

DBS Eligibility and related matters – Frequently Asked Questions – July 2016

Question	Answer
<p>Safer Recruitment Practice Guidance</p> <p>To Whom does the Safer Recruitment Practice Guidance apply?</p>	<p>The Guidance applies to all roles in the Church of England, senior clergy, as well as parish priests, and all those in other paid and voluntary roles. With so many roles the wording of the policy may not fit exactly in relation to a particular role but the principles should always be made to apply.</p> <p>Under section 5 of the Safeguarding and Clergy Discipline Measure 2016, all clergy authorised to officiate, churchwardens, licensed readers, lay workers and parochial church councils must pay “due regard” to the Guidance. A failure to do so may result in disciplinary proceedings where appropriate.</p> <p>A duty to have “due regard” means that a relevant person cannot disregard the Guidance and must follow it unless there are cogent reasons for not so doing.</p> <p>See paragraph 1 – Introduction – Safer Recruitment Practice Guidance.</p>
<p>Eligibility</p> <p>Broadly, how do I assess whether a volunteer role at my church is eligible for a DBS check?</p>	<p>You need to ask yourself the following questions:-</p> <p>Children</p> <ul style="list-style-type: none"> • Does the role mean that the relevant individual either supervised/unsupervised on a frequent/infrequent basis, teaches, trains, instructs, cares for or supervises children or provides advice/guidance on physical, emotional or educational well-being to children? If the answer is “no” – then there will be no eligibility for any form of enhanced check in relation to children.

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	<p>Adults</p> <ul style="list-style-type: none"> • Does the role in question mean that the individual is carrying out one of the 6 categories of activity (i.e. health care, personal care, social work, assisting with cash, bills or shopping, assistance with affairs (e.g. under a Lasting Power of Attorney) or transportation)? If the answer is “no”, then it is not “regulated activity” in relation to adults and there is no eligibility for an enhanced check with barring information in relation to adults. • If not “regulated activity” in relation to adults, does the role mean that a person on, either a frequent, intensive or overnight basis, provides training, teaching, instruction, assistance, advice or guidance to an adult who receives a health or social care service (e.g. is in a care home or receives any form of care or assistance due to age, illness or disability) or a “specified activity” (e.g. in prison)? If the answer is “no” – then there will be no eligibility for an enhanced check without barring information in relation to adults. <p>Please note this is only a broad summary for full details you must refer to the Safer Recruitment Practice Guidance (in particular Appendix 7 and 8) and if necessary seek legal advice.</p> <p>Further advice can be found on the Government website - https://www.gov.uk/guidance/dbs-check-requests-guidance-for-employers.</p>
<p>Readers</p> <p>Are readers eligible for a DBS check?</p>	<p>Yes all new readers are eligible for a DBS check. Both during training and once licensed, it is expected that new readers will be working with vulnerable groups (i.e. children/vulnerable adults) in some capacity.</p> <p>For all readers in post, (i.e. at renewal time), you need to consider the nature of their current duties (i.e. what the bishop has licensed them to do) to take account of any local variations to establish whether they are eligible for any form of DBS check.</p> <p>See paragraph 6.3 and Appendix 7 and 8 of the Safer Recruitment Practice Guidance.</p>

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<p>Head Server</p> <p>Are Head Servers eligible for a DBS check?</p>	<p>No. Generally a “head server” would not be eligible for any form of DBS check.</p> <p>That said, if there is something in this particular head server’s duties that mean he/she is working with children/vulnerable adults, then he/she may be eligible for a DBS check. For instance, if the head server is “supervising children” and satisfies the frequency criteria and he/she is not supervised, then he/she may be engaging in regulated activity, (i.e. eligible for an enhanced check (with barring information)). Even if he/she fails the frequency test and/or is supervised there could be eligibility for an enhanced check (without barring information).</p> <p>If on the other hand, the head server merely has a supervisory role in relation to the congregation in general, some of whom happen to be children/vulnerable adults, then he/she will not be eligible for a DBS check, (although he/she would always be eligible for a Basic criminal conviction check, which would reveal unspent criminal conviction information only).</p> <p>See Appendix 7 and 8 of the Safer Recruitment Practice Guidance.</p>
<p>Open the Book Volunteers</p> <p>Are Open the Book volunteers eligible for a DBS check?</p>	<p>Yes. As supervised volunteers working/having substantial contact with children in a specified establishment (i.e. school) they will be eligible for an enhanced check without barring information, even if they engage in such work infrequently.</p> <p>See Appendix 7 of the Safer Recruitment Practice Guidance.</p>
<p>Pastoral Home Visitors</p> <p>Are Pastoral Home Visitors eligible for a DBS check?</p>	<p>Yes. Pastoral Home Visitors working with vulnerable adults will be eligible for a DBS check.</p> <p>The level of the check will depend on the nature of the support work that they are undertaking. If the nature of the support work involves personal care e.g. assistance with eating, drinking, washing etc. or assistance with peoples’ cash, bills or shopping due to age, illness or disability or conveying someone due to age, illness or disability to, from or between places where they receive healthcare, personal care or social care, they will be eligible for an enhanced check with barring. If they provide instruction, assistance, advice or guidance to an adult who receives a health or social care service (e.g. includes adults in care homes, sheltered</p>

