

CYNGOR SIR CEREDIGION COUNTY COUNCIL

Report to: Corporate Resources & Scrutiny Committee

Date of meeting: 16 July 2024

Title: New HR Policies

Purpose of the report: To review and recommend the following:

- Safe Recruitment Policy
- Annual Leave Purchase Scheme
- Travel, Subsistence & Accommodation Guidance

Reason Scrutiny have requested the information:

To review new and revised policies

Background

The People & Organisation Service has been continuing to review, develop and update key policies. Following consultation, the following policies and guidance documents have been discussed, amended and agreed by the recognised corporate trade unions:

- Safe Recruitment Policy
- Annual Leave Purchase Scheme
- Travel, Subsistence and Accommodation Guidance

The purpose of all employee policies and procedures is to clearly set out the behaviours, processes and procedures required, how they can gain advice and support and, where applicable, the consequences of not adhering to the policy and/or procedure.

Safe Recruitment Policy

The Safe Recruitment Policy sets out Ceredigion County Council's standards towards the safe recruitment and retention of people who wish to work with vulnerable groups, both children and/or adults.

The current Policy, introduced in 2017, has been reviewed to ensure that it remains compliant with legislation and is fit for purpose. Only minor amendments have been proposed and these are detailed below. The revisions are to maintain a robust and thorough vetting process for all staff, volunteers and contractors that work for, or with, Ceredigion County Council.

There are no changes to the current practice of DBS checks only on appointment for roles undertaking regulated activity. Periodic rechecking will only take place where it is required by legislation or if a concern, complaint or information is received relating to the conviction or caution of an employee in a regulated activity role.

The proposed changes to the Policy are as follows:

- Amendments due to the Council no longer being a registered body. All DBS checks are now undertaken online in agreement with Powys County Council as the registered body.

- Further clarification provided on pre-employment screening/vetting checks
- Re-formatting the policy to provide a separate section on Disclosure & Barring Service and moving sections from the main body in to the appendices.
- Greater clarification on portability of DBS checks
- Removing reference to pre-2012 definition of regulated activity.

In addition to trade union consultation, the Policy has been reviewed by the Council's Corporate Safeguarding Board.

Annual Leave Purchase Scheme

Annual Leave Purchase Schemes are voluntary arrangements which provide employees greater flexibility over their leave entitlement through the purchase of additional leave in a salary repayment arrangement. These schemes are widely found across public and private sector organisations.

The scheme offers savings to the Council due to no salary costs for the period of the additional annual leave and a reduction in employer National Insurance contributions. The benefit to the employee is the opportunity to spread the cost of unpaid leave over a period of up to 12 months.

A summary of the scheme's conditions are as follows:

- The maximum amount of additional leave that an employee could purchase would be twice their weekly contractual hours
- The minimum amount of additional leave which can be requested is the equivalent of one day contractual hours
- Applications signed off by the Corporate Lead Officer.
- The Council reserves the right to refuse an application if it is decided that there would be an adverse effect on service delivery. There is no right of appeal.
- Applications can be made throughout the annual leave year up to 31 May. If approved, salary deductions will be calculated based on the number of available months remaining in the annual leave year.
- Employees are encouraged to book their annual leave in the first instance.

If approved, the Annual Leave Purchase Scheme will be incorporated into the Leave and Absences Policy which was approved by Cabinet on 3 June 2024.

Travel, Subsistence and Accommodation Guidance

The guidance document for employees in relation to travelling and subsistence was last updated in 2015. As part of the review process, advice was sought from the Council's tax advisors to ensure that the final document is compliant with HMRC regulations.

The revised guidance sets out the circumstances under which Council employees on approved Council business can submit claims for travelling costs such as mileage allowances, fuel expenses, public transport, subsistence or accommodation costs.

The most economic form of transport must always be considered.

The proposed changes to the Guidance document are as follows:

- Remove the “Tea allowance” previously paid for absences of greater than 4 hours to include between 3pm and 6pm
- Increase maximum threshold for overnight accommodation from £150 to £200 for inside London and from £95 to £120 for outside London. All overnight accommodation should be booked through the Council’s Procurement Team

There is no HMRC level set for overnight accommodation and the proposal to increase the threshold is following analysis of the current prices for inside and outside London.

Wellbeing of Future Generations:

Has an Integrated Impact Assessment been completed? If, not, please state why.

Safe Recruitment Policy -Yes

Annual Leave Purchase Scheme – Yes, amended IIA -Leave & Absences Policy.

Travel, Subsistence and Accommodation Guidance – No, not required as guidance document.

Summary of Integrated Impact Assessment:

Long term: Through the implementation of this policy, the key aim is to ensure the safe recruitment and retention of Council employees who work in regulated roles across our services and schools. The Council seeks to recruit and retain employees in a flexible, skilled and committed workforce which deliver the Council’s strategic objectives, working together with our public body partners, both now and in the long term.

Collaboration: Using the excellent working relationship we have with our recognised trade union partners collaboration on this policy has taken place leading to the development of this document.

Involvement: The consultation on this policy with our recognised trade union partners has allowed the opportunity for them to comment on the development of the policy on behalf of their members, i.e. our employees.

Prevention: A key aim of this policy is to ensure the safe recruitment and retention of Council employees who work in regulated roles across our services and schools. This provides reassurance that all of those who work with at risk individuals have undergone appropriate checks before they commence their duties.

Integration: Through the implementation of this policy, the key aim is to ensure the safe recruitment and retention of Council employees who work in regulated roles across our services and schools. The Council seeks to recruit and retain employees in a flexible, skilled and committed workforce which deliver the Council’s strategic objectives, working together with our public body partners, both now and in the long term.

Recommendation(s):

- To recommend the approval of the Safe Recruitment Policy by Cabinet
- To recommend the approval of the Annual Leave Purchase Scheme by Cabinet
- To recommend the approval of the Travel, Subsistence and Accommodation Guidance by Cabinet

Reasons for decision:

- To ensure compliance with legislation
- To support recruitment and retention, employee health and wellbeing, and operational effectiveness

Contact Name: Geraint Edwards

Designation: Corporate Lead Officer – People & Organisation

Date of Report: 21/06/2024

Acronyms:



Cyngor Sir
CEREDIGION
County Council

Safe Recruitment Policy



People & Organisation Service
2024



DYSGU PERTHYN LLWYDDO BYW
LEARN BELONG SUCCEED LIVE

Version Control

Version	Date	Author	Comment
1.0	7 th November 2017	Corporate Human Resources	Approved by Cabinet
2.0	TBC	People & Organisation	

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1 Introduction

1.1 Purpose

This policy sets out Ceredigion County Council's standards towards the safe recruitment and retention of people, including those who wish to work with vulnerable groups (children and/or adults). It complements the [Keeping Learners Safe guidance](#) for Schools which sets out the wider pre-employment checks.

The Council ensures that its recruitment is on the basis of an objective and systematic assessment of candidates against related job factors. Through the use of fair employment practices and the adoption of this policy, the Council is committed to ensure that the information relating to criminal records is dealt with in context and with discretion.

Ceredigion County Council will only request of Disclosure and Barring (DBS) checks to be carried out where it is both proportionate and relevant to the position concerned and where it is required by statute.

1.2 Scope

This policy applies to all Ceredigion County Council current and prospective employees appointed under the terms and conditions of their employment.

This Policy also applies in other situations where checks, including identity and Disclosure and Barring certificate is required, e.g. volunteers, student placements, agency staff, external contractors, commissioned services, Fostering and Adoption, School Governors and Council Members.

This Policy will be recommended for adoption by schools for employees appointed by a School Governing Body in respect of whom the "policy" is determined by the relevant Governing Body.

1.3 Principles

The Council has a duty to ensure the safety and protection of vulnerable groups (children and/or adults) who receive a service from the Council and within the wider community.

The Council has a duty to ensure the suitability of everyone who engages in direct employment or through engagement in volunteering or as a contractor or agency worker undertaking regulated activity in whatever capacity.

This Safe Recruitment Policy governs the recruitment pre-employment checks necessary for the whole workforce.

All organisations using the Disclosure and Barring Service (DBS) are obliged to comply with the [DBS Code of Practice](#).

It will be the responsibility of the recruiting/engaging manager to establish the suitability of workers engaged through external contracts, including temporary staffing agencies, and be assured that the appropriate level of pre-employment checks have been undertaken. Further details of the obligations of an engaging manager can be found in the [IR35 guidance](#).

For Headteachers looking to engage agency staff, the expectation is that only the [approved](#) agencies will be used.

