible to apply for an enhanced level DBS check without barred list in the child and/or adult workforce, if they are appointed as a member of a committee or sub-committee involved in:

- the delivery of services for children relating to education or social services;
- the delivery of services for adults relating to social services.

If the individual is an appointed member of one of these types of committees, the 'Position Applied For' field on a DBS application form would need to reflect this committee role, rather than their job role.

8.7 School Governors (including Clerks to Governing Bodies and co-opted committee members)

Anyone holding any of the positions above is eligible to be asked to apply for an enhanced level DBS check without barred list in the child workforce.

This was an amendment made in 2013 to the Police Act 1997 (Criminal Records) Regulations 2002, following changes to the definition of regulated activity by the Protection of Freedoms Act 2012, result in in these roles being no longer eligible for a barred list check.

[A Guide to School Governor and Elected Councillor Roles in Wales.pdf \(publishing.service.gov.uk\)](#)

Schools must decide whether their Governors should be asked to apply for a DBS check dependent upon their role.

9. Counter signatories and Identity Verifiers

It is the responsibility of every Counter signatory and Identity Verifier to:

- Undertake all training required and provided in relation to their responsibilities

- Keep up to date with information and guidance provided by the Disclosure and Barring Service, the Council's People Services or Legal teams, and any other relevant sources
- Maintain full and accurate records where required
- Seek advice if they are unsure about any area of responsibility in relation to DBS and pre-employment checking.

SECTION 2: MANAGERS' RESPONSIBILITIES

10. Recruiting into a Post that may be eligible for a DBS check

You should use the following guidance in conjunction with the **Safer Recruitment policy** and the **Recruitment of Ex-Offenders policy**.

When you are recruiting to a vacant or new post, you should review / update the current Job Profile or write a new Job Profile.

The Job Profile should clearly state:

- The safeguarding requirements and responsibilities of the role, such as the extent of contact or responsibility for children and adults at risk.
- The individual's responsibility for promoting and safeguarding the welfare of the children and adults at risk that they are responsible for or will come into contact with.
- The requirements needed to perform the role in relation to working with children and adults at risk.
- The competencies, values, and qualities that the successful candidate should be able to demonstrate.
- The type of DBS check that will be requested for the role (if any).

The Recruiting Manager and the Counter-Signatory are responsible for making sure the job role is eligible for the DBS check requested.

DBS Checks can only be requested **after** a conditional job offer is made.

Information supplied via the DBS checking process is confidential personal data and must not be relayed to anyone who is not entitled to see it. Any individual found to be in breach of this may be subject to disciplinary action.

DBS disclosures are required for all new (to the Council) employees, agency workers and volunteers who are appointed to work in a post which requires a DBS check **before** commencing employment. You should allow up to 4 weeks for a DBS check to be processed – build this into your recruitment plan to ensure that all checks can be completed before you require the employee to start.

New employee details will not be set up for HR and payroll purposes until **all** pre-employment checks, including DBS checks, are completed satisfactorily. Therefore, where a post has been identified as requiring a DBS check, the employee must **not** commence work until that DBS certificate has been received and assessed by People Services and the Recruiting Manager.

If there are exceptional circumstances which you think may allow an employee, volunteer or agency worker to commence before DBS checks are completed, you should speak to your line manager and HR Business Partner BEFORE the employee commences. This may include where an employee will not be working with children or vulnerable adults immediately eg to attend off the job training or where the employee will not be working unsupervised until the DBS check is received. However, this is considered a last resort.

Failure to complete the appropriate checks may put your service users and colleagues at risk. Details of Recruiting Managers/Head Teachers who fail to comply with the DBS check requirements will be shared with the Corporate Safeguarding Group and a warning letter will be issued. Any further non-compliance will result in the Recruiting Manager/Head Teacher being asked to attend a formal meeting with the LADO and Director of Education and Childrens Services following which further steps including disciplinary action may be taken.

For details of the full pre-employment check requirements please refer to the Pre-employment checks section of the Recruitment intranet page.

If the prospective employee is registered with the DBS Update Service, the Recruiting Manager should check that they are able to produce the original DBS certificate and that the type of DBS check and the workforce stated on the certificate is valid for the job they have applied for.

Current Council employees who are offered a new post which requires a DBS disclosure must be checked if:

- a) They have not previously undergone a DBS check; **OR**
- b) They have undergone a check, but their DBS certificate is more than three years old; **OR**
- c) The DBS certificate is three years old or less but is not valid for the post for which they have applied **OR**
- d) They hold the appropriate DBS certificate but are moving to a post which is significantly different to their current post, e.g., driver to teaching assistant **OR**

e) They have changed their name by marriage, civil partnership, or deed poll since their last DBS check.

Sensitive Applications

DBS offers a confidential checking service for transgender applicants which gives them the choice not to have any gender or name information disclosed on their DBS certificate that could reveal their previous gender identity. The applicant should contact the Sensitive Applications team on 0300 106 1452 or via email sensitive@dbs.gov.uk

Employing People from Overseas or Refugees in Social Care

The following web links provide useful guidance for managers recruiting staff from overseas or dealing with applications from refugees.

<https://gov.wales/employing-people-ukraine-and-refugees-social-care-resource-providers>

<https://www.local.gov.uk/our-support/sector-support-offer/care-and-health-improvement/adult-social-care-workforce/overseas-recruitment>

<https://www.skillsforcare.org.uk/Recruitment-support/Attracting-people/International-recruitment.aspx>

Applicants who have worked or resided overseas for six months or more in the previous five years (excluding members of UK armed forces and their families) will be advised to seek certificates at their own cost from the relevant countries in accordance with the relevant DBS Guidance.

[Criminal records checks for overseas applicants - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/criminal-records-checks-for-overseas-applicants)

11. What to do if a conviction is disclosed which may affect the person's suitability for the post

Managers may receive disclosures containing previous convictions and/or cautions, or other information concerning the person's suitability for the post, in the following circumstances:

- Job applicants or Volunteers (who have been offered a post subject to satisfactory pre-employment checks). These could be internal or external applicants.
- Existing employees who are the subject of periodic re-checking

- Existing employees who report a change in their criminal record or other information of concern
- Ad hoc information about an employee or volunteer which is brought to the manager's attention

Disclosures could be received via a DBS check, or from a self-disclosure made during the job application process, or a self-disclosure made by an existing employee, or other information such as a news report of a court case.

11.1 Can someone with a criminal record be employed?

The only circumstances in which an employer may NOT legally recruit a person with a certain type of offending history, is where that offending history has led to the individual being barred from regulated activity with either children, adults, or both. If you are recruiting for a role that is defined as regulated activity with children or adults, you must not employ a person who has been barred from working with the relevant group.

In all other circumstances, it is completely at the discretion of the employer to make their own recruitment decisions, which should be made on a case-by-case basis, assessing risk in relation to the nature of the role.

Seek the advice of your HR team before completing your assessment.

See **Appendix 4: Risk Assessment template**

11.2 A job applicant's (or volunteer's) DBS check has revealed details of cautions and/or convictions. What should I do?

If the certificate confirms what the applicant has already disclosed.

Speak to your HR Team before contacting the applicant to discuss the disclosure(s). Once you have all the information you need, complete the risk assessment form and decide whether or not you are able to continue with the recruitment. The following sections give further guidance.

If the certificate reveals information that the applicant had not previously disclosed. See 11.6 below.

11.3 What information should I consider when determining whether an applicant with a criminal record is suitable for the post?

Firstly, think about the post and consider the following aspects:

- Does the post involve one-to-one contact with children, or other vulnerable groups such as service users?

- What level of supervision will the post-holder receive? Is the post unsupervised? Does it involve working in isolation?
- Does the post involve any direct responsibility for finance, cash or items of value?
- Does the post involve a significant level of trust?
- Does the post involve direct regular contact with the public?
- Will the nature of the job present any opportunities for the post-holder to reoffend in the course of work?
- Are there any safeguards which can be put in place to minimise any potential risks?

Secondly, you should meet with the applicant to gather more information about the relevance of their criminal record. Based on the information provided, you should take into account the following:

Nature of offence(s)

What type of offence or offences did the individual commit? i.e. theft, fraud, violence, possession of drugs, supply of drugs, sexual offences, public order or other offences. Did the offender commit one type of offence or a range of different offences?

Relevance

You should consider whether the offence is relevant to the position in question. The relevant categories of offences in relation to the protection of children are generally considered to be serious, violent, sexual and drug-related offences, although the nature of the offence is not the only factor that ought to be considered. For example, a person with a previous history of drug-related convictions who has clearly moved on from that period may be particularly well-suited to support others with substance misuse problems.

