

Acting as an Umbrella Body

North Yorkshire County Council is registered with the Disclosure and Barring Service (DBS) (which is the new name of the Criminal Records Bureau and Independent Safeguarding Authority (ISA)) as an Umbrella Body. It is therefore entitled to carry out disclosure checks for any agreed organisation who provides a service to the County Council or where an organisation requests that NYCC carries out disclosure checks on it's behalf.

In order to comply with DBS Regulations any Organisation using the County Council DBS service must agree to adhere to the following conditions:

1. The Organisation must observe and fully comply with the DBS Code of Practice.
2. The Organisation must make DBS applicants aware of the existence of the Code of Practice at the start of the recruitment process and make copies available on request.
3. The Organisation must have a satisfactory written policy on the Recruitment of Ex-Offenders and issue a copy of the policy to all applicants at the start of the recruitment process.
4. The Organisation must have a written policy on the Handling, Secure Storage and Retention of Disclosure Information and must make copies available on request.
5. The Organisation must include a statement on its application forms, or accompanying documentation, that a Disclosure will be requested in the event of an applicant being offered a position
6. The Organisation must include a statement on its application forms, or accompanying documentation, that a criminal record will not necessarily be a bar to obtaining a position
7. Details of the person(s) who will verify the identity of the applicant, and the identity validation will be done in accordance with DBS guidelines ie on a face to face basis
8. The Organisation must adhere to the decision made by North Yorkshire County Council on the suitability of employing an applicant to work under a County Council Contract. This procedure will be carried out in accordance with guidance set out in the DBS Code of Practice
9. The Organisation will be aware of the contents of a Disclosure Certificate and in particular to any 'additional information. Under no circumstances can this information be divulged to an applicant (or person who is not authorised to have access to this information) and to do so would constitute a criminal offence

North Yorkshire County Council reserves the right to carry out audits / assurance visits to the Organisation in order to ensure that all terms of the contract and the DBS Code of Practice are fully compliant

1. Fees to be Charged

1.1 External Organisations Using Umbrella Body See Appendix 4

- Invoicing will be completed once a month.

2. Processing Timetable

- The team will aim to ensure that all forms received are processed within 24 hours

3. Monitoring

- The team will run timely reports to ensure that all outstanding applications are monitored for early completion

4. Responsibilities of User

- (a) To ensure that an online DBS application is completed, this is available at www.northyorks.gov.uk/dbs . A paper application may be permitted with prior arrangement. Please contact Resourcing and Reward for further guidance at recruitment@northyorks.gov.uk.
- (b) To ensure that evidence provided is checked on a face to face basis by a designated officer.
- (c) For external organisations using the Umbrella Body, arrangements are in place for face to face checks to be carried out at North Yorkshire County Council's Community Resource Centres. Applicants using this service must book an appointment in advance. Contact details for Community Resource Centres are given at Appendix 2. An external organisation that is not working as a Contractor for NYCC may, by prior arrangement nominate one of its own staff to verify evidence. The nominated person must receive full training on the verification process from a member of the DBS Unit at NYCC.
- (d) External Organisations using the NYCC DBS Checking Service must ensure that it has appropriate policies and procedures in place in order to comply with the [DBS Code of Practice](#)
- (e) The umbrella body agreement at Appendix 1 should be completed and returned to recruitment@northyorks.gov.uk if you wish to use NYCC Disclosure Service.

5. Code of Practice

In order for North Yorkshire County Council to be registered with the Disclosure and Barring Service (DBS), it must adhere to the DBS Code of Practice.

North Yorkshire County Council will make all potential applicants aware of the existence of the Code of Practice and will make a copy available on request. Alternatively a copy can be accessed [here](#).

6. Policies & Procedures

The County Council also has Policies for the following matters, and will make them available on request:-

- Policy for the Rehabilitation of Ex Offenders
- Policy for Handling, Secure Storage and Retention of DBS Certificate Information

The County Council will discuss any matters revealed in DBS information with the nominated person before making the decision not to allow the applicant to work on a NYCC Contract.