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	<p>housing or receiving any form of care or assistance due to age, illness or disability), provided they do so on a frequent (once a week); intensive (4 days or more in any 30 day period) or overnight basis (between the hours of 02:00 and 0600) they will be eligible for an enhanced check without barring.</p> <p>See Appendix 7 and 8 of the Safer Recruitment Practice Guidance.</p>
<p>DBS Administrators</p> <p>Are DBS administrators eligible for DBS checks?</p>	<p>No. DBS administrators are not eligible for any form of DBS check. This is because they do not work with children or vulnerable adults and have little or no contact with these groups. DBS checks are for those who work/have substantial contact with children or vulnerable adults. Access to sensitive/confidential/personal information does not provide eligibility for a DBS check.</p> <p>A DBS administrator would be eligible for a basic check via Disclosure Scotland. This would reveal unspent criminal conviction information only.</p> <p>See Appendix 7 of the Safer Recruitment Practice Guidance.</p>
<p>Worship Leaders</p> <p>Are Worship Leaders eligible for a DBS check?</p>	<p>No, generally, Worship Leaders are not eligible for a DBS check. That said, you will need to analyse the nature of a particular Worship Leader’s role to see if there are any duties which mean they are directly engaged/have substantial contact with children/vulnerable adults, which may make them eligible. For instance, carrying out services exclusively for children/vulnerable adults or if they are members of a PCC which qualifies as a children/vulnerable adult’s charity.</p> <p>Worship Leaders will always be eligible for a basic check via Disclosure Scotland. This would reveal unspent criminal conviction information only.</p> <p>See Appendix 8 of the Safer Recruitment Practice Guidance</p>

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<p>Volunteers at the Palaces</p> <p>Are volunteer tour group guides eligible for any form of DBS check because there may be children/vulnerable adults in their tour groups?</p>	<p>No. If volunteer tour guides are merely organising tours, meeting and greeting members of the public, this in itself would not mean they are eligible for any form of DBS check.</p> <p>It is possible that a child (or a vulnerable adult) may be a part of a tour group but they cannot have DBS checks “just in case” they might come across vulnerable people, (often known as the “shop keeper” test). If volunteers are escorting “school parties” on tours of the palace and the school’s teachers (and teaching assistants) are on the tour and supervising the children, the tour guides would not be eligible for a DBS check as they are unlikely to be “caring for, supervising, instructing, teaching, training etc.” any children themselves.</p> <p>Of course, the tour guides would all be eligible for a basic check via Disclosure Scotland, which would reveal unspent criminal conviction information only.</p> <p>See Appendix 7 and 8 of the Safer Recruitment Practice Guidance.</p>
<p>Trustees</p> <p>I have just been elected as a member of a PCC, where the church runs a pastoral home visiting scheme for vulnerable adults, which includes shopping for the housebound and conveying them to/from healthcare appointments, am I eligible for a DBS check?</p>	<p>Yes. The PCC will be a classed as a vulnerable adult’s charity and as a trustee of such a charity you are eligible for a DBS check (an enhanced check without barring information).</p> <p>To qualify as such a charity, workers of the PCC, would have to normally include individuals engaging in regulated activity relating to vulnerable adults. In this case, the workers for the PCC carry out regulated activity with vulnerable adults. (The same situation would apply if you were a trustee of a PCC which is classed as a children’s charity because its workers engage in regulated activity in relation to children, (e.g. the PCC runs a Sunday School)).</p> <p>See Appendix 8 of the Safer Recruitment Practice Guidance.</p>
<p>Cathedral choir tours and DBS eligibility</p>	<p>Those individuals who are responsible for teaching, training, supervising or caring for any children who are on the tour, will be eligible for a DBS check. If the tour is overnight, this</p>