For work with vulnerable adults, the relevant categories are generally considered to be violent and sexual offences. Offences of dishonesty, such as fraud, may be relevant if the nature of the post involves unsupervised access to money and valuables.

Drink-driving offences are not generally considered relevant unless the job itself involves driving.

Seriousness

You should consider the seriousness of any offence or allegations disclosed. This is important because all offence categories cover a very wide range of offences that vary in terms of seriousness. A sexual offence, for instance, covers everything from underage sex to indecent assault and rape. Violence covers

everything from battery or common assault to grievous bodily harm and murder. Drug offences cover everything from possession of small amounts of class B drugs (such as cannabis) for personal use to possession of class A drugs with intent to supply. Burglary covers illegally entering to steal from a non-domestic property to entering someone's home to steal. Robbery is stealing using force whilst aggravated burglary involves the use of a firearm or weapon. Arson ranges from reckless damage of property to intentionally destroying property and endangering lives.

The penalty applied may also give some indication of the seriousness of the case. The name of the offence (the offence code) does not indicate the seriousness of the incident, which is why it is important to gain further details of what actually took place and to consider the other factors listed.

Offence circumstances

Who was involved? What happened? Where did it happen? When did it happen? How did it happen? Why did it happen?

You should consider the circumstances and the explanation offered by the applicant. Consider whether there were any aggravating or mitigating circumstances. What was the applicant's attitude to their offending? Did they show any remorse or take responsibility for their actions? Did they try to make reparation to any victim?

In particular, take into account the applicant's own circumstances at the time of the offending behaviour including issues with accommodation, education, employment, management of finances and income, lifestyle and associates, relationships, drugs and alcohol, emotional well-being or health.

You should also consider that a person convicted of a serious offence may have completely changed their life around for the better.

It is important to be aware that it is very difficult for an applicant seeking to show themselves in the best possible light to a prospective employer, to have to then discuss past matters that they may feel ashamed or embarrassed about. Taking that into account, you should look for openness and honesty, rather than denial and minimisation. You should consider the applicants' insight into their own behaviour, any indication of changed thinking, relevant changes in their circumstances and, where relevant, victim empathy rather than victim blame or shared responsibility.

Age of offences

Employers should consider the length of time that has passed since the offence that has been disclosed took place. Cautions or convictions that appear on a disclosure certificate may be very old, for example, dating back to when the person was growing up. They may not be relevant if applicants have put their past behaviour behind them.

The government recognises that people can and do put their offending behind them. This recognition is embodied in the Rehabilitation of Offenders Act 1974 and by the introduction of the filtering system for positions subject to standard or enhanced disclosure checks. Reoffending statistics in the UK indicate that if individuals go more than two years without reoffending, they are no more likely to offend again than those who have never offended.

Pattern of offending

Employers should consider whether the applicant committed a single offence, or whether there has been a pattern of offending behaviour or allegations. Is there a big gap between offences, or are there a number of offences within a short period? People who have a pattern of offending right up to the present date may not have put their offending behind them.

Those people with gambling, drink or drug-related convictions, in particular, may remain a risk unless there is evidence of a clear break in the pattern of their offending. Nevertheless, many offenders, including repeat offenders, do eventually give up crime. They may have a particular motivation for doing so (e.g. becoming a parent) and often there will be clear evidence shown throughout the other aspects of the recruitment process and on the disclosure certificate.

Changed circumstances

You should take into account whether the applicant's circumstances have changed since the offending took place. For instance, those convicted when young, perhaps as juveniles, often do not reoffend as mature adults.

As part of the risk assessment, you should try to establish the applicant's attitude at the time of the offence. What is their attitude now? How do they now feel about what happened? How do they feel about their part in what happened? Do they show remorse? Do they blame others? Do they feel a victim of injustice? How genuine is their expression? What efforts have they made not to reoffend? Can a reference be sought from their probation officer or support worker if they have one?

Having reviewed the circumstances at the time of the offence, you should then compare the applicant's circumstances at the time of them applying for the role. It may be that the applicant can provide the necessary reassurance that past issues have been resolved. However, many people with more recent convictions will also have reached the point where they want to put their offending behind them and put their talents to constructive use. If the offence is not work-related, or if the post is at a level of responsibility which means that the applicant does not pose a risk, you might consider recruiting them if, in all other respects, they are suitable for the job.

11.4 Conducting a meeting with the applicant, volunteer or employee

You should give the applicant the opportunity to address any concerns that you may have or any discrepancies in the information they have disclosed. Wherever possible, this is best done in the form of a face-to-face meeting with the applicant.

It is important that you make it clear to the applicant that the purpose of the meeting is to discuss any relevant information that can inform your risk assessment. Making your reasons clear is more likely to instil confidence in the applicant that their disclosure will not necessarily count against them and will encourage them to be more open with you. Try to conduct any such meeting with sensitivity and empathy, as discussing past convictions may be a source of great anxiety and embarrassment for the person concerned.

Think carefully about the questions you plan to ask and keep the discussion focused on the individual and their feelings and attitudes. It is best not to conduct the meeting alone. Invite a colleague who was involved in the recruitment process to provide support and take notes or ask your HR adviser for support. It is also important to remember it is not for you to decide whether the court's decision or police course of action was the right or fair one. The purpose of the interview is to help you to gather the necessary information to assess whether the individual may pose a risk in the position applied for.

11.5 How should I carry out a Disclosure risk assessment?

A risk assessment form must be completed by the Recruiting manager with advice from your HR Business Partner. See **Appendix 4: Disclosure Risk Assessment** for the proforma to be used.

Where the disclosure relates to a School Governor or a Head Teacher, the school is advised to seek advice from the Director of Education and Children.

Before you carry out your risk assessment, it is important that you have gathered as much information as possible to inform your assessment. In addition to the information gathered from meeting the applicant / employee, other sources may include answers given on the application form and during interview, self-disclosures, DBS disclosure certificates, value-based interview notes, references and independent statements from support workers or probation officers.

Once you have gathered all the relevant information, you should carry out your risk assessment with advice from your HR Business Partner. If you identify any potential risks, you should assess whether appropriate safeguards can be put in place to minimise these risks. The assessment should be a documented decision-making process that is signed by those undertaking the assessment.

Only convictions which are relevant to the role which an individual applies for should be taken into consideration. Past “spent” convictions which would not impact on an individual's ability to perform a role competently and safely, should not bar an individual from taking up a position within the Council.

A record of the decision should be kept and communicated in writing to the Recruitment team and the applicant.

If you proceed with recruitment, the risk assessment should be retained (on the HR personnel file).

If you are subject to inspection by a regulating body, such as CIW or Estyn, or if you are subject to safeguarding audits, you should keep the risk assessment for the purpose of such inspections or audits.

If you have decided **not** to proceed with the recruitment of the applicant, keep the risk assessment for as long as the individual has to raise a dispute, appeal the decision or lodge an employment tribunal claim if they feel the decision was discriminatory.

If the applicant is an existing employee of the Council, you should consult your HR Adviser on whether there are any further actions that need to be taken.

11.6 There are discrepancies between the information provided by the applicant and the information on their DBS check. What should I do?

Firstly, you need to consider whether you gave the applicant a reasonable opportunity to make a criminal record declaration during recruitment. The onus is on the employer to request such information; the applicant has no legal duty to disclose criminal record information if they have not been asked directly to do so. The Council usually relies on its on-line application process which requests this information at an appropriate stage in the recruitment process. If the recruitment process differed from this standard route, you should check if a criminal record declaration was requested.

If there are significant discrepancies between the information the applicant has provided and the criminal record information contained on the disclosure certificate, you should request a meeting with the applicant to gather further information. The [DBS code of practice](#) states that an employer should discuss any new matters (including other relevant information) revealed in the disclosure, with the applicant before making a final recruitment decision. It is important that the applicant is given the opportunity to address the employer's concerns.

You should not assume that when an applicant has not declared a criminal record that later comes to light on a disclosure certificate, it is an attempt to obtain employment by deception. If it has been made clear in the job advert and job profile that an appointment is subject to a DBS check, applicants will be far less likely to conceal their records deliberately.

In some cases, a discrepancy may have occurred because the applicant simply did not realise that they had a criminal record or was mistaken about the type of sentence or disposal they received due to a limited understanding of how the criminal justice system works. The changes to disclosure legislation, including the ROA and the ROA Exceptions Order, are extremely complex and many receive incorrect or outdated advice about their responsibilities to disclose. Without knowing exactly what information is contained on their criminal record and in the absence of appropriate guidance on what information needs to be disclosed, there is a possibility that applicants can simply make a mistake.