All the relevant pre-employment and safe recruitment checks (as in section 4) must be carried out. The relevant guidance for managers/ headteachers / governors set out arrangements for this. Managers must ensure that all checks have been completed and are satisfactory. Failure to undertake the necessary checks may result in disciplinary action.

Managers and employees should be aware that even the most careful selection process cannot identify all those who may pose a risk to vulnerable groups (children and/or adults). Therefore, managers and employees should always be alert to inappropriate behaviour. The emphasis should be on enabling a culture which allows and provides the people we work with the confidence and awareness of the mechanisms to raise any concerns they may have.

A robust approach to pre-employment should be maintained at all times. The DBS will not disclose all risks whereas thorough checks on employment history, gaps in employment, references and asking appropriate questions at interview will provide this.

The Council's commitment to safeguarding should be made clear to job applicants/volunteers etc. from the outset. The requirement for DBS checks should be specified in job adverts and within all Job Descriptions and Person Specifications that involve work with vulnerable groups (children and/or adults). This must be clearly set out in the advert and managers should be clear with candidates throughout the recruitment process.

The Corporate Lead Officer for People & Organisation or deputy will have the authority to review the policy and procedure and to make any amendment/s necessary to reflect any changing legal requirements or make minor alterations.

2 Equalities

It is unlawful for the Council to discriminate against employees because of any of the protected characteristics as follows: Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex (gender), Sexual Orientation.

All workers (irrespective of their employment status) are protected by law against discrimination in the course of their employment with the Council. It is unlawful for managers to discriminate directly or indirectly against an individual on the grounds that he or she is “associated with” someone with a particular protected characteristic, or the perception that they may have a particular protected characteristic. The Council will not victimise an employee because he or she has raised a genuine complaint of discrimination or assisted another employee with a complaint. Please refer to the Whistleblowing Policy and Grievance Policy and Procedure for further details on how to raise concerns.

Employees are protected against all forms of discrimination in every aspect of their employment. This will include the terms and conditions of their contract, including information that is contained within the Employee Handbook on Ceri Net and HR Policies.

This Policy and the supporting guidance exist to ensure that ex-offenders, whether paid employees or volunteers, are treated fairly and responsibly, based on a full assessment of the risks involved.

In making safe employment decisions, managers should make objective assessments, adopt an open mind and focus on merit and ability to do the job. When information is received on a DBS certificate consideration should be given to the following:

- relevance of the age of convictions or cautions and the circumstances,
- dates,
- the nature and relevance of the offence,
- the frequency/patterns and the potential risks involved in employing the individual and,
- whether these could be sensibly and effectively managed.

Any decisions should be **proportionate** and relevant to more serious convictions/caution and whether spent or unspent when working with vulnerable groups children and/or adults. Appendix 2 ‘Review of Adverse Disclosure’ should be completed by the line manager/headteacher to record the decision-making process.

3 Responsibilities

Powys County Council provide the Umbrella Body Service to the Council and processes and countersigns DBS checks (Enhanced/Standard) on behalf of Ceredigion County Council.

Ceredigion County Council has certain obligations as outlined below:

- (a) To adhere to the DBS Code of Practice
- (b) To adhere to the Policy on the Recruitment of Ex-Offenders which states that the Council is “committed to the fair treatment of its employees, potential employees and service users” and that “having a criminal record will not necessarily bar someone from working for the Council”. This will depend on the nature of the position and circumstances and background of the offences. To ensure that a copy of this policy is provided to all applicants at the start of the recruitment process.
- (c) The Council must ensure that application packs for posts which require a DBS disclosure contain all the relevant statement informing potential applicants. The Council must also ensure that reference will be made in job advertisements and accompanying literature, stating quite clearly where a post requires a DBS check and at what level.
- (d) The Council must ensure that it adheres to the policy on the safe handling of the disclosure information.

All **Employees** are required to adhere to the terms and conditions of this policy, and to seek clarification where necessary from their line manager in the first instance.

Recognised **Trade Union** representatives will be consulted on the policy and will be aware of its requirements. They are available to support their members where appropriate.

Appointing Line Managers are responsible for ensuring that appropriate pre-employment checks are completed before the employee commences employment, and for the safe recruitment of agency workers.

Managers will ensure that the employee induction training process includes guidance on safeguarding and protection best practice, and that employees are carefully and regularly supervised in their work with children and adults.

Human Resources are responsible for processing all the relevant pre-employment checks in a timely manner. HR is also responsible for the creation, development, improvement and refinement of this policy and ensuring the policy undergoes regular reviews and updates in line with legislation and best practice. Human Resources will provide advice and guidance on the application of the Policy and where specific responsibilities are outlined within.

Corporate Lead Officers/School Headteachers are responsible for ensuring that this policy is consistently applied within their own area by their managers.

Each Corporate Lead Officer in consultation with the Human Resource Section, **will define which jobs are legally entitled to be DBS checked and at what level.** This is reviewed on a regular basis.

The **Corporate Lead Officer for People & Organisation** will have overall responsibility for reviewing and maintaining this policy.

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4 Pre-employment screening / vetting checks

Pre-employment screening checks are a key part of safe recruitment. These checks should be considered alongside the range of information gathered during recruitment, including the application form and the selection interview, to determine a candidate's suitability for a specific job.

The checks to be carried out depend on the job the individual is being considered for and will include all or some of the following, which address the requirements of HMG Baseline Personnel Security Standard (BPSS):

- a) Written and/or verbal references
- b) Proof of qualifications
- c) Professional registration
- d) Candidates should be required to provide an explanation of full employment history, including any gaps in employment
- e) Driving Licence, if required to drive as part of the duties of the job
- f) Identity Check (Asylum and Immigration) / Right to Work
- g) Unspent convictions
- h) Disclosure and Barring Service Criminal Record Check (DBS) & Overseas checks

a) References

For successful external applicants, it is a requirement that TWO written references are obtained, one reference must be from the most recent or current employer or educational provider. References will only be obtained for the successful candidate and will be actioned by the HR Service once a conditional verbal offer of employment has been made and accepted.

Appointing managers/Headteachers are responsible for scrutinising all references to ensure that the information provided confirms that provided by the applicant and the suitability of the applicant for the job in question. If there are any concerns or issues raised in the reference the Appointing manager should consider contacting the referee for more information and / or requesting further references. Following scrutiny, the Appointing manager must confirm to HR that the references received are satisfactory.

In the event that it has not been possible to obtain a written reference, the Appointing Manager will endeavour to obtain a verbal reference from the current or last employer. The verbal reference should be documented on a verbal reference form and forwarded to the HR Team for retention on the personal file. Please see verbal reference form in **Appendix 5**.

b) Proof of Qualifications

All successful candidates will be required to provide **original** documentation relating to qualifications to be verified by HR. This will be requested from the successful candidate during the pre-employment screening / vetting process. Appointing managers/headteachers should always verify that the successful applicant has obtained any academic or vocational qualifications required for the post

c) Registration with Regulatory Bodies

Where statutory provision requires registration with professional bodies in order to enter into certain types of employment (e.g. Teachers must be registered with the Education Workforce Council, Social Workers must be registered with Social Care Wales). Appointing managers / Headteachers must make candidates aware of this requirement at interview and HR are responsible for confirming registration with the relevant professional body.

Part of the safe recruitment practice HR will check that individuals are registered and that they are not currently or have been subject to any conduct investigation or hearings.

The registration of any Agency staff **must** be checked by the appointing manager before the individual commences work with the Council. The manager must be satisfied that this check has been actioned and cleared.

d) Gaps in Employment

Appointing managers/headteachers should scrutinise the application form *before* the interview and should always ask for information about previous employment and obtain satisfactory explanations for any gaps in employment. This can be done at interview using the details on the application form.

Such information will also be required by the Human Resources service as part of the pre-employment checks. Where gaps have been identified in the information supplied, successful candidates will be required to complete and return a form to HR supplying all missing information.

Successful applicants may not commence employment until this form has been completed and returned, and no gaps remain unaccounted for.

e) Driving Licences

It is important to check that the person has the right licence for any vehicle they may be required to drive. The Appointing manager should inform the HR Team of any special category of driving licence which is required, and an original copy should be sighted and held on the personal file. The Appointing manager should have regard to the Council's [Driving at Work Policy](#) and the [Driving at Work – Use of private vehicles policy](#), ensuring compliance with declaration and record checking requirements.

f) Identity Checks- Immigration, Asylum and Nationality Act 2006 / Right to Work

The law on the prevention of illegal migrant working is set out in Sections 15-25 of the Immigration, Asylum and Nationality Act 2006. These provisions came into force in 2008 and replace Section 8 of the Asylum and Immigration Act 1996.