7. Regulatory Framework

The Disclosure Barring Service (DBS) acts as a 'one-stop-shop' for organisations regarding the checking of police records and, in relevant cases, information held by the Independent Safeguarding Authority (for positions working with children and adults).

The Police Act 1997 provides a statutory basis for certain criminal record checks which may be used by employers. These checks can be made via the Criminal Records Bureau which was established in 2002.

The Protection of Freedoms Act 2012 sets out the new definitions of regulated activity for children and vulnerable adults which is effective from September 2012. It is only in compliance with these definitions that an enhanced DBS check which includes a barred list check can be carried out.

Any post that no longer meets the new definitions of regulated activity (Sept 2012) but met the old definition of regulated activity (pre Sept 2012) will be entitled to an enhanced DBS check – without the barred list check. Further details are available at Appendix 3.

There are two levels of DBS check currently available; Standard and Enhanced Disclosures. The two DBS checks are available in cases where an employer is entitled to ask exempted questions under the Exceptions Order to the Rehabilitation of Offenders Act (ROA) 1974. This includes any organisation whose staff or volunteers work with children or adults in regulated activity.

Both Standard and Enhanced checks contain details of

- Spent convictions
- Unspent convictions
- Cautions
- Reprimands
- Final Warnings

An enhanced DBS check also includes -

- Police Information held by the Police for Enhanced checks only
- Information held by the Independent Safeguarding Authority (for positions working with children or vulnerable adults)

This information comes from the Police National Computer (PNC)/ The DBS only reveals relevant information that is recorded by the Police on the PNC.

The Enhanced DBS check is the highest level available of criminal record check and is available for those working in Regulated Activity with children or adults. The definitions of regulated activity can be found at Appendix 3

Applicants for gaming and lottery licences and judicial appointments are also entitled to an Enhanced DBS check.

The DBS recognises that the Standard and Enhanced Disclosure information can be extremely sensitive and personal, therefore it has published a [Code of Practice](#) and employers' guidance for recipients of Disclosures to ensure they are handled fairly and used properly.

APPENDIX 1

Umbrella Body Disclosure Agreement

THIS AGREEMENT is made the BETWEEN NORTH YORKSHIRE COUNTY COUNCIL of the County Hall, Northallerton, North Yorkshire, DL7 8AL acting by the Assistant Director of HR Shared Services (hereinafter called “the Council”) of the one part and () (hereinafter called “The Organisation”) of the other part.

The Council has agreed to act as an “Umbrella Body” for the purposes of processing checks through the Disclosure and Barring Service (DBS) (formerly known as the Criminal Records Bureau) for the Organisation in accordance with the following terms and conditions :-
IT IS HEREBY AGREED as follows:

1. The Council shall provide and the Organisation shall take services in relation to the processing of DBS checks with the Disclosure and Barring Service in accordance with the terms and conditions of this Agreement.
2. This agreement commences on _____ and shall continue until terminated by either party in accordance with clause 6.
3. The Council will during the period of the Agreement provide the following services:
 - i. Act as the countersignatory for the purpose of accessing DBS checks through the Disclosure and Barring Service;
 - ii. Where agreed with the Organisation, store all information relating to such Disclosures securely and in accordance with the Council’s Security Policy and the Data Protection Act.
 - iii. Check the Disclosure application for errors and log it on a secure database for the purposes of tracking the application.
 - iv. If the application has no identified errors, forward the application to the Disclosure and Barring Service.
 - v. If the application has identified errors, return it to the Organisation with the error(s) highlighted.
 - vi. The action at points iii And iv will normally be undertaken within 5 working days of receipt of the application. .
 - vii. Provide the outcome of the DBS check to the Organisation within 3 working days of it being received from the Disclosure and Barring Service.
 - viii. Where agreed with the Organisation, provide ‘advice’ in the form of in-depth assistance and interpretation of the DBS check outcome to the Organisation, including a recommendation about whether to proceed with the offer of employment. Any advice given will be in accordance with the DBS Code of Practice.