In some instances, it may be clear that a particular applicant is unsuitable for the post they have applied for because of their record. However, it is important not to make this decision without gathering more information from the applicant. The risk assessment must still be recorded with your reasons for withdrawing any offer of employment. (Please seek HR advice).

11.7 Do I have a duty to inform others in the Council (or School) about an employee's criminal record?

Information about an applicant's criminal record should not be disclosed to anyone in the organisation apart from those who have a genuine need to know. This may include the Recruitment team, HR Business Partner, or the applicant's team leader/ line manager, but only if the offence is relevant to the applicant's role and only where the team leader/ line manager is responsible for implementing any safeguards deemed necessary and appropriate to manage any identified risks.

The applicant should also be told who in the organisation knows about their record, as they need to feel confident that their personal and sensitive information will not be disclosed to anyone unless there is a specific reason for doing so.

11.8 A member of my team's DBS re-check has revealed details of cautions and/or convictions. What should I do?

Any re-checking has to be done with the employee's full knowledge and consent. However, it is expected that staff working in safeguarding roles will

provide that consent and may not be able to continue in their role if they do not provide consent and their registration requires a re-check to allow them to continue practicing.

If a re-check reveals a conviction or caution which has not been declared by the employee, you should not assume that this information has been withheld deliberately. Follow the guidance outlined in the previous paragraphs.

11.9 A member of my team has reported a change in their criminal record or other information of concern. What should I do?

You should follow the guidance provided in the previous paragraphs.

11.10 Some information has been brought to my attention about an employee or volunteer which may affect their suitability for the role. What should I do?

Firstly, you should consider the source of the information and whether it is likely to be reliable. For example, the member of staff concerned may have confided in a colleague, who has felt a professional responsibility to pass on the information to you as their line manager. A colleague may have pointed out to you the press coverage of a court case. Or you may have overheard some 'gossip' in the workplace or seen something written about the member of staff on social media such as an incident or an arrest. It is important to be mindful that mistaken identity could be needlessly casting doubt on a member of staff with no connection to the incident or court case in question. The reliability of the information, or the chance that the information may be unreliable, is likely to determine how you will approach the employee.

Remember that an employee only has to disclose information about their criminal record if they are asked to do so. You should not assume that there is a deliberate attempt to conceal information.

After consulting your HR Business Partner, you should arrange a meeting with the employee. You should make it clear to the individual that the purpose of the meeting is to give them the opportunity to respond to any concerns that have been brought to your attention. This may or may not result in you needing to undertake a risk assessment. Any relevant information gathered from the meeting can be used to inform the risk assessment.

Try to conduct any such meeting with sensitivity and empathy, as discussing a conviction, caution, arrest, or involvement in an incident that could result in them being charged with an offence may be a source of great anxiety and embarrassment for the person concerned.

Think carefully about the questions you plan to ask and keep the discussion focused on the individual and their feelings and attitudes about the situation or offence.

You should ask the individual if they need any support with their well-being. The following Intranet links are helpful:

<http://intranet/our-people/hr/employee-support/>

<http://intranet/our-people/health-wellbeing/stress-mental-health-and-emotional-wellbeing/>

<http://intranet/our-people/health-wellbeing/stress-mental-health-and-emotional-wellbeing/stress/>

Re-cap and agree with the individual any actions arising from the meeting, including informing them of whether you will need to undertake a risk assessment. It is best not to conduct the meeting alone. You should take notes and confirm the outcome of the meeting in writing. If you think that a risk assessment needs to be undertaken, this should be done quickly and in conjunction with your HR Business Partner.

12. Dealing with a situation where you have safeguarding concerns

The [Wales Safeguarding Procedures](#), Section 5 (Safeguarding Allegations / Concerns about practitioners and those in positions of trust) should be used in all cases in which it is alleged that a person who works or has contact with children or adults at risk has:

- Behaved in a way that has harmed or may have harmed a child or adult at risk

- May have committed a criminal offence against a child or adult at risk or that has a direct impact on the child or adult at risk
- Behaved towards a child, children or adults at risk in a way that indicates they are unsuitable to work with both children and adults

All Local authorities have identified managers who are accountable and responsible for allegations against professionals and those in positions of trust, known as the Local Authority Designated Officer (LADO). Responsibility for managing allegations made against professionals and those in a position of trust may be delegated to a Designated Officer for Safeguarding (DOS)

There are two Designated Officers for Safeguarding (DOS) in the Council:

Rebecca Robertshaw, Child Protection Coordinator
childprotection@carmarthenshire.gov.uk

Cathy Richards, Senior Safeguarding Manager (Adults)
SCHAdultSafeguarding@carmarthenshire.gov.uk

You should inform the relevant Designated Officer for Safeguarding of your concerns at the very earliest opportunity and in all circumstances within no more than 24 hours after the concern has arisen (or next working day if out of office hours). You should clearly highlight that this is a safeguarding allegation/concern in relation to an employee, volunteer, agency worker or school governor.

Please also inform your HR Business Partner.

Making a report

You should:

- Treat the matter seriously and keep an open mind
- Make a written record of the information (using where possible, the child's / adult's own words), including the time, date and place where the alleged incident took place, what was said and anyone else present
- Sign and date the written record
- Immediately report the matter to the Designated Officer for Safeguarding using the email addresses above.
- Where possible, send accompanying documentation such as the risk assessment clearly advising what safeguarding action has been taken to protect any children and adults at risk
- Where the Designated Officer for Safeguarding is the subject of the allegation, the information should be reported to a more Senior Manager and the Local Authority Designated Officer (LADO)

You should NOT:

- Investigate or ask leading questions
- Make assumptions or offer alternative explanations
- Promise confidentiality - the person/persons should be advised that the concern will be shared on a 'need to know' basis

It must be noted that some allegations are so serious as to require immediate referral to the Police and the relevant Social Services care management team. The Wales Safeguarding Procedures are not in any way intended to impede the requirement for urgent or immediate responses to circumstances that are clearly serious.

A professional strategy discussion will determine whether the matter meets the threshold for progressing to a formal professional strategy meeting, which will be convened by the DOS. You may be invited to attend this meeting. This formal meeting will decide whether there are any disciplinary issues to be followed up and at what stage of the disciplinary procedure.

NOTE: For Schools, there is statutory guidance for handling allegations against teachers and other staff

[Annex 3: Handling allegations of abuse against teachers and other staff](#)
[Welsh Government Circular 009/2014 | Estyn](#)

13. Making a referral to the Disclosure and Barring Service and other Agencies

As a Regulated Activity Provider, there is a legal duty on the Council and on Schools to make a referral to the DBS if certain conditions are met.

There is also the same legal duty on educational institutions which supply students to a Regulated Activity Provider (such as a School or social care service). An organisation which is under a duty to refer and fails to refer to DBS without reasonable justification is committing an offence.

The Service Manager is responsible for making referrals to the DBS with the support of their Safeguarding Lead and HR Advisor/Business Partner. All records relating to the referral should be provided to People Services so that these can be retained on the personnel file.

13.1 When must you refer to DBS?

Barring referrals should be made to DBS when an employer believes an individual has caused harm or poses a future risk of harm to adults at risk and/or children.

The following **two stages** need to be considered when making a DBS barring referral and if both conditions are met, organisations have a legal duty to refer.

Step 1

The organisation withdraws permission for an individual to engage in regulated activity with children and/or adults at risk or the organisation moves the individual to another area of work that isn't regulated activity.

Being removed from regulated activity can include:

- dismissal
- redeployment (i.e., moving someone to a non-regulated activity but keeping them within your employment)
- retirement
- redundancy
- resignation.

If an individual has retired, been made redundant or resigned before an investigation has been completed, you should continue with the investigation and decide on whether or not you would have kept the individual in regulated activity. Follow the Investigation Policy and seek HR advice.

<http://intranet/our-people/hr/employee-relations/investigations/>

Step 2

You think that the person has:

- Engaged in **relevant conduct** in relation to children and/or adults.

or

- Satisfied **the harm test** in relation to children and/or adults. For example, there has been no relevant conduct but a risk of harm to a child or adult still exists.

or

- Been cautioned or convicted of a **relevant offence**. Refer to this DBS factsheet: [dbs-factsheet-05.pdf \(publishing.service.gov.uk\)](#)

The terms **relevant conduct**, **harm** and the **harm test** are explained below.