To ensure compliance with the Act, all employers in the UK are required to carry out right to work checks on people they intend to employ, and must conduct a physical document check or perform an online check (where appropriate) to establish a right to work. You must **obtain original documents** from either **List A** or **List B** of

acceptable documents for a manual right to work check which can be found in **appendix 6**.

Human Resources will conduct the necessary checks and a record will be kept of all supplied documentation or electronic check conducted on the individual's employee file.

If there is a time limit on an individual's right to remain in the United Kingdom, the Council has a duty to repeat the checks annually.

g) Unspent convictions

Candidates are required to confirm on the applications form whether they have any convictions which are not yet spent under the terms of the Rehabilitation of Offenders Act, 1974.

Managers should contact Human Resources if there is any uncertainty regarding the rehabilitation period of convictions. Verification of unspent convictions is not required where an Enhanced DBS check is being carried out as this will be included as part of that process.

h) Disclosure and Barring Service criminal record check

Where it has been determined that the post requires necessitates such a check, all successful candidates must have an appropriate Disclosure and Barring Service (DBS) Criminal Record Check prior to commencing work, as outlined in the guidance attached at **Appendix 4**.

Managers are required to risk assess all posts within their service area, against the criteria set out in the guidance at **Appendix 1 and 4**, to determine whether a DBS check is required and if so, what level of check is required. Appointing Managers are asked to complete the Gov.uk tool which can be found [here](#) to identify the correct check.

The responsibility for determining the level of check required ultimately rests with the Corporate Lead Officer for the relevant service and they will make the final decision where there are conflicting perspectives.

Depending on the nature of the work, a decision must also be made on what barred lists should be checked, however in some cases it is noted that both lists need to be checked.

DBS checks will only be undertaken in respect of individuals who are offered employment and shall not be undertaken in respect of all applicants.

A record of all individual employee DBS checks conducted will be recorded on the Ceri system by the HR service.

For individuals who engage in volunteering activity with the Council a record will be kept of the check conducted by HR.

5 Disclosure and Barring Service

5.1 Disclosure and Barring Update Service

A DBS 'Update Service' has been introduced whereby an employees will be able, for a fee, to subscribe to the Update Service with a new DBS application or certificate issued on or after June 17th, 2013. The Update Service will keep the employee's certificate up-to-date. Once subscribed, the employee can take the certificate with them from role to role, providing the roles are in the same workforce and where the same level and type of check is required.

CCC can access the Update Service, provided the employee has given permission, and can carry out an instant check to find out if the employee's current DBS certificate is still up-to-date. This will mean that individuals will not need to make an application for a new check each time they start work in a new regulated activity.

5.2 Portability of DBS Checks

Portability is a term used by the Disclosure and Barring Service and refers to the re-use of a DBS check, obtained for a position in an organisation and later used for another position.

The DBS advises that organisations considering accepting an existing DBS check to carry out a proper risk assessment.

For all external appointments an individual **may not start** work in regulated activity until a satisfactory Enhanced DBS check, check against the Barred List(s) and all other pre-employment checks have been received by the Council.

Managers are authorised to use their discretion to approve portability of a previous DBS disclosure, but only when the previous disclosure has been processed and obtained by Ceredigion County Council.

For internal appointments, employees may only commence work in a similar position within the same workforce category.

Internal employees commencing work in a position with a higher level of responsibility, but within the same workforce category e.g. Teaching Assistant level 1,2 or 3 appointed to a Teaching Assistant level 4 may commence work, but will be required to submit a new DBS check.

Managers are not authorised to approve portability of a previous DBS disclosure that has been processed and obtained by another organisation (i.e. not CCC) This applies to new employees who were previously volunteers in the Council.

Examples of appropriate use of portability are:

- Where 'relief' teachers, employed through the CCC central bank, are offered a new appointment e.g. temporary/permanent contract, it is the discretion of the Headteacher whether portability is applied.
- If an employee obtains a second job in the Council, the Appointing manager has the discretion to decide whether the existing DBS disclosure from the main job is portable and can be used for the second post.

- If an employee moves between short-term appointments, the Appointing manager has the discretion to decide whether to apply for a new DBS disclosure each time a new contract is offered.

Portability **should not be** accepted in the following circumstances:

- Where an individual has had a break in employment of four weeks or more.

If any of these conditions are not met, a new DBS disclosure check must be requested and processed.

5.3 Renewal of a DBS Disclosure

For some posts within the Council, the frequency of a DBS check is governed by statute. For example, the Children's Homes (Wales) Regulations 2002, and other regulations covered by the Care Standards Act, set a minimum frequency of every **3 years**. This will be applied consistently to all relevant posts, including staff, volunteers, Agency staff, Consultants and visitors within Ceredigion County Council.

All other posts having been subject to a robust initial vetting system, will only be required to renew as a result of a concern, complaint or information regarding a conviction received. The employee will complete a DBS application on request if there is a concern, conviction, arrest, allegation, complaint or information regarding a conviction provided by the employee or other agency/person.

An employee and their line-manager will be advised of the requirement to submit a renewal application 12 weeks before the due date by Human Resources. It is the Employee's responsibility to ensure a renewal is submitted within the indicated period. When an employee is required to submit a renewal application, and fails to do so, the employee will be given 10 working days to complete the application form and their line-manager will be advised. Any repeated failure of the employee to return the DBS form may result in immediate suspension from duty without pay (in accordance with section 1.2.2 of the [Suspension policy](#)) and possible disciplinary action.

A full list of posts which are subject to renewed DBS check can be found in **Appendix 7**.

a) Agency Staff and Contracts of Services

Agency staff working in posts subject to an Enhanced DBS check will be subject to the same standard of renewal of their DBS check on the same basis as employees.

Contracts for Service which have access to vulnerable groups (children and/or adults) should include in the renewal standards of the contract on the same basis as if the service were being provided directly by the Council.

b) Students

There is no need for renewal of a student DBS certificate and all colleges must obtain a DBS on their students prior to entry on to the course.

c) Licensing

Current Council policy is that taxi drivers should have their DBS check renewed every 3 years as part of the licensing process.

d) Volunteers

Volunteers in areas subject to an Enhanced DBS check will be subject to the same standard of renewal of their DBS check on the same basis as employees, i.e. there should be no difference between paid or unpaid work. Account should be taken for frequency of gaps between using a volunteer.

5.4 Identity Checks required for a DBS Disclosure

The HR Section will provide the individual with a link to complete an online DBS check through the Ebulk system. Individuals will then be required to present their original documentation to a nominated location to be checked. Further information on these locations may be found on CeriNet [here](#)

5.5 When a Criminal Record is revealed on a Disclosure

Disclosures containing previous convictions/cautions are not necessarily a bar to obtaining a position. However, failure to disclose such convictions may be seen as an attempt to obtain employment by deception, and as such would normally result in withdrawal of the offer of employment, when the information is known (or application to become a volunteer, foster parent, student placement etc).

During the process of application, an applicant will be given an opportunity to discuss with the appointing officer any unspent criminal records or certain spent convictions and cautions that are not protected under the [Exceptions Order 1975](#), or any other relevant information.

If the DBS check identifies any information, the appointing officer (or other nominated officer) will complete a Review of Information disclosed or received through a DBS check (Appendix 2) including a meeting with the individual and make a recommendation to the relevant Corporate Lead Officer as to whether this impacts on their suitability and whether the appointment or engagement should proceed.

In making decisions, based on the outcome of a DBS check, Service areas should:

- make objective assessments;
- adopt an open mind and;
- focus on the ability to do the job.
- Give consideration to the relevance of old convictions or cautions and the circumstances, dates, the nature and relevance of the offence, frequency/patterns and the potential risks involved in employing the individual and if and how these could be sensibly and effectively managed.

Any decisions should be proportionate and relevant to more serious convictions/caution and whether spent or unspent. Decisions should also take account of wider pre-employment checks e.g. references

If a DBS identifies a conviction on an Agency Worker/Volunteer, then the Manager, who engages the worker, must assess the risk in the same way as if the individual was a prospective employee. In respect of Governors, and others who hold office, the relevant Corporate Lead Officer undertake the appropriate risk assessment process as available from the Governors Support Section of Schools Services.

Please note that the above process for handling positive disclosures is also relevant when dealing with DBS renewals.

5.6 Single Certificate

From 17 June 2013 the DBS only issue certificates to the applicant. This allows the applicant to dispute and make appropriate representations regarding information released on the certificate, without this information having already been seen by the Council. It will be possible for the Council to track the progress of applications online.

