

# Protection of Freedom Act

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# Main Changes - Legislation

- Criminal Records Bureau (CRB) and Independent Safeguarding Authority have been merged to provide a more 'streamlined' checking service, known as the Disclosure and Barring Service from the 1st December 2012.
- The Rehabilitation of Offenders Act 1974 (ROA), (Exceptions) Order 1975 still acts as the gateway for access to the DBS service and lists those occupations, professions & positions considered to be exempt from the ROA provisions.
- Still two types of disclosures (standard and enhanced) which is dependant on the nature of the position that the candidate or post holder have applied for or hold.

# Impact of the Changes in Legislation

- The legislation surrounding children in the main remains unchanged except for the fact that it has to be frequent unsupervised access.
- The “specified place” category is determined by the DBS and includes schools, children’s home and childcare premises
- DBS checks for staff or volunteers working with vulnerable adults are only required, if providing personal care, power of attorney, social work, transportation and managing their personal money.
- Elected Members are no longer eligible to undergo DBS checks for this particular role, however if they have another role such as a school governor these roles are still eligible at present.

# Changes in Procedure

From 17<sup>th</sup> June 2013 –

- DBS certificate is only issued directly to the individual applicant.
- Introduction of subscription service – increasing portability (self registration).

# Mitigation of Associated Risks

## The Council's Safer Recruitment Panel

- Heads of Children's and Adults Safeguarding, Legal and representatives from Human Resources
- Provide advice and guidance on the implications of the new legislation and management of the associated risks.