Relevant conduct is defined as activity that:

- Endangers a child/adult or is likely to endanger a child/adult
- If repeated against or in relation to a child/adult, would endanger the child/adult or be likely to endanger the child/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/adult

This relevant conduct is in relation to children (under 18 years old) or adults (someone 18 years old or over who is receiving a service that is classed as Regulated Activity).

Relevant conduct is a legal term which is defined under Schedule 3 of the Safeguarding Vulnerable Group Act 2006.

What is harm?

Someone's conduct endangers a child/adult if they:

- Harm a child/adult
- Cause a child/adult to be harmed
- Put a child/adult at risk of harm
- Attempt to harm a child/adult
- Incite another to harm a child/adult.

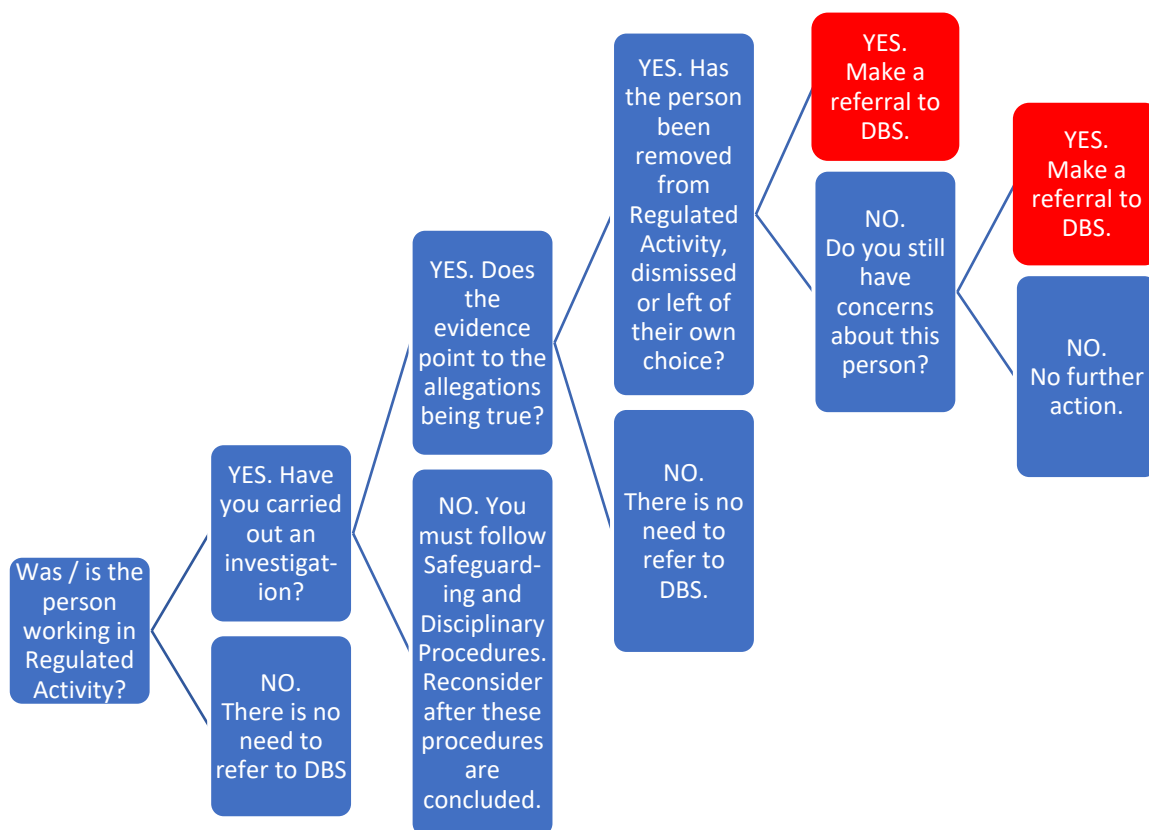
The harm test

Someone's action satisfies the harm test when it appears that they may:

- Harm a child and/or an adult
- Cause a child and/or an adult to be harmed
- Put a child and/or an adult at risk of harm
- Attempt to harm a child and/or an adult
- Incite another to harm a child and/or an adult.

For the harm test to be satisfied, relevant conduct would not have occurred but there must be tangible evidence rather than a "feeling" that a person still represents a risk to adults at risk and/children. For example, a teacher who confides in their head teacher that they are sexually attracted to children (but who had not engaged in 'relevant conduct') would satisfy the harm test.

This DBS referrals flow chart is intended to help you decide if you are required to make a referral to DBS:



13.2 How to make a referral to DBS

You can either make a referral via a secure online form or by downloading a paper form and posting it to DBS.

Both forms can be found on the website www.gov.uk/dbs

The postal address for referrals is DBS Barring, PO Box 3963, Royal Wootton Bassett, SN4 4HH. You will be informed either by email or post that DBS has received your referral.

The employee, volunteer or worker should be informed prior to a referral being made.

Please ensure that your Safeguarding Officer and HR Business Partner are consulted before referring to the DBS.

Providing as much information as you can

You should provide as much detail as possible. DBS has no powers of investigation and rely on the information given to them by referrers. It is vital that information is accurate, comprehensive and complete to enable DBS to avoid any unnecessary delays in dealing with the case and to assist them to make appropriate decisions.

What you should include:

Details of the person you are referring. Include their full name, address and date of birth if you know it. Also include details of their work history and current employment. Your HR Business Partner can help with this.

Details of the work carried out. To assist DBS to fully understand the nature of the work undertaken, you should provide the Job Profile. DBS need as much detail as possible to understand the tasks carried out by the person you are referring.

External investigations. If there has been an external investigation in relation to the case you are referring, provide the details. This could be interviews, police intervention or details of multi-agency meetings.

Other investigations. If the person you are referring has been the subject of the disciplinary process, you should include relevant documents. You should also include recruitment and additional employment information. If there have been any previous misconduct or complaints, these are invaluable in helping DBS to establish patterns of behaviour. (HR can help with this).

Witness statements. If these are available, these should be signed and dated.

Qualification and training records. This helps DBS to understand the level of training and skills in relation to their role.

Chronology. It is useful to provide a timeline of events. This can help DBS get a greater insight into how the behaviour occurred and any triggers.

Contact details. Please provide details of any other agencies or organisations you are aware of that hold information that may be useful in our decision making.

Remember this is not an exhaustive list. If there is something you think DBS need to know to help make their decision, include this information.

What does a good quality referral look like?

Further Guidance on:

[How to make a good quality barring referral to DBS - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Important

As part of the process to decide if an individual should be included in a barred list, any information in your referral may be used by DBS and could be disclosed to the referred person or other parties.

You should therefore consider redacting any information that you do not wish to be shared (such as names of third parties).

The outcome of your referral

DBS will inform the person you have referred about the outcome. However, it is not automatic that DBS will inform you as the person who referred them. They can only inform you if you are able to prove that you have a legitimate interest in the person you have referred. If you no longer employ them or permit them to engage in Regulated Activity, then you may not be able to show a legitimate interest. This means that DBS can't advise you of the outcome.

Remember:

- A referral might make the critical difference if there are no criminal offences that would show on a DBS check if the individual attempted to gain further employment in regulated activity.
- If you don't make the referral to DBS, the person may go on to cause further harm to a vulnerable person.
- If you do make the referral to DBS, they will consider all the evidence when deciding whether the person should be barred.
- Don't assume that someone else will make the referral to DBS. The line manager is best placed to provide the full range of supporting documentation that is required by DBS.

Frequently Asked Questions about DBS referrals are available in this document. [dbs-referral-faq.pdf \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/612222/dbs-referral-faq.pdf)

There are also seminars run the DBS on referrals. Contact your Learning and Development Business Partner who can provide more information.

13.3 Making Referrals to Other Agencies

You have a professional obligation to make referrals to other agencies, when appropriate, to fulfil your responsibility to safeguard adults and/or children.

Note: For Registered Residential and Domiciliary Care Services:

According to the *Practice Guidance for Social Care Managers Registered with Social Care Wales (2017)*, service providers, responsible individuals and service managers are responsible for:

- Ensuring all appointments comply with safe recruitment best practice,
- Addressing any issues in relation to unsatisfactory staff performance or misconduct, and

- Informing the appropriate regulatory body about any conduct by a registered professional that might call into question their registration.