5.7 Overseas Checks

The DBS certificate only relates to offences in this country. If an individual has resided in another country for 12 months or more (cumulatively or continuously) within the previous 5 years, the equivalent check must be obtained. The details of the process and contact points are available from the Human Resources Service.

The Council may request that applicants bring in a copy of their DBS certificate, which will be verified and with the applicants consent, a copy will be retained in accordance with DBS code of practise or statutory requirements.

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6 Record Keeping

Storage and Access

Once a recruitment (or other relevant) decision has been made, the Council will not keep certificate information for any longer than is necessary. This retention will allow for the consideration and resolution of any disputes or complaints, or be for the purpose of completing safeguarding audits.

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

Once the retention period has elapsed, HR will ensure that any DBS certificate information is immediately destroyed by secure means, for example by shredding, pulping or burning. While awaiting destruction, certificate information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack).

HR will not keep any photocopy or other image of the certificate or any copy or representation of the contents of a certificate. However, notwithstanding the above, HR 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, including any risk assessment undertaken.

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7 Definitions

Spent Convictions

Convictions defined by the Rehabilitation of Offenders Act 1974 as being 'Spent' after specified periods of time. Spent convictions do not need to be brought to the attention of the Council unless the work or the post is covered by the Rehabilitation of Offenders 1974 Exceptions Order 1975 as amended 2013. (www.gov.uk/dbs)

Disclosure Certificate

A certificate that provides criminal record information, depending on type of disclosure requested.

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8 Reference Materials (optional)

Associated Policies

Guidance for Headteachers and Governors on Appointments and Safe Recruitment Practice

[Keeping Learners Safe guidance](#)

Legislation

Protection of Freedoms Act 2012

Police Act 1997

Data Protection Act 1998

Protection of Children Act 1999

Care Standards Act 2000

Freedom of Information Act 2000

Human Rights Act 1998

Safeguarding Vulnerable Groups Act 2006

Protection of Freedoms Act 2012

Equality Act 2010

Other Guidance Documents

[New Supply Agency Framework](#)

IR35: Employment status Guidance for Line Managers and Headteachers

Appendix 1 - Regulated Activity Guidance

DEFINITION OF REGULATED ACTIVITY

ADULTS:

The new definition of Regulated Activity for adults defines the activities provided to any adult as those which, if any adult requires them, will mean that the adult will be considered vulnerable at that particular time.

Adults will no longer be labelled as 'vulnerable' because of the setting in which the activity is received, nor because of the personal characteristics or circumstances of the adult being provided for by the activities.

There are six categories (described in detail in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006) within the new definition of Regulated Activity:

- **Providing healthcare** – provision by a healthcare professional or under the direction or supervision of one. This may include psychotherapy and counselling, first aid administered on behalf of an organisation established for the purposes of providing first aid. This does not include workplace first aiders, members of peer support groups or life coaching.
- **Providing personal care** – physical assistance with eating or drinking, going to the toilet, washing or bathing, dressing, oral care or care of skin, nails or hair (but not where this involves only cutting hair) because of the adult's age, illness or disability. This also includes anyone who trains, instructs or provides advice on the provision of personal care or those who prompt and then supervise an adult to do one of the above.
- **Providing social work.**
- **Assisting with general household matters** – assistance with managing a person's cash, paying a person's bills or shopping on their behalf because of the adult's age, illness or disability.
- **Assisting in the conduct of people's own affairs.**
- **Conveying adults to, from, or between places, where they receive healthcare, relevant personal care or social work because of their age, illness or disability.** This includes hospital porters, patient transport service drivers and assistants, ambulance technicians and emergency care assistants but does not include taxi or licensed private hire drivers.

Please note: An individual only needs to engage in a defined activity once to be carrying out Regulated Activity and the new definition removes the word 'vulnerable' when describing Regulated Activity relating to adults.

Certain elements of the original scope of Regulated Activity set out in the Safeguarding Vulnerable Groups Act (SVGA) 2006 will not be changed:

- An adult is a person aged 18 years or over.

- A person whose role includes the day-to-day management or supervision of any person engaging in Regulated Activity, is also in Regulated Activity.
- Regulated Activity for adults excludes activity carried out in the course of family relationships and personal, non-commercial relationships. Family relationships include close family (e.g. parents, siblings, grandparents) and the relationship between two people who live in the same household and treat each other as family.
- Personal, non-commercial relationships are arrangements where no money changes hands or if any money does change hands it is not part of a commercial relationship (e.g. giving a friend petrol money to drive you to the hospital), and the arrangement is made between friends or family friends.

CHILDREN:

The new definition of Regulated Activity relating to children is set out in three parts by The Protection of Freedoms Act. A person can be in Regulated Activity because of what they do (activities), where they work (establishments) or who they are (specified position).

The new definition of Regulated Activity is described in detail in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006 and covers:

- **Unsupervised activities:** teach, train, instruct, care for or supervise children, or provide advice/guidance on wellbeing, moderate a public electronic interactive service or drive a vehicle only for children carried out on a frequent, intensive or overnight basis. An individual carrying out activities as above, under reasonable day-to-day supervision by another person who is also engaging in Regulated Activity is not undertaking Regulated Activity.
- **Work for a limited range of establishments** (schools, nursery schools, childcare premises, children's homes, children's centres) with the opportunity for contact with children carried out on a frequent, intensive or overnight basis. A volunteer carrying out supervised activities under reasonable day-to-day supervision by another person who is also engaging in Regulated Activity is not undertaking Regulated Activity, however a supervised paid employee working for a specified establishment does come under Regulated Activity.
- Activities by a person contracted (or volunteering) to provide occasional or temporary services (which are not teaching, training or supervision of children) is no longer Regulated Activity (e.g. maintenance contractors) but please remember, as stated above, supervised paid employees in specified establishments are in Regulated Activity.
- **Providing healthcare** – provision by a healthcare professional or under the direction or supervision of one. This may include psychotherapy and counselling, first aid administered on behalf of an organisation established for the purposes of providing first aid. This does not include workplace first aiders, members of peer support groups or life coaching.
- **Providing personal care** – physical assistance (or prompting with supervision or training or providing advice or guidance) with eating or drinking because of

illness or disability, physical assistance (or prompting with supervision or training or providing advice or guidance) with going to the toilet, washing or bathing or dressing because of age, illness or disability, because of the age, illness or disability.

- **Registered childminders and foster carers**
- **Day-to-day management or supervision of individuals carrying out Regulated Activity relating to children.** For statutory guidance on supervision visit the Department of Education website.

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Appendix 2 - Review of Adverse Disclosure

CYNGOR SIR CEREDIGION COUNTY COUNCIL

CONFIDENTIAL

REVIEW OF ADVERSE INFORMATION DISCLOSED OR RECEIVED THROUGH A DISCLOSURE AND BARRINGSERVICE (DBS)

CHECK

NAME OF APPLICANT:	POSITION APPLIED FOR:
1. Does the post involve one to one contact with children or other vulnerable groups as employees, customers and clients?	
2. What level of supervision will the post holder receive?	
3. Does the post involve any direct responsibility for finance or items or value?	
4. Does the post involve direct contact with the public?	
5. Will the nature of the job present any opportunities for the post holder to re-offend in the work place?	
6. What is the nature of the offence listed on the certificate?	
7. What is the seriousness of the offence and its relevance to the safety of other employees, customers, clients and property?	
8. What is the length of time since the offence occurred?	
9. Provide any relevant information offered by the applicant about the circumstances which led to the offence being committed, such as the influence of domestic or financial difficulties:	
10. Was the offence a one-off or part of a history of offending?	
11. Have the applicant's circumstance changed since the offence was committed, making re-offending less likely?	

Additional information, comments or observations:

To be completed by the applicant:

I agree with the information stated above and further agree that the information will be retained in my Personal file as a record of the decision made.

Signed _____ Print Name _____ Date _____

INTERVIEWING OFFICER

I have interviewed the applicant and recommend that Ceredigion County Council should / should not (delete as appropriate) continue with the appointment.

Signed _____ Print Name _____ Designation _____ Date _____

APPOINTMENT CONFIRMED: YES / NO

The following individuals were present during the interview:

TO BE COMPLETED BY SENIOR OFFICER

Signed: _____ Print Name _____ Designation: _____ Date _____

Appendix 3 - Right to Work checklist

CEREDIGION COUNTY COUNCIL

RIGHT TO WORK/ IDENTITY CHECK LIST

Full Name of Candidate

Post Title

Post Number

Proof of identity seen and photocopied. Only one proof of identity needed from list 1 or two

proofs of Identity from list 2 if no documents can be provided from list 1.

