

Gwenda Thomas AC / AM  
Y Dirprwy Weinidog Gwasanaethau Cymdeithasol  
Deputy Minister for Social Services



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-04-552  
Ein cyf/Our ref GT/00514/14

William Powell AM  
Chair, Cadeirydd  
Petitions Committee  
National Assembly for Wales  
Ty Hywel  
Cardiff Bay  
Cardiff  
CF99 1NA

21 August 2014

[Stephen.George@wales.gov.uk](mailto:Stephen.George@wales.gov.uk)  
Committee Clerk

*Dear William,*

The Minister for Health and Social Services has asked that I respond to your recent letter on behalf of the Petitions Committee in which you enclosed a copy of Petition (P-04-552) submitted by the Montessori Centre Wales. The Petitioners seek support for the establishment of a regulatory body for Wales to strengthen child protection criteria, particularly in respect of further reinforcing the appointment arrangements of individuals to work with children in light of a number of historic allegations of abuse that have featured in the media.

As the Committee will know, the Disclosure and Barring Service (DBS) operates on an England and Wales basis to provide conviction and non-conviction information to prospective employers where an individual is seeking to work in a regulated activity. The recording, retention and sharing of such information is governed by UK Government legislation as is individuals' eligibility to apply for a check with the DBS.

Nonetheless, the Welsh Government is fully committed to exercising our legislative competence to ensure that children are protected from abuse and those that perpetrate that abuse are subject to the full force of the law. This commitment is given effect through our Social Services and Well-being (Wales) Act 2014 which introduces and strengthens safeguarding policy and practice including a duty to report children and adults at risk, adult protection and support orders and the establishment of a National Independent Safeguarding Board.

Key functions of this National Board will be to support and advise regional safeguarding boards; to report on the adequacy and effectiveness of arrangements to safeguard children and adults in Wales; and to make recommendations to the Welsh Ministers as to how those safeguarding arrangements could be improved.

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One of the over-riding principles of implementing effective safeguarding arrangements is that safeguarding is everyone's responsibility. For services to be effective, each professional and organisation should play their full part. The DBS is only one part of an effective recruitment and appointment process and should not take greater prominence over the range of measures prospective employers should take in determining whether candidates are suitable to work with children or other vulnerable groups.

In addition to the formal interview process, prospective employers should satisfy themselves about an individual's identity and qualifications; take up professional and character references; obtain assurances about any gaps in an individual's employment history as well as registration with relevant professional bodies. For example the Nursing and Midwifery Council (NMC) provides the opportunity to access the registration details of their employee or prospective employees from the NMC website. Similarly, the General Medical Council (GMC) also holds a UK register and from December 2012, all doctors holding a licence practice are required to demonstrate on a regular basis that they are up to date and fit to practice.

We continue to take action to strengthen safeguards and prohibit unsuitable individuals from entering or remaining in the workforce. The Education (Wales) Act 2014 reconfigures and renames the General Teaching Council for Wales (GTCW), to create the Education Workforce Council (EWC). As part of this reconfiguration, the requirement for registration as a condition of employment in Wales, will be extended to Further Education Teachers, School Learning Support Workers and Further Education Learning Support Workers; in addition to the continuation of the current requirement for School Teachers.

A key aim of the EWC will be to continue to uphold and safeguard the interests of learners, parents and the general public. As such, registrants will be subject to DBS checks; and will be required to conform to a "Code of Professional Conduct and Practice". The Code will form part of the disciplinary procedures that will be consulted upon in the Autumn; and includes requirements to follow policies and procedures in relation to child protection; physical contact; appropriate communication (including in relation to social media); to conduct relationships with learners in an appropriate and professional manner, both in and out of the workplace; and to take all reasonable steps to ensure the safety and well-being of all learners under their supervision.

The EWC will continue to receive police notifications of any convictions or cautions for a criminal offence whilst an individual is registered to ensure that any person working in these education professions is suitable to do so.

I am conscious that a number of Cabinet colleagues share responsibilities for the Welsh workforce. I have therefore copied this letter to each of them for information or to take the opportunity of writing separately to you about the issues you have raised.

Yours sincerely,



**Gwenda Thomas AC / AM**  
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Deputy Minister for Social Services