The table below summarises the circumstances when you should consider making a referral:

Organisation or Council Officer	When should a referral be considered
Designated Officer for Safeguarding (Children)	When there is an allegation against someone in a position of trust i.e., anyone working in either a paid or unpaid capacity, with children that they have or may have caused harm.
Designated Officer for Safeguarding (Adults)	When there is an allegation against someone in a position of trust i.e., anyone working in either a paid or unpaid capacity, with adults with care and support needs that they have or may have caused harm.
Care Inspectorate Wales (CIW)	As part of the Professional Strategy Discussion, Children's Services or Adult Services will consider informing Care Inspectorate Wales (CIW), Healthcare Inspectorate Wales (HIW) and any relevant professional bodies as appropriate.
Social Care Wales (SCW) Or	As part of the Professional Strategy Discussion, Children's Services or Adult Services will consider informing Care Inspectorate Wales (CIW), Healthcare Inspectorate Wales (HIW) and any relevant professional bodies as appropriate.
Health and Care Professions Council (HCPC)	Following the conclusion of a Safeguarding investigation, if you have concerns about the registration and fitness to practice of someone in a regulated profession. Raising a concern Social Care Wales Raising concerns HCPC
Education Workforce Council (EWC)	As part of the Professional Strategy Discussion, Children's Services or Adult Services will consider informing Care Inspectorate Wales (CIW), Healthcare Inspectorate Wales (HIW) and any relevant professional bodies as appropriate. Following the conclusion of a Safeguarding investigation, if you have concerns about the registration and fitness to practice of someone in a regulated profession. Employer and Agent referral form (ewc.wales)
Police	When a criminal offence has or may have occurred Report a crime or incident Police.uk (www.police.uk)

Action Fraud

When someone has committed financial fraud, scamming, defrauding or committing cybercrime against someone they provide care to.

[Contact us | Action Fraud](#)

SEE APPENDIX 5: SAFEGUARDING REFERRAL RECORD

Appendix 1: Establishing DBS Eligibility form

This form is designed to record relevant information which will help to determine if a job role is eligible for a DBS check, and to select the correct level of check and barring list (if appropriate).

Job Title: _____ Department: _____	Tick box	Appropriate DBS check
Does the job involve: <ul style="list-style-type: none"> • Healthcare or working in a hospital • Caring or working with children or working in a school • Working with older, ill or disabled adults • Caring or working with children or working in a school AND working with older, ill or disabled adults • None of these 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Go to Part 1 Go to Part 2 Go to Part 3 Go to Parts 2 & 3, then refer to Part 5 Go to Part 4
Part 1: Healthcare or working in a hospital		
What is the role? <ul style="list-style-type: none"> • Healthcare professional (e.g., occupational therapist) Will the role involve working with: <ul style="list-style-type: none"> ○ children ○ adults ○ both • Working with patients without the supervision of a healthcare professional (e.g., hospital-based adviser, reception, catering, cleaning, volunteers) <p>Is it in a Children's Hospital? YES</p> <ul style="list-style-type: none"> ○ Will the work be done frequently? YES ○ NO 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Enhanced Check <u>with</u> Children's Barring List Enhanced Check <u>with</u> Adults' Barring List Enhanced Check <u>with</u> Children's and Adults' Barring Lists Enhanced Check <u>with</u> Children's Barring List Enhanced Check <u>without</u> Barring List

<p>Any other role with frequent visits to a household of fostered children</p>	<input type="checkbox"/>	<p>Basic Check</p>
<ul style="list-style-type: none"> ▪ Are the children fostered or adopted? <ul style="list-style-type: none"> <u>Adopted</u> <ul style="list-style-type: none"> • What will the role involve? Adoptive parent or prospective adoptive parent or living in a household with adopted children 	<input checked="" type="checkbox"/>	<p>Not applicable to CCC</p>
<p><i>Frequently</i> visiting a household with adopted children</p>	<input type="checkbox"/>	<p>Basic Check</p>
<ul style="list-style-type: none"> • Driving children <ul style="list-style-type: none"> ○ Will the work be done <i>frequently</i>? 	<input type="checkbox"/>	<p>Enhanced Check <u>with</u> Children's Barring List</p>
<p>YES</p>	<input type="checkbox"/>	<p>Enhanced Check <u>without</u> Barring List</p>
<p>NO</p>	<input type="checkbox"/>	<p>Enhanced Check <u>without</u> Barring List</p>
<ul style="list-style-type: none"> • Working in a school but not in a teaching role e.g. cleaner <ul style="list-style-type: none"> ○ Will the role involve contact with children? 	<input type="checkbox"/>	<p>Basic Check</p>
<p>NO</p>	<input type="checkbox"/>	<p>Basic Check</p>
<p>YES</p>	<input type="checkbox"/>	<p>Basic Check</p>
<ul style="list-style-type: none"> ▪ Who will they work for? 	<input checked="" type="checkbox"/>	<p>Not applicable to CCC</p>
<ul style="list-style-type: none"> • An organisation that provides services for the school 	<input checked="" type="checkbox"/>	<p>Not applicable to CCC</p>
<ul style="list-style-type: none"> • An organisation that hires school premises but does not do any work for the school 	<input checked="" type="checkbox"/>	<p>Not applicable to CCC</p>
<ul style="list-style-type: none"> • The school <ul style="list-style-type: none"> ○ Will they get paid for the role? 	<input type="checkbox"/>	<p>Enhanced Check <u>with</u> Children's Barring List</p>
<p>YES (permanent role)</p>	<input type="checkbox"/>	<p>Enhanced Check <u>without</u> Barring List</p>
<ul style="list-style-type: none"> ▪ Will the work be done <i>frequently</i>? 	<input type="checkbox"/>	<p>Enhanced Check <u>without</u> Barring List</p>
<p>YES</p>	<input type="checkbox"/>	<p>Enhanced Check <u>without</u> Barring List</p>
<p>NO</p>	<input type="checkbox"/>	<p>Enhanced Check <u>without</u> Barring List</p>
<p>YES, but the role is temporary</p>	<input type="checkbox"/>	<p>Enhanced Check <u>without</u> Barring List</p>
<p>NO (volunteer)</p>	<input type="checkbox"/>	<p>Enhanced Check <u>without</u> Barring List</p>

<p style="text-align: center;">NO</p> <ul style="list-style-type: none"> • Inspecting places where adults received health or social care • None of these <p style="color: red;">NOTE: If a DBS check is required from Part 3, you should select Adults Workforce</p>	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	<p>Standard Check</p> <p>Not applicable to CCC</p> <p>Basic check</p>
Part 4: None of these		
<p>Who is the check for?</p> <ul style="list-style-type: none"> • Financial or legal profession <ul style="list-style-type: none"> ○ What type of financial or legal professional is the check for? <ul style="list-style-type: none"> ▪ Solicitor or legal executive ▪ Accountant or actuary ▪ Other financial services professional (regulated by the Financial Conduct Authority) • Someone working in the courts, prisons, or probation services • Vet or someone employed by RSPCA who is responsible for killing animals humanely • Traffic warden or civil enforcement officer • Immigration worker e.g. regulated immigration adviser or immigration search officer • Someone applying for a licence or membership of an association • None of these <ul style="list-style-type: none"> ○ Is the check for any of the following? <ul style="list-style-type: none"> ▪ Gambling commission or Lottery employee ▪ Football steward ▪ None of these 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	<p>Standard Check</p> <p>Standard Check</p> <p>Standard Check</p> <p>Not applicable to CCC</p> <p>Not applicable to CCC</p> <p>Standard Check</p> <p>Not applicable to CCC</p> <p>Not applicable to CCC</p> <p>Not applicable to CCC</p> <p>Not applicable to CCC</p> <p>Not applicable to CCC</p> <p>Basic Check if you think it is relevant and</p>

NOTE: If a DBS check is required from Part 4, you should select **Other Workforce**

proportionate for the role

Part 5: Caring or working with children or working in a school AND working with older, ill or disabled adults

Having completed Parts 2 and 3, you should have determined:

- the DBS check recommended for the aspect of the role caring or working with children or working in a school
- the DBS check recommended for the aspect of the role working with older, ill or disabled adults

Select the more stringent DBS check of the two results.

Example 1: A driver drives children and adults to where they receive social care. Both Part 2 and Part 3 recommend an Enhanced Check with Children’s and Adults’ Barring Lists.

Example 2: A counsellor works with teenagers and young adults with learning disabilities. Part 2 recommends an Enhanced Check with Children’s Barring List. Part 3 recommends an Enhanced Check without Barring List. The DBS check required is Enhanced Check with Children’s and Adults’ Barring List.

Example 3: A cleaner works in a school outside of school hours and in a nearby care home. Part 2 recommends a Basic Check. Part 3 recommends an Enhanced Check without Barring List. The DBS check required is Enhanced Check without Barring List.