	<u>List 1</u>	
British/European Passport	<input type="checkbox"/>	<u>Please ensure documents are in date</u>
European Identity Card	<input type="checkbox"/>	
		1 only

List 2

A) National Insurance Number on

**P45 **P60 National Insurance Card Government Letter

****Please ensure documents are current & in date**

Plus one of the following

2 only

- B) British Birth Certificate
- C) Channel Islands, Isle of Man or Ireland Birth Certificate
- D) Certificate of Registration or Naturalisation
- E) **UK Border Agency (Home Office) Letter/Document

I hereby certify that the documentary evidence detailed above has been verified by myself as genuine to the best of my knowledge and relates to the applicant presenting themselves.

Signature

Position in Council

Date

Photocopies of the original documents attached

Documents must show nationality & permissions to stay & work

Appendix 4 - DBS Requirement Guidance

Minimum Standards/Policy Requirements

1. Minimum age for DBS checks

The minimum age for undertaking a DBS check is 16 years.

2. Regulated Activity

The definition of a regulated activity is detailed below (this definition changed in October 2012). For those working in regulated activity, an enhanced disclosure will be required which will include checks against the children's and/or adults barred lists (depending on the scope of the role).

A full definition of Regulated Activities (as defined within 2012 Protection of Freedoms Act) is included at Appendix 1

2.1 Types of DBS Disclosure

There are 2 types of disclosure – standard and enhanced. The Council's policy, which is in some circumstances, dictated by regulations/national minimum standards is to undertake enhanced level checks on individuals applying to or working with vulnerable groups (children and/or adults).

i. Standard Checks

Standard checks can be applied for by people entering certain professions, such as members of the legal and accountancy professions and applying for specified licences. A standard check contains:

- details of all convictions, cautions, reprimands and warnings held on the Police National Computer (PNC)

To be eligible for a standard level DBS check the position must be included in the [Rehabilitation of Offenders Act \(ROA\) 1974 \(Exceptions\) Order 1975](#).

ii. Enhanced Checks

Four types of Enhanced Disclosures can be obtained. All 4 contain the same information as the Standard Disclosure but with the addition of any relevant and proportionate information held by the local police forces. When engaging individuals to work within regulated activity (as defined by the Protection of Freedoms Act), a request can be made for an Enhanced Disclosure with a check against the relevant DBS Barred List(s):

Enhanced Options	PNC	Police information	Children's Barred List	Adults' Barred List
1	✓	✓		
2	✓	✓	✓	
3	✓	✓		✓
4	✓	✓	✓	✓

iii. Identifying the correct level of disclosure required

The Council must ensure that it is legally entitled to ask an individual to make an application for a Disclosure.

To be eligible for an enhanced level DBS certificate, the position must be included in both the [Rehabilitation of Offenders \(ROA\) Exceptions Order and in the Police Act Regulations](#).

Where a post requires that an individual engages in a **regulated activity** with either children or vulnerable adults on a regular basis the requirement for a Standard or Enhanced check will need to be determined.

It is a criminal offence for a barred person to work, or volunteer, in regulated activity and it is a criminal offence for an employer to knowingly employ (either on a paid or voluntary basis) a barred person in regulated activity.

a) Enhanced DBS checks without barred list checks

Enhanced DBS checks must be undertaken for individuals who work with vulnerable groups (children and/or adults) and whose duties fall under the old definition of regulated activity as defined by the [Safeguarding Vulnerable Groups Act 2006](#). These roles have contact with Vulnerable groups (children and/or adults), but do not fall under the new definition of regulated activity in section 5.4. Managers need to assess any new posts that may fall under the old definition of regulated activity. Appendix 1 includes the old definition of regulated activity.

b) DBS Checks for those who hold specified positions

The CLO for People & Organisation has identified the roles of Members of Adoption and Fostering Panels and Council Members and Members of Safeguarding Boards who have direct access to vulnerable groups (children and/or adults) that must have an enhanced DBS check (without the barred lists check).

DBS Checks for School Governors

Anyone holding any of the positions below is eligible to be asked to apply for an enhanced level DBS check in the child workforce, but without a children's barred list check.

- Member of or clerk to the governing body of an educational establishment
- A person appointed by the governing body of a maintained school to serve on a committee

A guide to school governor and elected councillor roles in Wales 3 The Police Act 1997 (Criminal Records) Regulations 2002 were amended in 2013 to incorporate these roles into the new definition of 'work with children'. This made the individuals holding these positions eligible to be asked to apply for enhanced level DBS checks in the child workforce, but without a children's barred list check.

The legislation: These roles used to be included in the original definition of regulated activity with children, as set out in the Safeguarding Vulnerable Groups Act (SVGA) 2006. However, following changes to this definition by the Protection of Freedoms Act 2012 they were removed. This means that the roles are no longer classed as being regulated activity and are therefore not eligible for a barred list check.

DBS Checks for Fostering and Adoptive Parents

Fostering and adoptive parents are required by statute to have an enhanced DBS check which will include a check against the Children's Barred List. The fostering checks are the responsibility of the Heads of Service and requests will be processed by the Human Resources Service and the relevant Adoption Agency process adoptive parent checks.

Agency Workers and Contracts of Services

Agency workers working in regulated activity (new and old definitions) will be subject to an enhanced DBS check on the same basis as employees. DBS checks must not be more than 12 months old when they are initially engaged by the Council. The same standard of pre-employment checks are required as Council employees.

Managers responsible for engaging agency workers must ensure that they verify all pre-employment checks, including sight of the DBS certificate and take copies where appropriate, in accordance with the Council's procedure.

Contracts for Service which have access to vulnerable groups (children and/or adults) e.g. NCH Cymru should state within the contract the necessity for a DBS check, which will be at the same level of check as if the service were being provided directly by the Council.

Students

Students will be subject to an enhanced DBS check by their University/College and if working within regulated activity a check against the relevant Barred List. The engaging Manager/ Headteacher must have sight of this and sign this off.

Licensing

Taxi drivers must have an enhanced DBS check, including a check against either the Children's or Adults Barred Lists or both depending on the role.

Volunteers

Volunteers working in regulated activity (new and old definitions) will be subject to an enhanced DBS check on the same basis as employees. Managers engaging volunteers must ensure that they have a completed volunteer application form (Appendix 3), have sight of the DBS certificates and be satisfied with the disclosure, confirm identity and ensure that suitable references are received. Only after all these checks have been completed satisfactorily may the individual take up their volunteering role.

Roles engaging with Department of Work & Pensions Data

All roles which are required to complete Data Matching exercises as part of the Council's duties to engage with the National Fraud Initiative will be required to be subject to a Standard DBS check.

Elected Councillors & Committee / Sub-committee Members

Elected councillors are only eligible for an enhanced DBS check in the child or adult workforce without a barred list check 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, as explained below.

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

Elected councillors who aren't members of these committees can only apply for a basic check for themselves. This is because the role is not named in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 or included in the Police Act 1997 (Criminal Records) Regulations. 4 Committee/Sub-committee Members

Individuals appointed as local authority **committee and sub-committee members** can be eligible to be asked to apply for an enhanced level DBS check in the child and/or adult workforce, depending on which of the groups the committee is involved with. There is no eligibility for a check against either the children's or adults' barred lists in these circumstances.

The legislation: These roles used to be included in the original definition of regulated activity with children and adults, as set out in the Safeguarding Vulnerable Groups Act (SVGA) 2006. However, following changes to this definition by the Protection of Freedoms Act 2012 they were removed. This means that the roles are no longer classed as being regulated activity and are therefore not eligible for a barred list check.

The Police Act 1997 (Criminal Records) Regulations 2002 were amended in 2013 to incorporate these roles into the new definitions of 'work with children' and 'work with adults'. This made the individuals holding these positions eligible to be asked to apply for enhanced level DBS checks in the child or adult workforce, but without relevant barred list checks.

Type of check: Committee and sub-committee members can be eligible to be asked to apply for an enhanced level DBS check in the child workforce if:

- the local authority carries out any education functions, or social services functions and
- the committee relates to any of the above matters.

Committee and sub-committee members can be eligible to be asked to apply for an enhanced level DBS check in the adult workforce if:

- the committee relates to any social services functions that relate wholly or mainly to adults who receive a health or social care service within the meaning of item A (below) or a specified provision within the meaning of item B (also below)

Item A

For a committee to provide social service functions for adults, the adults must receive one of the health or social care services listed below.