- ix. Where the 'advice' in point viii. Is given to NYCC services this means having the ability to decide whether or not an applicant should be permitted to work on an NYCC contract.
 - x. Have the right to monitor the Organisation for compliance with the DBS Code of Practice, including, ensuring that DBS checks are properly and securely stored in accordance with the Organisation's Security Policy (where applicable);
 - xi. Reserve the right to suspend all services to the Organisation in relation to processing DBS checks through the Disclosure and Barring Service.
 - xii. Make available to the Organisation for inspection all codes of practice, policies and procedures referred to in the agreement
4. In receiving the said service the Organisation will:
- i. Be responsible for ensuring that the DBS application is correctly completed in line with the DBS Code of Practice and provide all necessary information required by the Council to perform its monitoring role.
 - ii. Payment for all applicable fees with each and every DBS application to be invoiced and if NYCC service, provide a valid Cost Centre code.
 - ii. Demonstrate to the Council that it is entitled to seek relevant Criminal Records Bureau Disclosures in respect of posts which are exempted under the Rehabilitation of Offenders Act 1974, particularly those which involve working with children or vulnerable groups in regulated positions as defined by the Protection of Freedoms Act 2012, Criminal Justice and Court Services Act 2000, or such other enactments as may from time to time be in force.
 - iii. Comply with the terms of the Council's DBS Umbrella Policy, as amended from time to time.
 - iv. Have in place its own policies on the Employment of ex-Offenders and Secure Storage of any Disclosure Information.

5. Charges

The Organisation agrees to pay the Council a fee to cover the cost of each DBS Check (where applicable) and a fee to cover administration costs.

Such fees will be reviewed annually and at any other time as may be necessitated by changes in the DBSD fee.

For outside Organisations, such fees must be paid at the same time as a disclosure application is submitted.

For NYCC services, such fees will be charged to the Cost Centre code provided.

The Organisation authorises the Council to pass on the DBS fee to the DBS on its behalf.

An additional administration charge may be incurred when regular re-submissions (10%) result in returns to the submitting organisation.

VAT will be charged on the NYCC administration fee chargeable at the rate for the time being in force.

At the present time there is no current DBS charge for volunteers, but volunteers will still incur an administration charge and any additional administration charges applicable.

6. **Termination**

- i. Either party may terminate this agreement upon 3 months notice.
- ii. The Council may terminate this Agreement by notice of not less than one month if it is not satisfied with the Organisation's policies or the implementation of the same.

7. **Data Protection Act**

The information held on the Council's databases for performance of the said service is registered under the Data Protection Act 1998 and the Organisation undertakes to maintain the confidentiality of data to which it has authorised access under the terms of this Agreement and the Organisation hereby indemnifies the Council against loss, destruction or unauthorised disclosure of data by itself, its servants or agents within the meaning of the Data Protection Act.

8. **Assignment of Contract**

Assignment of the benefit of this contract to any person or persons is prohibited without written permission given on behalf of the Council.

9. No amendment to this Agreement shall be valid unless agreed by both parties in writing.

Signed Date
On behalf of the Organisation

Signed Date

On behalf of the Assistant Chief Executive – HR Shared Services
North Yorkshire County Council