Example 4: A swimming instructor provides daily swimming lessons to children and weekly lessons to a group of adults with sensory impairments. Part 2 recommends an Enhanced Check with Children’s Barring List. Part 3 recommends an Enhanced Check without Barring List. The DBS check required is Enhanced Check with Children’s and Adults’ Barring List.

NOTE: If a DBS check is required from Part 5, you should select **Children and Adults Workforce**

Record the outcome
Enhanced Check with Children’s and Adults’ Barring Lists

Enhanced Check without Barring Lists

Standard Check

Basic Check

APPENDIX 2 – LETTER TO BE SENT TO EMPLOYEES REGISTERED WITH DBS UPDATE SERVICE

Dear

DBS Update Service

Thank you for signing up to the DBS Update Service and for letting us know. The DBS Update Service enables you to manage your DBS record electronically, and to give your permission to Carmarthenshire County Council, and other employers or organisations, to undertake a status check on your record online.

Your DBS certificate is portable if you apply for a position, within the Council or with another employer, where the same type and level of check is required.

The Update Service is currently available for standard and enhanced certificates only (not for basic checks). The Service is available in both Welsh and English.

Registration lasts for one year and costs £13 per year, starting from the date your DBS certificate was issued. The £13 fee is payable by debit or credit card only. Please remember to renew your subscription to the Update Service annually. If you select the annual 'auto renew' option, the DBS will attempt to take the annual renewal fee from the card used to initially subscribe. If your debit or credit card expires, it is very important to provide new card details to DBS to avoid your subscription being cancelled.

IMPORTANT:

You must keep hold of your **original DBS certificate** in order to utilise the Update Service. Your employer will need to see this before they carry out a status check.

You need to make a note of your **unique subscription ID number** and keep it secure. You shouldn't share this subscription ID number with anyone else. If you forget your unique subscription ID number, call DBS on 03000 200 190.

All applications and DBS certificates attached to your subscription must be in the **same name**. If you change your name, you can link a new DBS certificate to your subscription, if your previous name is listed on the DBS certificate application.

If you wish to withdraw your permission for the Council to undertake an online status check, for example because you are no longer undertaking a role which requires a DBS certificate, you should immediately contact the People Services recruitment team at the address below.

Yours sincerely

Kay James

People Services Adviser (Recruitment)

Building 4, St David's Park, Jobswell Road Carmarthen SA31 3HB

CEHRM@carmarthenshire.gov.uk

**APPENDIX 3: SELF-DISCLOSURE FORM
(REQUESTED ANNUALLY VIA MY VIEW)**

NAME	
EMPLOYEE NUMBER	
DEPARTMENT	
DIVISION	

Have you been cautioned, subject to a court order, bound over, received a reprimand or warning or found guilty of committing any offence since the date of your most recent DBS disclosure?	YES / NO
Outside of this job , have you been the subject of any investigation and/or sanction by any organisation or body due to concerns about your behaviour towards children or adults who are at risk of abuse or neglect? For example, as a volunteer, or in other employment, including school governor and elected member roles.	YES / NO
If your job is working with children , are you known to any Social Services department or Police as being a risk or potential risk to children? OR If your job is working with adults , are you known to any Social Services department or Police as being a risk or potential risk to adults who are at risk of abuse or neglect?	YES / NO / NOT APPLICABLE YES / NO / NOT APPLICABLE
If your job is working with children , have your own children been taken into care, or have they been made the subject of a child protection order? OR If your job is working with adults , have you had a family member or friend removed from your care, or has Social Services put a care management plan in place to prevent you abusing or neglecting a family member or friend?	YES / NO / NOT APPLICABLE
Are there any other issues that you have not previously disclosed which could affect your ability to carry out your job safely and effectively? For example, health issues, alcohol or substance use issues.	YES / NO

If you have answered YES to any of the questions above, you should arrange to meet your manager to discuss further.

APPENDIX 4: DISCLOSURE RISK ASSESSMENT FORM

This form is to be completed by the Recruiting Manager/Line Manager with advice from the HR Business Partner and used when a criminal record has been disclosed:

- For a successful candidate who has been offered a role, OR
- For an existing employee who has been offered a new role that requires a disclosure.

Where required, the risk assessment must be completed before the candidate can commence employment.

If further action is necessary, this should be agreed between the HR Business Partner and the Recruiting manager/Line Manager.

Once completed this form should be signed and stored in the employee's file.

In the event that the candidate is not employed, this form should be stored for 6 months and then destroyed.

A review of this risk assessment should be carried out whenever a risk is presented.

Please complete in full:

Name of applicant or employee:	
Post applied for OR Current Post and Employee Number	
Level of disclosure required:	Tick one: <input type="checkbox"/> Enhanced with Children's Barring List <input type="checkbox"/> Enhanced with Adults' Barring List <input type="checkbox"/> Enhanced with Children's & Adults' Barring Lists <input type="checkbox"/> Enhanced <input type="checkbox"/> Standard <input type="checkbox"/> Basic
Directorate: Service or School:	
Date of assessment:	
Name of assessor (Recruiting / Line Manager):	
Name of HR Adviser	

Question	Yes / No / Not applicable	Give Details
Has the applicant declared any criminal convictions, cautions, reprimands, final warnings or bindovers in the UK or any other country, or are they under police investigation?		
Are the offence(s) relevant to the position?		
Single offence, or have there been other offences?		
Nature of conviction(s) and other information (Continue on separate sheet if necessary)		
Offence: Date of conviction: Sentence:		
Offence: Date of conviction: Sentence:		
Offence: Date of conviction: Sentence:		
Offence: Date of conviction: Sentence:		
Seriousness of offence(s)		
Does the applicant have a pattern of offending or other relevant behaviour?		
Age at time of offence(s)		
Length of time since conviction(s)		
What were the circumstances surrounding the offence(s)?		
Attitude to the offence(s)		
Efforts made to not reoffend		

Is the applicant taking part in a specific remedial action programme?		
Have the individual's circumstances changed since the offence(s)? If so, how?		
Does the nature of the job present any opportunities for the post holder to reoffend in the place of work?		
Does the post involve direct contact with the public or service users?		
What level of supervision does the post holder receive?		
Does the position involve direct responsibility for money, finance or items of value?		
Does the position involve a significant level of trust?		
Were suitable references obtained and ID checked?		
Are there any potential risks to the reputation of the organisation?		
Enter below any further questions you may feel relevant to the post in respect of criminal convictions.		

Please enter below any precautionary measures recommended in the light of the above questions to ensure that the risk of any reoccurrence of any potential criminal activity or associated behaviour is avoided. In order to be more specific this can be expanded on as necessary for the particular role as required.

1.	
2.	

3.	

Declaration by Recruiting Manager

(Tick as appropriate)

The information above has been fully considered and I am satisfied that it is safe to allow the named applicant/employee to commence/continue work.

Detailed actions to be recorded below

The information above has been considered and I am not satisfied that it is safe to allow the named applicant/employee to commence/continue work.

I have sought advice from the HR Team.

Recruiting Manager

Signed _____

Print name _____

Date _____

APPENDIX 5: SAFEGUARDING REFERRAL RECORD

NAME	
EMPLOYEE NUMBER	
DEPARTMENT	
DIVISION	

Details of any safeguarding allegations related to the individual:
Detail any concerns about the suitability of this individual in relation to safeguarding:
Details of any safeguarding referrals made about this individual during their employment to external organisations:

Referral Considerations

Has the individual....	Yes/ No	If Yes refer to:
Committed a criminal offence.		Police
Behaved in a way that has harmed or may harm a child or adult while working in a regulated position		DBS
Behaved in a way that may make them unsuitable to carry out their professional role		Their professional regulator (e.g., Social Care Wales, Education Workforce Council, Health & Care Professionals Council)
Been subject to an allegation that they behaved in a way that has harmed or may harm a child.		Designated Safeguarding Officer (Children)
Been subject to an allegation that they have behaved in a way that has harmed or may harm a vulnerable adult.		Designated Safeguarding Officer (Adults)

Committed financial fraud, scamming, defrauding or committing cybercrime against someone they provide care to		Action Fraud
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Referrals Made

Date of referral	Who referral was made to	Reason for the referral

Manager's Signature	
Date Completed	

Mae'r dudalen hon yn wag yn fwriadol

**Cyfarfod y Cabinet
15 Ebrill 2024**

Y Pwnc: Y Rhaglen Deg Tref (Cronfa Refeniw)

Y Pwrpas:

Ystyried cais sy'n gofyn am gymorth ariannol gan Gronfa Refeniw y Deg Tref

Yr argymhellion / penderfyniadau allweddol sydd eu hangen:

Cymeradwyo cais a gyflwynwyd fel rhan o gronfa refeniw y Deg Tref:

Yr ymgeisydd: Cyngor Tref Castellnewydd Emlyn
Teitl y Prosiect: Cymorth i Raglen Ddigwyddiadau yng Nghastellnewydd Emlyn
Y grant y gofynnir amdano: £14,800

Y rhesymau:

Rhoi cymorth i brosiect sy'n cyd-fynd â chynllun twf economaidd y dref a fydd yn darparu budd economaidd a chymdeithasol i Gastellnewydd Emlyn. Oherwydd y gwrthdaro â'r Aelod Cabinet dros Adfywio, Hamdden, Diwylliant a Thwristiaeth, mae'r tîm cyfreithiol wedi dweud y dylai'r adroddiad gael ei ystyried gan y Cabinet.