- a) residential accommodation provided for an adult in connection with any care or nursing he requires
- b) accommodation provided for an adult who is or has been a pupil attending a residential special school, where that school is –
 - i. a special school
 - ii. an independent school which is in Wales
 - iii. an independent school which provides places for children with special educational needs 6
 - iv. an institution within the further education section which provides accommodation for children
 - v. a 16 to 19 Academy which provides accommodation for children
- c) sheltered housing
- d) care of any description or assistance provided to an adult by reason of his age, health or any disability he has, which is provided to the adult in the place where he is, for the time being, living, whether provided continuously or not
- e) any form of health care, including treatment, therapy or palliative care of any description
- f) support, assistance or advice for the purpose of developing an adult's capacity to live independently in accommodation, or sustaining their capacity to do so
- g) any service provided specifically for adults because of their age, any disability, physical or mental illness, excluding a service provided specifically for an adult, with one or more of the following disabilities (unless that person has another disability) –
 - i. dyslexia
 - ii. dyscalculia
 - iii. dyspraxia
 - iv. Irlen syndrome
 - v. Alexia
 - vi. auditory processing disorder
 - vii. dysgraphia
- i) any service provided specifically to an expectant or nursing mother in receipt of residential accommodation pursuant to arrangements made under section 21(1)(aa) of the National Assistance Act 1948 or care pursuant to paragraph 1 of Schedule 20 to the National Health Service Act 2006.

This list is taken from The Police Act 1997 (Criminal Records) Regulations 2002 – Regulation 5B Work with adults, paragraph 9. More details about the legislation relating to the positions can be found in the Adult Workforce Guide on the DBS website.

Item B

For a committee to provide social service functions for adults, the adults must be in receipt of one of the provisions listed below.

- a) the detention of an adult in lawful custody in a prison, a remand centre, young offender institution or a secure training centre or an attendance centre
- b) the detention of a detained person who is detained in a removal centre or short-term holding facility or in pursuance of escort arrangements made under section 156 of the Immigration and Asylum Act 1999
- c) the supervision of an adult by virtue of an order of a court by a person exercising functions for the purposes of Part 1 of the Criminal Justice and Court Services Act 2000
- d) the supervision of an adult by a person acting for the purposes mentioned in section 1(1) of the Offender Management Act 2007
- e) the provision to an adult of assistance with the conduct of their affairs in situations where –
 - i. a lasting power of attorney is created in respect of the adult in accordance with section 9 of the Mental Capacity Act 2005 or an application is made under paragraph 4 of Schedule 1 to that Act for the registration of an instrument intended to create a lasting power of attorney in respect of the adult
 - ii. an enduring power of attorney (within the meaning of Schedule 4 to that Act) in respect of the adult is registered in accordance with that Schedule or an application is made under that Schedule for the registration of an enduring power of attorney in respect of the adult
 - iii. an order under section 16 of that Act has been made by the Court of Protection in relation to the making of decisions on the adult's behalf, or such an order has been applied for
 - iv. an independent mental capacity advocate is or is to be appointed in respect of the adult in pursuance of arrangements under section 35 of that Act
 - v. independent advocacy services (within the meaning of section 187 of the National Health Service (Wales) Act 2006) are or are to be provided in respect of the adult
 - vi. a representative is or is to be appointed to receive payments on the adult's behalf in pursuance of regulations made under the Social Security Administration Act 1992
- f) payments are made to the adult or to another person on the adult's behalf under arrangements made under section 57 of the Health and Social Care Act 2001
- g) payments are made to the adult or to another person on the adult's behalf under section 12A(1) or under regulations made under section 12A(a) of the National Health Service Act 2006 or under regulations made under section 12A(4) of that Act.

This list is taken from The Police Act 1997 (Criminal Records) Regulations 2002 – Regulation 5B Work with adults, paragraph 10.

Appendix 5 - Verbal Reference Form - Employer

Strictly Confidential

The person named below has applied for a post with the Council and has given your name as a referee. Please give your opinion of the applicant's suitability for the post. The Job Description and Person specification are attached for your information. The information you supply will be treated in accordance with the Data Protection Act 1998 (DPA 1988). Please note that in accordance with the DPA 1988 it may be released to the applicant should he/she make a Subject Access Request.

Verbal Reference Form - Employer	
Employee Information	Comments
Employee's Name:	
Job Title & Location:	
Date of Commencement:	
End Date (if appropriate):	
Salary:	
Reason For Leaving: If the reason for leaving was dismissal, please state the reason for dismissal.	
In what capacity do you know the employee and for how long?	
Please provide details of any relevant issues which you needed to address during the probationary period.	

Have you needed to address any practice issues with the employee during the last 24 months?			
Please state whether the employee had any live disciplinary warnings at the date of leaving. If so, please give details:			
Please state whether the employee had any ongoing disciplinary investigations at the time of leaving. If so, please give details:			
Are you satisfied that this employee is suitable to work with children/adults? If no, please could you provide reasons for any concerns.			
Had a referral been made to the Childs/Adults Barred List?			
Has the person been reported for misconduct to the Care Council for Wales / Education Workforce Council			
Please Indicate, By Ticking the Relevant Box, How you Would Rate the Following			
Timekeeping /punctuality			
Excellent	Very Good	Satisfactory	Poor
Management of Caseload			

Excellent		Very Good		Satisfactory		Poor	
Report Writing							
Excellent		Very Good		Satisfactory		Poor	
Meeting Deadlines							
Excellent		Very Good		Satisfactory		Poor	
Relationships with Colleagues/Service Users							
Excellent		Very Good		Satisfactory		Poor	
Details of Main Duties and Responsibilities:							
<p>Would you re-employ this person? If no, please give reasons.</p>							
Name of person providing verbal reference:				Date:			
Position:							
Declaration							
I confirm that the information provided on the verbal reference form is accurate.							
Signed				Date			

Appendix 6 - List of Acceptable Documents

List A - acceptable documents to establish a continuous statutory excuse

- UK passport (current or expired)
- A Republic of Ireland passport or passport card (current or expired)
- A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK
- A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK / has no time limit on their stay in the UK, **together with** an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer
- A birth/adoption certificate issued in the UK, **together with** an official document with permanent National Insurance number
- A certificate of registration or naturalisation as a British citizen, **together with** an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer

List B

Group 1

- Current passport endorsed allowing both UK stay and type of work in question
- A current Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer

Group 2

- A document issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules (known as the EU Settlement Scheme) on or before 30 June 2021 together with a Positive Verification Notice from the Home Office Employer Checking Service
- An Application Registration Card issued by the Home Office stating that the holder is permitted to take the employment in question, together with a Positive Verification Notice from the Home Office Employer Checking Service.
- A Certificate of Application (digital or non-digital) issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules (known as the EU Settlement Scheme), on or after 1 July 2021, together with a Positive Verification Notice from the Home Office Employer Checking Service.

Please note that the following documents do not provide suitable evidence and will not be accepted:

- A Home Office Standard Acknowledgement Letter or Immigration Service Letter (IS96W) which states that an asylum seeker can work in the United Kingdom. (Individuals with these documents should contact the Home Office for information about how they can apply for an Application Registration Card);
- A letter issued by the Home Office stating the holder is a British Citizen;
- A passport describing the holder as a British Dependent Territories Citizen which states that the holder has a connection with Gibraltar;
- A short birth certificate issued in the United Kingdom which does not have details of the holder's parents;
- A card or certificate issued by the Inland Revenue under the Construction Industry Scheme;
- A temporary National Insurance Number (beginning with TN, or any number ending with the letters E to Z inclusive);
- A driving license issued by the Driver and Vehicle Licensing Agency;
- A bill issued by a financial institution or a utility company.

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Appendix 7 - Positions requiring renewed DBS check

<to be generated from Ceri>

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CEREDIGION
County Council

People & Organisation Service

cerinet.ceredigion.gov.uk

01970 633949

humanresources@ceredigion.gov.uk



Caru Love
Ceredigion

(to be added as a section in the Leave and Absences Policy)

ANNUAL LEAVE PURCHASE SCHEME

Introduction

The Annual Leave Purchase Scheme is a voluntary arrangement which allows employees greater choice and flexibility over how and when they take their leave entitlement through the purchase of additional leave in a salary repayment arrangement.

The scheme also offers savings to the Council resulting from no salary costs for the period of the additional annual leave and a reduction in Employer National Insurance contributions (the employee will not suffer a detriment as a result of the reduction in NI contributions)

Scope and Eligibility

The scheme is available to all corporate employees except for those who work term-time only.