Disclosure and Barring Service

Customer Services
 DBS
 PO Box 110
 Liverpool
 L69 3EF

Website: www.homeoffice.gov.uk

Recruitment and Resourcing Team

HR Shared Services
 County Hall
 Northallerton
 North Yorkshire
 DL7 8AL

Tel: 01609 798342

Email recruitment@northyorks.gov.uk

Community Resource Centres/ Libraries

DBS VERIFICATION – PLEASE CALL IN ADVANCE TO MAKE AN APPOINTMENT

NAME	LOCATION	OPENING HOURS
Sue Pittham	Market Place Easingwold Tel: 0845 0349531	Mon 10.00am – 5.00pm Tues 1.00pm – 5.00pm Thurs 1.00pm – 7.00pm Fri 9.30am -5.30pm Sat 9.30am – 1.00pm Closed Wed & Sun
Denise Styrin	Harrogate Library & Information Centre Victoria Avenue Harrogate HG1 1EG Tel: 0845 034 9580	Monday – Wed 8.30am - 4.30pm
Mary Whitfield	Library & Customer Services Centre Ingleborough Community Centre Main Street Ingleton LA6 3HG Tel: 0845 0349536	Mon & Wed 2.00pm – 7.00pm Fri 10.00am –1.00pm & 2.00pm – 7.00pm Sat 10.00am – 1.00pm Closed Tues, Thurs & Sun From 6/6/12 Mon 10-12am 3.00-7.00pm Wed 2.00pm – 6.00pm Fri 2.00pm – 5.00pm and Sat 10am – 12.00pm
Steph Fidell Sandra Susan Winning (Malton Team Base)	St Michael Street Malton Tel: 0845 0349544	Mon – Thurs 8.30am – 5.00pm Fri 8.30am – 4.30pm Sat & Sun Closed

Charlotte Archer/Ruth Swall (Northallerton Base Team)	1 Thirsk Road Northallerton Tel: 01609 533829	Mon –Thurs 8.30am – 5.00pm Fri 8.30am – 4.30pm Sat & Sun Closed
Liz Midgley	The Ropery Pickering Tel: 0845 3005157	Mon, Fri Sat 9.30am 5.00pm Tues & Thurs 9.30am – 7.30pm Wed 1.00pm – 5.00pm Sun 11.00am – 4.00pm
Sue Edgar	Queens Road Richmond Tel: 0845 0349508	Mon, Tues, Thurs & Fri 9.30am – 6.00pm Wed & Sat 9.30am – 1.00pm Closed Sun
Louise Monkman	The Customer Services Centre The Arcade Ripon HG4 1AG Tel: 0845 0349524	Mon & Fri 9.00am – 6.30pm Tues,Wed & Thurs 9.30am – 5.30pm Sat 10.00am – 3.00pm Closed Sun
Christine Spencer (Skipton Team Base)	1 Belle Vue Square Broughton Road Skipton, Bd23 1FJ Tel: 0845 0349402 Tel: 01609 534104	Mon - Thurs 8.30am -5.00pm Fri 8.30am – 4.30pm Closed Sat & Sun
Sarah Sweet	Vernon Rd Scarborough Tel: 0845 0349516	Mon – Thurs 8.30am – 5.00pm Fri 8.30am – 4.30pm Sat & Sun Closed
Liz Littlewood and Catherine Lumby (Selby Base Team) Amanda Ledson Bridget Watson* (also at Selby – contact her at Sherburn-in-Elmet)	Finkle Hill Sherburn-in-Elmet Tel: 0845 0349439	Mon –Thurs 8.30am – 5.00pm Fri 8.30am – 4.30pm Sat & Sun Closed
Amanda Ledson Bridget Watson* (contact her at Sherburn-in-Elmet to make appointments at Selby)	52 Micklegate Selby Tel: 0845 034 9540	Mon 9.30am – 7.30pm Tues Wed & Thurs 9.30am – 5.30pm Fri 10.00am – 5.30pm Sat 9.30am – 4.00pm Sun 10.00am – 2.00pm

1. New definition of Regulated Activity relating to children

Effective from 1 Sept 2012.

The new definition of regulated activity relating to children comprises only:

- (i) Unsupervised activities: teach, train, instruct, care for, or supervise children, or provide advice/guidance on well-being, or drive a vehicle only for children.
- (ii) Work for a limited range of establishments ('specified places') with opportunity for contact with children: for example schools, nurseries, pupil referral units, children's centres, children's homes, childcare premises. This definition **does not** include work by supervised volunteers.

NOTE: Work under (i) or (ii) is regulated activity only if done 'regularly'. Further guidance is to be provided about supervision of activity which would be regulated activity if supervised.

- (iii) Relevant personal care, for example washing or dressing or health care by or supervised by a professional
- (iv) Registered childminding and or foster carers.