Angen i'r Cabinet wneud penderfyniad	OES
Angen i'r Cyngor wneud penderfyniad	NAC OES

YR AELOD CABINET SY'N GYFRIFOL AM Y PORTFFOLIO:-

Y Cyngorydd Hazel Evans - Aelod Cabinet dros Adfywio, Hamdden, Diwylliant a Thwristiaeth

Y Cyngorydd Ann Davies – Aelod Cabinet dros Faterion Gwledig, Cydlyniant Cymunedol a Pholisi Cynllunio

Y Gyfarwyddiaeth: Y Prif Weithredwr	Swydd:	Ffôn: 01267 242367
Enw Pennaeth y Gwasanaeth: Jason Jones	Pennaeth Adfywio, Polisi a Digidol	Cyfeiriadau e-bost: JaJones@sirgar.gov.uk
Awdur yr Adroddiad: Rhian Phillips	Rheolwr Rhanbarthol – Datblygu Economaidd	mrphillips@sirgar.gov.uk

EXECUTIVE SUMMARY

SUBJECT: Ten Towns Programme (Revenue Fund)

1. SUMMARY OF PURPOSE OF REPORT.

Purpose:

To consider an application submitted as part of the Ten Towns revenue fund.

Background

The aim of the Ten Towns Programme is to increase the resilience and future growth of Carmarthenshire's rural market towns and their surrounding areas.

The Authority has committed £1m capital funding to support the respective towns to take forward some of the capital aspirations identified within their economic growth plans. To complement the capital projects, further revenue funding has been secured from the UK Government's Shared Prosperity Fund as part of the Rural Anchor.

Each town has been given the opportunity to apply for funding of up to £20,000 to be delivered before the end of December 2024. Newcastle Emlyn Town Council has already received funding of £4,800 via this revenue fund. This report seeks approval to support a second application by Newcastle Emlyn Town Council that will enable the area to maximise from the funding that is available to them.

The application has been assessed by an internal funding panel before being presented to Cabinet for final decision.

Application for consideration:

Applicant: Newcastle Emlyn Town Council
Project name: Events Programme Support in Newcastle Emlyn
Grant Requested: £14,800

Newcastle Emlyn Town Council, on behalf of the 10 Towns Growth Plan Team, is seeking funding to support the development of both national and local events in Newcastle Emlyn to help raise the profile and increase visitors to the town and surrounding area.

Funding is being sought to support British Cycling's Junior National Time Trial and National Road Race Championships in Newcastle Emlyn in June 2024. Having successfully hosted the Welsh Road Race Championships in 2022 and the Men's Road Race Championships in 2023, the announcement by British Cycling to host the 2024 Junior National championships in Newcastle Emlyn presents a significant opportunity for the town to raise its profile as a place to visit and stay. Local business will be engaged in the organisation of the event, thus ensuring that they are able to maximise visitor spend from the event.

As part of Newcastle Emlyn’s ambitions to increase the number of events within the town, funding is also being sought for the following:

- the purchase of branded gazebos and a sound system for use by local event organisers, helping to reduce costly, recurring costs that event organisers need to fund on an annual basis e.g. Victorian Christmas Event, Fair Trade Event and Music in the Park event etc
- Funding to develop content for the town’s digital interactive screen for visitors to access
- Consultancy costs to provide marketing and mentoring support to active groups and event organisers to ensure a lasting legacy for the town.

The project has the full support of Newcastle Emlyn’s Ten Towns Growth Plan Team, Newcastle Emlyn’s Traders group and the newly established Newcastle Emlyn & District Collective whose aim is to raise the profile of the town and surrounding area through the development of an annual calendar of events.

Project Delivery timeline

The project will begin as soon as fully approved. The project must be completed by end of December 2024 in line with the Shared Prosperity funding period.

Outputs to be achieved

Number of local events or activities supported	4
Number of volunteering opportunities supported	20
Number of people reached	2500
Increased visitor numbers	1000

Recommendation

To approve a grant request of £14,800 from the Ten Towns revenue fund.

2. OTHER OPTIONS AVAILABLE AND THEIR PROS AND CONS

The option of not approving this project in whole or part is open to Cabinet. However non approval will mean that the local community will lose out from the economic and social benefits of the project.

DETAILED REPORT ATTACHED?

NO

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report:

Signed: Jason Jones

Head of Regeneration, Policy and Digital

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets	Bio-diversity & Climate Change
YES	YES	YES	NONE	YES	NONE	NONE	NONE

1. Policy, Crime & Disorder and Equalities

The 10 towns programme provides an opportunity for rural market towns to create new economic benefit and opportunities developed as a recommendation from the Moving Rural Carmarthenshire Forward Plan.

The above is aligned with the county's existing strategies and plans including the Local Investment Plan for Carmarthenshire, Economic Recovery Plan, Local Innovation Strategy, Wellbeing Assessment, and the South-West Wales Regional Economic Delivery Plan and Corporate Strategy.

The project will also deliver against the Authority's Vision Statement which identifies the Ten Towns initiative as a key priority in 'Making our communities and environment, healthy, safe and prosperous' places to live.

The Programme will support the objectives of the Wellbeing & Future Generations Act by targeting interventions which aim to ensure that the Welsh speaking communities of the County remain vibrant and sustainable communities.

2. Legal

Terms and Conditions will be issued to the applicant which have been verified by the Authority's legal team.

3. Finance

The funding is made available as part of the 10 towns programme with funding secured from the UK Government Shared Prosperity Fund as part of the Rural Anchor. A budget of £200,000 is available for the delivery of this fund which equates to £20,000 per town.

4. Risk Management

A programme level risk management process will be followed to ensure that risk is assessed and managed at all levels.

A key risk is the short delivery timeframe of SPF with all 3rd party grants required to be financially completed by the end of December 2024.

At a project level, a risk register will be maintained together with appropriate mitigation measures. The Rural Anchor Team who are responsible for administering both funds will closely monitor progress of the project individual awards. Where a lack of progress is being made, applicants will need to provide clarification as to how they will be able to deliver against the original approved amount.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below:

Signed: Jason Jones

Head of Regeneration, Policy and Digital

1. Scrutiny Committee request for pre-determination	NO
If yes include the following information: - N/A	
Scrutiny Committee	
Date the report was considered:-	
Scrutiny Committee Outcome/Recommendations:-n/a	

2. Local Member(s)

Cllr. Hazel Evans who is supportive of the application.

3. Community / Town Council

Newcastle Emlyn Town Council who have submitted the application on behalf of the wider community.

4. Relevant Partners

Members of the established growth plan team in the town consisting of key stakeholders from public, private and third sector are supportive of the project.

Support has also been provided by the Newcastle Emlyn Collective group and Newcastle Emlyn Traders group.

5. Staff Side Representatives and other Organisations

As per individual report

<p>CABINET MEMBER PORTFOLIO HOLDER(S) AWARE/CONSULTED</p> <p>YES</p>	<p>Include any observations here</p> <p>Cllr. Hazel Evans - Cabinet Member for Regeneration, Leisure, Culture & Tourism who is supportive of the project.</p> <p>Cllr Ann Davies, Cabinet Member for Rural Affairs, Community Cohesion and Planning who is supportive of the project.</p>
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Section 100D Local Government Act, 1972 – Access to Information
List of Background Papers used in the preparation of this report:

THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
10 Towns Newcastle Emlyn		County Hall

Mae'r dudalen hon yn wag yn fwriadol

PWNC: Cronfa Gyfalaf y Rhaglen Deg Tref – Llanybydder

Y Pwrpas:

Ystyried cais am gyllid a gyflwynwyd gan yr Hen Ysgol, Llanybydder fel rhan o'r rhaglen Deg Tref. Nod y rhaglen 10 tref yw darparu cyfle ar gyfer twf economaidd a chynaliadwyedd i drefi marchnad gwledig dynodedig ledled y Sir.