The scheme is not a contractual benefit and participation will vary depending on individual circumstances, the requirements of the job and must not impact on service delivery.

Scheme Conditions

The conditions for employees to buy leave are as follows:

- The Council's leave year runs from September to August.
- The maximum amount of additional leave that you can apply to purchase in any one leave year is twice your weekly contracted hours (also referred to as average weekly hours).
- The minimum amount of additional leave which can be requested is one day, i.e. 7.4 hours for full time staff, pro rata for part time staff.
- Applications should be made using the Annual Leave Purchase Scheme Application Form and, to benefit from the full 12 month repayment period, the form should be submitted to your Line Manager by 30 June. This is to allow time for your Line Manager to consider the operational impact on service delivery, taking into account workload projections and any other leave requests from the team.
- Your application will be considered by your Line Manager and signed off by your Corporate Lead Officer. You will be advised whether your application is being supported. Final approval will be subject to the Pay & Benefits Team carrying out National Living Wage checks. Repayments will be deducted from your salary in twelve equal monthly instalments commencing in September. This is calculated as - Hourly Rate x Number of Additional Hours you wish to purchase.

Repayments are taken from your gross pay. If you have additional contractual payments, such as shift or overtime, then those will be added to the calculation.

- Applications can be made throughout the annual leave year up to 31 May. If approved, salary deductions will be calculated based on the number of available months remaining in the annual leave year.
- Employees on maternity/adoption/shared parental leave are eligible to participate in the scheme. You should contact the Pay & Benefits Team for further information about how your deductions will be made as this will vary depending on when you start your maternity/adoption/shared parental leave and the length of your leave period.
- Unless the additional leave purchased relates to a specific event, such as a special holiday, employees are encouraged to book their annual leave in the first instance.
- If, during the leave year you intend to take the additional leave, you experience a period of long-term sickness absence, or a pattern of short-term sickness occurs, your participation in the scheme will be reviewed and may be withdrawn. Should this be the case, an adjustment will be made and, where appropriate, your salary deductions will be refunded.
- The Council reserves the right to refuse an application if it is decided that there would be an adverse effect on service delivery. There is no right of appeal.

Application Process

Managers have a critical role to play when considering requests, ensuring they are consistent in their approach and to use fair, objective and transparent criteria for approving and rejecting requests from their employees wishing to participate in the scheme. They should take into account the operational impact on service delivery, work projections and any other leave requests from the team.

Before completing the Annual Leave Purchase Scheme application form, you should meet with your Line Manager to discuss when you would like to take the additional annual leave. Applications should be submitted by the deadline for additional annual leave to be taken in the following year.

Your Line Manager will consider the operational effects that the additional annual leave may have on the level of service delivery, taking into account workload projections and other planned leave already authorised. The Council therefore reserves the right to refuse your application if it is decided it will adversely affect service delivery.

Adjustments to Pay

If your application to buy additional leave is successful, there will be a deduction from your salary. Unlike authorised unpaid leave, the deductions from your salary will normally be made in equal monthly instalments across the full year (September to August) and from your gross salary.

There will be no adverse impact on your pension.

If you are in a period of no pay, for example when you have exhausted your eligibility for sick pay, your monthly salary will be recalculated on your return to work to deduct the balance of payments by the end of the relevant leave year.

Refer to [Frequently Asked Questions](#) for further queries.



Cyngor Sir
CEREDIGION
County Council

Travel, Subsistence and Accommodation

Claiming Expenses Guidance

People & Organisation Service
April 2024



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LEARN BELONG SUCCEED LIVE

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Version History

Version	Date	Updated By	Description
1.0	14/02/2023	George Eadon	Document created
1.1	15/11/2023	George Eadon	Guidance updated following consultation advice

Related Document or Links

Name	Location

Introduction

It may be necessary to travel whilst undertaking your duties with the Council. Costs incurred whilst travelling, such as fuel expenses or mileage allowances, bus or taxi fares, toll or car parking fees, subsistence, and accommodation will be reimbursed subject to agreed rates and compliance with the Council's procedures.

To meet our commitment of reducing our carbon footprint, officers should attend all meetings virtually by default. Where this is not possible the most economic form of transport must always be considered. If travelling outside of the county, the travel must be approved by your Corporate Director and the Council will reimburse subsistence and arrange overnight accommodation where appropriate.

Mileage Allowance

Before you travel

The most economic form of transport must always be considered. Sometimes it may be more cost effective to hire a vehicle than for you to use your own private vehicle. Hire vehicles must be booked through the Corporate Hire Car provider. For more information or a quote on hiring a vehicle please contact the Procurement Section on 3053, 3051 or caffael@ceredigion.gov.uk.

If you are using your own private vehicle for work purposes, please ensure you understand your responsibilities as follows:

- to ensure that you claim the correct mileage and for the most direct route.
- to ensure that the vehicle used for official duties is adequately insured for use on official business, appropriately taxed, has a current MOT certificate and that you as the driver hold a valid driving licence (you may be required to provide copies of these documents).
- to ensure that the Council incurs the lowest possible cost to attend meetings and events, for example, car sharing, utilising public transport or hiring a vehicle.
- to take sole responsibility for parking fines, speeding fines or penalty notices incurred while on official duties
- to retain valid VAT fuel receipt(s) to the value of at least the mileage claimed, this will be required when submitting your claim.

After you travel

Private Vehicle

Employees who are required to use their own private vehicle to carry out their duties will be entitled to receive reimbursement for any official mileage undertaken on behalf of the Council as follows (based on current HMRC Approved Mileage Allowance Payments rates):

First 10,000 miles per annum @ 0.45p per mile

Over 10,000 miles per annum @ 0.25p per mile

Reimbursements of business mileage made at the above rates, will not be subject to tax, but HMRC does expect that mileage records should be available to support claims.

Note: these rates will only apply when using your own vehicle for work purposes, and not for ordinary commuting. Hybrid cars are treated as either petrol or diesel cars for advisory fuel rates

Leased Car

If you are using a company car such as those financed through the salary sacrifice scheme, then the mileage rates are paid based on the rates published by the HMRC.

HMRC review rates quarterly on:

- 1 March
- 1 June
- 1 September
- 1 December

Please see the following link to current HMRC rates:

<https://www.gov.uk/guidance/advisory-fuel-rates>

Hire Car

If you used a hire car, please keep all VAT receipt for fuel purchased for use in the hire car. You will need your receipt to submit an expense claim.

What can you claim?

Mileage reimbursement payments are payable only for the mileage of the most direct route between your permanent workplace (see definition below) and the venue of the relevant meeting, unless there is a good reason to use an alternative route.

If your journey begins from somewhere other than your contractual work location e.g. your home, provided it is substantially different to your usual home to permanent workplace journey, then you can claim for the miles where you deviate from your usual home to permanent workplace journey. Please see the 'Travelling Allowances – examples' section below.

Please note, for a journey to be substantially different, it must increase the overall distance of the journey by 6 miles or more.

How to claim

Travel claims are to be submitted using [Ceri Self-Service](#) by creating a Time & expenses claim.

- A separate claim should be submitted for each month
- Claims should have a start date of the first day of the month in which you are claiming for
(e.g. if you are making a claim for 14/02/2024 the start date of the claim would be 01/02/2024)
- All claims must be authorised by your line manager before payment is made
- Claims must be submitted by the 5th of the month for payment to be made in your next pay
(subject to line manager approval)
- Claims must be made within 92 days of the claim submission
- All claims must have a VAT fuel receipt attached

- If you have more than one job, claims must be submitted separately for journeys undertaken for each

Rail Tickets and Air Travel

Other than exceptional circumstances, you should not be paying for rail and air travel yourself. All rail and air travel should be booked through the Corporate Travel Agent. For more information on this, please contact the Procurement section on 3053, 3051, or email caffael@ceredigion.gov.uk

FAQ's

I need to make a claim for a journey which was more than 92 days ago. Can I still raise a claim?

Should you need to make a claim for a journey after 92 days then a paper claim form must be completed, signed by both your line manager and your Corporate Lead Officer before seeking final approval by the Chief Executive for payment. Paper claim forms can be requested by emailing payroll@ceredigion.gov.uk

How do I notify payroll that my travelling should be charged to a difference cost centre?

If the cost of your travelling needs to be charged to a different cost centre, then you will need to complete a paper claim form. Please ensure that the 'Alternative Cost Centre Code' has been completed and that your line manager has checked and signed the form. Once the form has been completed and signed, please upload it using the Expenses Dropoff form on [dodl](#). Paper claim forms can be requested by emailing payroll@ceredigion.gov.uk

Where or how do I record my unpaid business mileage?