Activities no longer covered by the new definition of regulated activity include:

- Activities supervised at a reasonable level – children
- Health care not by, or directed, or supervised, by a health care professional
- Legal advice
- Treatment/therapy

Activities in relation to '**specified places**' that are no longer covered by the new definition include:

- Occasional or temporary services e.g. maintenance,
- Volunteers supervised at reasonable levels e.g. supervised voluntary football coach,
- Office Holders
- Governors
- Inspectorates removed

2. New Definition of Regulated Activity relating to adults

– Effective from 1 Sept 2012.

The new definition of regulated activity relating to adults no longer labels adults as vulnerable. Instead the definition identifies the activities which, if any adult requires them, lead to that adult being considered vulnerable at that particular time. This means that the focus is on the activities required by the adult and not on the setting in which the activity is received, nor on the personal characteristics or circumstances of the adult receiving the activities. There is also no longer a requirement for a person to do the activities a certain number of times before they are engaging in regulated activity.

Regulated activity continues to exclude any activity carried out in the course of family relationships, and personal, non commercial relationships. E.g. family relationships involving close and relationships between two people who live in the same household and treat each other as family.

An adult is a person aged over 18 years of age.

There are six categories of people who will fall within the new definition of regulated activity and this includes anyone who provides day to day management of supervision of those people.

A broad outline is set out below.

1. Healthcare:

I.e. a regulated healthcare professional or an individual acting under the direction or supervision of one, e.g. doctors, nurses. Health care includes all forms of healthcare, whether relating to physical or mental health or palliative care.

2. Personal Care:

I.e. assistance with washing and dressing, eating, drinking and toileting oral care or care of the skin, hair or nails because of an adult's age, illness or disability or teaching someone to do these tasks. This does not include physical assistance provided to an adult in relation to cutting their hair. This is not classed as regulated activity.

3. Social Work:

I.e. provided by a social care worker and is required in connection with any health care or social services to an adult who is a client or potential client. Including assessing and reviewing the need for health and social care services.

4. Assistance with general household matters:

Any person who provides day to day assistance to an adult because of their age, illness or disability and includes at least one of the following – managing a person's cash, paying bills, or shopping on their behalf.

5. Assistance with the conduct of an adult's own affairs:

Anyone who provides various forms of assistance in the conduct of an adults own affairs. E.g. lasting or enduring power of attorney; or appointment as adults' 'deputy' under the Mental Capacity Act 2005

6. Conveying:

I.e. conveying adults for reasons of age, illness or disability to, from or between their place of residence and a place where they have or will be receiving healthcare, personal care or social work.

Note: Regulated activity for adults continues to exclude any activity carried out in the course of family relationships, and personal, non commercial relationships.

Important Guidance:

The activities and work that will no longer fall under these new definitions, but that satisfied the old definitions of regulated activity are still eligible for an enhanced DBS check, but they will no longer be eligible for barred lists checks. The reason for this is because the posts continue to meet the old definition of regulated activity and are therefore exempt from the rehabilitation of offenders act.

Old Definition of Regulated Activity Prior to September 2012

Involves contact with children or vulnerable adults

Of a specified nature <i>Or</i>	“Frequently, intensively and/or overnight”
In a specified place	

Or is a specified role:

- No distinction made between paid and voluntary work

In detail

of a specified nature E.g. teaching, training, care, supervision, advice, treatment or transport <i>Or</i>	“frequently, intensively and/or overnight” <ul style="list-style-type: none"> ● once a week for most services, <i>but once a month or more for health and social care services involving personal care</i> ● takes place on 4 days in one month or more ● Overnight: between 2 – 6am
In a specified place E.g. Schools, Pupil Referral Units, Childcare premises (nurseries), Children’s homes and hospitals, children’s detention facilities, children’s centres, adult care homes	

The guidance states that there is only a requirement to check if the frequent / intensive test takes place in a single specified setting.

- Or is a specified role
 E.g. Directors of Children’s services, members of Youth Justice Board, School Governors
- There is no distinction made between paid and voluntary work

Charges for Using the North Yorkshire County Council

DBS Checking Service

Charges to External Organisations using Umbrella Body

- The cost of an Enhanced Check is £65.00.
- Volunteers are charged £15.00.
- These charges will be the subject of a periodic review.