Yr argymhellion / penderfyniadau allweddol sydd eu hangen:

- Cymeradwyo cais a gyflwynwyd gan Ganolfan Gymunedol yr Hen Ysgol (Elusen) yn Llanybydder fel rhan o'r rhaglen 10 Tref ar ran y tîm cynllun twf economaidd a sefydlwyd yn y dref.

Y Rhesymau:

Cefnogi'r cyfleoedd a nodwyd fel rhan o'r ymgynghoriad cymunedol helaeth a'r drafodaeth gyda rhanddeiliaid allweddol a fydd yn darparu buddion economaidd a chymdeithasol i Llanybydder.

Mae'r prosiect yn ceisio cyllid gan y Gronfa Ffyniant Gyffredin drwy'r Angor Gwledig a thrwy gronfa gyfalaf Deg Tref yr Awdurdod. Yn unol â phenderfyniad y Cabinet ar 30 Ionawr 2023, mae'r adroddiad hwn yn cael ei gyflwyno i'r Cabinet oherwydd bod y cais cyffredinol am gyllid yn fwy na £100k.

Angen i'r Cabinet wneud penderfyniad	OES
Angen i'r Cyngor wneud penderfyniad	NAC OES

YR AELOD CABINET SY'N GYFRIFOL AM Y PORTFFOLIO:-

Y Cyngorydd Ann Davies – Materion Gwledig a Pholisi Cynllunio (portffolio'r rhaglen Deg Tref)

Y Cyngorydd Hazel Evans – Adfywio, Hamdden, Diwylliant a Thwristiaeth (portffolio'r Gronfa Ffyniant Gyffredin)

Y Gyfarwyddiaeth: Enw Pennaeth y Gwasanaeth: Jason Jones	Swyddi: Pennaeth Adfywio, Polisi a Digidol	Cyfeiriadau e-bost: Jason Jones JaJones@sirgar.gov.uk
Awdur yr Adroddiad: Mared Pemberton	Cydgysylltydd Rhaglenni Gwledig	Mared Pemberton MEPemberton@sirgar.gov.uk

EXECUTIVE SUMMARY

SUBJECT: 10 Towns Programme Capital Fund - Llanybydder

1. SUMMARY OF PURPOSE OF REPORT

Background

The aim of the 10 Towns Programme is to increase the resilience and future growth of Carmarthenshire's rural market towns and their surrounding areas.

The Authority has committed £1m capital funding to support the respective towns to take forward some of the capital aspirations identified within their economic growth plans. This was approved by Executive Board on 21st June 2021. Subsequently, further funding has been secured via the Shared Prosperity Fund Rural Anchor Programme to support the realisation of the town's priority projects.

Llanybydder Old School Community Centre, which is a charity responsible for the Old school in the town, has agreed to act as the lead body on behalf of the economic growth plan team which has been established within the town.

Application for Consideration:

Applicant: Llanybydder Old School Community Centre
Project Name: Redevelopment of Old school at Llanybydder

Total project costs: **£194,294**

Grant request:

SPF Ten Towns Fund:	£74,294
Ten Towns Capital Fund (Core):	£100,000
Total grant requested:	£174,294

Match funding source and status:

Targeted Finance Fund (CCC) to be considered by Cabinet Member for Regeneration, Leisure and Tourism on 11 March 2024	£20,000
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Project Summary

The application has been submitted by the Old School Community Centre which is a charity located in Llanbydder. The re-development of the community centre has been identified as a priority project in the town's economic growth plan as well as by the economic growth plan team. Funding is being sought to undertake refurbishment and repurposing of existing building which is currently in a state of disrepair.

The project will create a centre that supports both the economic growth and social needs of the town through the development of:

- A shared working space for small businesses to hire and utilise
- A learning & personal development hub
- Events facility hire
- Café

These elements will complement the existing community gym already operating from the centre which provides an income stream to ensure its sustainability.

The Old School Community Centre is an existing charity which is in the process of being registered as a Charitable Incorporated Organisation (CIO) which will enable the organisation to employ staff and increase their revenue streams. Once incorporated, the organisation will appoint a centre manager for 12 months whose role will be to manage the overall project during the construction phase and to develop a programme of activity aligned with the results gained from several community consultations.

The soon to be appointed officer, which is funded via the Shared Prosperity Fund, will focus on developing partnerships and a calendar of activity for when the capital works are completed.

Their role will include:

- Marketing and promotion of space for wellbeing practitioners to hold community classes
- Development of business surgeries
- Securing tenants for cafe

The post will be sustained by income generated from the activities that will be undertaken at the centre.

Outputs to be achieved:

M2 redeveloped	466m2
Vacant units/buildings brought back into commercial use	1
No of facilities created/improved	1
No of businesses directly/indirectly supported	4 businesses directly supported 5 businesses indirectly supported
No of jobs created	2 (centre manager and café operator)
Increase in footfall	Annual visits - 5000

Timeline:

The programme of works is scheduled to take place over 7 months with the project requiring to be completed by December 2024.

Recommendation:

To approve a grant request of £100,000 from the Authority's 10 Towns Capital Fund and £74,294 from the Shared Prosperity Fund as part of the Rural Anchor programme.

OTHER OPTIONS AVAILABLE

There are no alternative funding sources available for this project. Without Shared Prosperity Fund investment and Core funding this project, which has been identified as a priority by the Llanybydder Growth Plan Team, would not proceed.

DETAILED REPORT ATTACHED?	NO
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IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report:

Signed: Jason Jones

Head of Regeneration, Digital and Policy

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets	Bio-diversity & Climate Change
YES	YES	YES	NONE	YES	NONE	NONE	YES

1. Policy, Crime & Disorder and Equalities

The 10 towns programme provides an opportunity for rural market towns to create new economic benefit and opportunities developed as a recommendation from the Moving Rural Carmarthenshire Forward Plan.

The above is aligned with the county's existing strategies and plans including the Local Investment Plan for Carmarthenshire, Economic Recovery Plan, Local Innovation Strategy, Wellbeing Assessment, and the South-West Wales Regional Economic Delivery Plan and Corporate Strategy.

The project will also deliver against the Authority's Vision Statement which identifies the Ten Towns initiative as a key priority in 'Making our communities and environment, healthy, safe and prosperous' places to live.

The Programme will support the objectives of the Wellbeing & Future Generations Act by targeting interventions which aim to ensure that the Welsh speaking communities of the County remain vibrant and sustainable communities.

2. Legal

Terms and Conditions will be issued to the applicant which have been verified by the Corporate legal team and will be executed as a deed.

3. Finance

Funding has been secured from the UK Government Shared Prosperity Fund as part of the Rural Anchor as well as via the Authority's Ten Towns capital fund.

5. Risk Management Issues

A programme level risk management process will be followed to ensure that risk is assessed and managed at all levels.

A key risk is the short delivery timeframe of SPF with all 3rd party grants required to be financially completed by the end of December 2024.

At a project level, a risk register will be maintained together with appropriate mitigation measures. The Rural Anchor Team who are responsible for administering both named funds will closely monitor progress of the project individual awards. Where a lack of progress is being made, applicants will need to provide clarification as to how they will be able to deliver against the original approved amount.

8. Biodiversity and Climate Change

The project will ensure sustainable practices are adopted when carrying out the works and in the administration of the building.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below:

Signed: Jason Jones

Head of Regeneration, Digital and Policy

1. Scrutiny Committee request for pre-determination

NA

2. Local Member(s)

Cllr Denise Owen has been consulted on an on-going basis as part of the growth plan team meetings and is supportive of the project. Cllr Owen is the Chair of the 10 towns growth team.

3. Community / Town Council

On-going consultation with the relevant Community Council in the development of the proposals as a member of the town's growth plan team.

4. Relevant Partners

Members of the established growth plan team prioritised the project which consists of key stakeholders from public, private and third sector. Further community consultation undertaken with both businesses and local organisations highlighted support for the proposals.

5. Staff Side Representatives and other Organisations

n/a

CABINET MEMBER PORTFOLIO HOLDER(S) AWARE/CONSULTED

YES - Cllr. Ann Davies - Rural Affairs & Planning Policy (Ten Towns programme portfolio) and Cllr Hazel Evans – Regeneration, Leisure, Culture and Tourism (Shared Prosperity Fund portfolio) have been consulted and are supportive of the project.

**Section 100D Local Government Act, 1972 – Access to Information
List of Background Papers used in the preparation of this report:**

THERE ARE NONE

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Ten towns – Llanybydder		Held digitally



Mae'r dudalen hon yn wag yn fwriadol