It is your responsibility to keep a record of your unpaid business mileage and submit the relevant claim forms to the HMRC for unpaid business mileage credit.

What if I choose to use my own private vehicle despite lower cost alternatives being available to the authority?

You can undertake the journey using your own private vehicle however you must submit a restricted claim whereby the amount of your claim must be the equivalent of the least cost option. This can be done by submitting a paper claim form. Please ensure that you input a full description of the restricted claim in the 'details of journey' column and that your line manager has checked and signed the form before submitting it to payroll using the Expenses Dropoff form on [dodl](#).

When does a deviation to my normal route to work make that journey substantially different?

Journeys are defined as substantially different when the deviation from the original route increases the overall distance of the journey by 6 miles or more. Any minor deviations to this route, or stop-offs on the way will be treated as substantially the same and will therefore be subject to tax and cannot be claimed as business mileage.

Travelling Allowances – detailed guidance

What counts as a business journey?

We have provided definitions of a permanent and temporary workplace below to assist in making decisions as to what constitutes a business journey.

Permanent workplace

This is any location attended to carry out routine duties of a recurring nature. A recognised contracted base location will almost invariably be a 'permanent workplace'.

Temporary workplace

This is any location visited whilst working away from a base office on non-everyday duties or discrete meetings where the tasks performed are for a temporary purpose. Examples could include client visits, call-out, business meetings, training courses, conferences, etc.

In addition to the above, a location visited while carrying out work duties is a temporary workplace if the task performed there is of limited duration (expected to be for a period of 24 months or less). This would mean that an employee seconded to a different workplace for a period known to be less than 24 months, would be able to claim tax relief on any travel costs to that temporary workplace. If, at any point, it becomes known that the secondment will continue beyond 24 months, then it will become a permanent workplace from that time.

Taxation Treatment

All travel from home to a permanent workplace is ordinary commuting and subject to tax.

A journey that is for practical purposes substantially the same as the employee's ordinary commuting journey is also treated as if it were also ordinary commuting. Therefore, no tax deduction is allowed for the journey.

Claims in respect of business mileage/travel will not be subject to tax deductions where an employee is required to undertake a journey to a specified location (other than their contractual workplace) for a specific (temporary) purpose. Examples of this would be site visits and training courses.

Travelling Allowances – examples



An officer leaves their home to travel to another work location for the day to complete substantive duties. They travel directly to and from home to the other location. The journey is to a location that does not cross the commute to their usual place of work. This means that it is substantially different to their ordinary commute.

The travel in this example - the journeys to and from the other location - will be considered travel to a temporary workplace, and therefore, officers may claim the entire journey.

Please keep in mind that officers can have more than one permanent workplace, and regular travel to another office should be considered and monitored.



An officer has chosen to work hybrid and regularly works from home. Their contractual base remains as one of the Council office buildings. The officer leaves their home to visit a client at a location that is 6 miles off their usual commute to the office. The officer then makes an onward journey to their contractual base before returning home at the end of the day.

Here we have the example of a worker travelling to a temporary workplace which is substantially different to their ordinary commuting journey to their normal/ permanent workplace.

Officers may claim for the miles from where they first deviate from their usual route to the office to when they re-join that same route to their normal / permanent place of work. They cannot claim for the journey back home.



An officer has chosen to work hybrid and regularly works from home. Their contractual base remains as one of the Council office buildings. The officer leaves their home to visit a client at a location that is 6 miles off their usual commute to the office. The officer then returns home after the visit.

Here we have the example of a worker travelling to a temporary workplace which is substantially different to their ordinary commuting journey to their normal/ permanent workplace.

Officers may claim for the miles from where they first deviate from their ordinary commuting journey to their normal/ permanent workplace to when they re-join that same route.



Travel from a worker's permanent work base to another location, and then travelling back to the permanent work base after completing their duties.

Entitled to claim for the journeys to and from the temporary workplace.

Officers may claim for travel to a temporary workplace from a permanent workplace.



An officer has chosen to work hybrid and regularly works from home. Their contractual base remains as one of the main office buildings. The officer has been asked by their manager to visit the office to undertake their substantive duties.

Here we have the example of a worker travelling to their normal/ permanent workplace.

Officers cannot claim any mileage for journeys of this nature.



An officer leaves their home and although they are taking their normal route to work, they stop on the way at another location to complete substantive duties. They then carry on their journey later that day to their normal place of work, before travelling home at the end of the day. At no point have they deviated from their normal route to work.

Here we have the example of a worker travelling to a temporary workplace which is enroute to their normal/ permanent workplace.

Officers cannot claim any mileage for journeys of this nature.

This is because a journey that is for practical purposes substantially the same as the employee's ordinary commuting journey is treated as if it were also ordinary commuting.



An officer has chosen to work hybrid and regularly works from home. Their contractual base remains as one of the main office buildings. The officer leaves their home to visit a client at a location that is 2 miles off their usual commute to the office. The officer then makes an onward journey to their contractual base before returning home at the end of the day.

Here we have the example of a worker travelling to a temporary workplace which is substantially the same as the ordinary commuting journey to normal/ permanent workplace.

Officers cannot claim any mileage for journeys of this nature.



Officers who do not have a permanent base and work at more than one location

Entitled to claim for the journey from the first to the last location only

Note: Officers must ensure that the basis of their claims is always reasonable and justifiable, and that the journeys undertaken, and routes travelled are organised in such a way, where practicable, which ensures that the lowest cost is incurred by the Council. For example, sharing transport when attending meetings, etc.

Subsistence and Accommodation

Subsistence Expenses

Subsistence expenses will be reimbursed for both meals and refreshments up to an approved limit, as shown in **Appendix 1**.

To qualify for a subsistence reimbursement, the following must apply:

- Subsistence can only be claimed whilst undertaking official duties outside of the county of Ceredigion.
- For breakfast allowance, the time away from home on official duties must cover a period of at least 4 hours prior to 11.00 am.
- For lunch allowance, the time away from home on official duties must cover a period of at least 4 hours and include the period from 12.00 noon to 2.00 pm.
- For evening meal allowance the time away from home on official duties must cover a period of at least 4 hours that ends after 7.00 pm

Overnight Accommodation

All overnight accommodation, other than exceptional circumstances, should be booked through the Procurement Team. For more information on this, please contact travel@ceredigion.gov.uk

Overnight accommodation expenses are reimbursed up to the approved limit, as shown in **Appendix 1**. Expenditure can only be claimed when the costs have been incurred outside of the county of Ceredigion. The Procurement Team may consider a higher “refundable rate” if there is a moderate risk that the accommodation booking may be cancelled.

Officers should not be paying for accommodation themselves but where exceptional circumstances exist the cost of overnight accommodation, subject to approved limits, must be approved by their Corporate Lead Officer in advance of the expenditure being incurred. Reimbursement of accommodation fees will not be made without a supporting receipt.

There may be rare occasions where there is no suitable accommodation within the approved limits. In this scenario approval must be sought from a Corporate Director in advance of the expenditure setting out the justification for the higher rate.

Evidence

All claims for the reimbursement of expenditure including other allowable expenses such as bus, rail or taxi fares, toll or car parking fees **must** be covered by a valid VAT receipt. If you are unable to obtain a valid VAT receipt, please ensure that you retain some form of official receipt or invoice from the establishment, service or individual. Without such evidence we will be unable to reimburse the costs.

Appendix 1

Travelling, subsistence and accommodation allowances

	2024/25 Allowances
Maximum subsistence allowances only apply to meetings and events held outside the county of Ceredigion	
Breakfast: for an absence of more than 4 hours prior to 11.00am and when not provided as part of overnight accommodation	£6.30
Lunch: for an absence of more than 4 hours including the period 12.00 noon to 2.00pm	£8.65
Evening Meal: for an absence of more than 4 hours, ending after 7.00pm	£11.55
Subject to a daily maximum of:	£25.00
Overnight Accommodation	
Outside London	£120.00
Inside London	£200.00
Travelling Allowances	
Motorcycle	
Pence per mile	24.0p
Cars	
Pence per mile – first 10,000 miles per annum	45.0p
Pence per mile – over 10,000 miles per annum	25.0p



Cyngor Sir
CEREDIGION
County Council

People & Organisation Service

cerinet.ceredigion.gov.uk

01970 633949

payroll@ceredigion.gov.uk

ceri@ceredigion.gov.uk

humanresources@ceredigion.gov.uk



Caru Love
Ceredigion