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<p>My cathedral choir is going on tour, who is eligible for a DBS check?</p>	<p>will mean that the relevant individuals (i.e. those in charge of supervising/caring for the children) will be eligible for an enhanced check together with a barred list check.</p> <p>Adult choir members will not be eligible for a DBS check (unless the role includes responsibility for teaching, training, caring for or supervising vulnerable groups (children or adults)). They will remain eligible for a basic check via Disclosure Scotland, however, which would reveal unspent criminal conviction information only.</p> <p>See Appendix 8 of the Safer Recruitment Practice Guidance.</p>
<p>The Secretary and Treasurer of the PCC</p> <p>Under the Safeguarding and Clergy Discipline Measure 2016 the parish secretary and treasurer will be disqualified from acting in these roles if they are on a DBS barred list(s) or are convicted of an offence under Schedule 1 of the Children and Young Persons Act 1933. Does this mean that they are eligible for DBS checks?</p>	<p>No. Generally they will not be eligible for any form of DBS check unless they are actually members of a PCC, which is a children/vulnerable adult charity and they are, therefore, charity trustees of such a charity. In such a case, they will be eligible for an enhanced check without barring information, which means you would be able to receive conviction information (spent and unspent).</p> <p>They are, however, unlikely to be eligible for an enhanced check with barring information and you will have to rely on an individual voluntarily disclosing whether or not he/she is barred.</p> <p>If the “secretary” and/or “treasurer” are not PCC members (or the PCC does not qualify as a children’s/vulnerable adult’s charity) they will only be eligible for a basic check via Disclosure Scotland (this will reveal unspent criminal conviction information only).</p> <p>See Appendix 8 of the Safer Recruitment Practice Guidance</p>
<p>PCC members and Churchwardens</p> <p>When should a person standing for election as a churchwarden or as a member of the PCC</p>	<p>Appropriate checks should be carried out after the relevant individual is elected to his/her post. It should be made clear to all nominees prior to any election that all appointments will be subject to appropriate checks.</p>

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<p>have a criminal records check? And what check is appropriate?</p>	<p>What check is appropriate will depend on the status of the PCC. If the PCC does not sponsor or approve work with children/vulnerable adults neither the churchwardens nor the PCC members would be eligible for any form of DBS check. In these circumstances, such individuals would be eligible for a basic check via Disclosure Scotland, which would reveal unspent criminal conviction information only.</p> <p>If the PCC, as a charity, sponsors and approves, in its own name, work with children or vulnerable adults, then all PCC members (including the churchwardens, as ex officio members of the PCC), will be eligible for a DBS check (an enhanced criminal record check without barring information).</p> <p>See Appendix 8 of the Safer Recruitment Practice Guidance for more information.</p>
<p>Clergy moving around the Diocese</p> <p>If a member of the clergy moves to a new job in a neighbouring parish within the same diocese does he/she need a new DBS check?</p>	<p>No. Anyone applying for a new role in a Church of England organisation within the diocese where he/she currently works does not require a new criminal record check provided:-</p> <ul style="list-style-type: none"> • The result of the criminal record check has been seen; • The result of the criminal record check is not out of date, (i.e. more than 5 years old); • The new role is with the same “workforce” (i.e. children/vulnerable adults); and • The new role is eligible for the same/lower level of criminal record check as the previous role. <p>See the Safer Recruitment Practice Guidance – Paragraph 6 – DBS Portability</p>
<p>People applying for roles in the church who have lived overseas</p> <p>What criminal record check do I need to request if someone applies for a post from overseas?</p>	<p>The person making the appointment should ask the applicant to obtain criminality information (also known as a certificate of good conduct/character) from his/her relevant embassy/high commission (or police force). This means that in addition to the DBS check, the candidate/applicant must seek this additional check to cover the time he/she spent abroad. (Further advice can be found on the Home Office website).</p>

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	<p>https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants</p> <p>If such information is not available from the embassy/high commission etc. or if there are concerns about the reliability of the information provided, the person(s) making the appointment should take extra care when taking up references and checking any previous employment record. In such cases, additional references should be sought and at least one reference from a previous employer should be contacted by telephone as well as by letter.</p> <p>See paragraph 2.11 – Overseas applicants – Safer Recruitment Practice Guidance</p>
<p>Ordinands</p> <p>Are Ordinands eligible for DBS checks? And should Ordinands be treated as volunteers for the purpose of such checks (i.e. will the checks be free of charge)?</p>	<p>Yes. Ordinands will be eligible for a DBS check (enhanced check together with barring information), as they will be working with/have substantial contact with children/vulnerable adults as part of their training.</p> <p>No. Ordinands are not volunteers because they are carrying out the training for their own benefit, (i.e. as part of the requirement to become ordained). This will apply whether the individual is intending to be stipendiary or non-stipendiary. Even if planning to become non-stipendiary once ordained, the training would be the same and he/she would be free to undertake stipendiary as well as non-stipendiary roles. Once he/she is ordained of course this may change, non-stipendiary ministers would be considered to be volunteers in the secular world.</p> <p>See Appendix 8 of the Safer Recruitment Practice Guidance.</p>
<p>Blemished Disclosures</p> <p>What happens if a bishop or dean has a blemished disclosure?</p>	<p>If there is a blemished/unclear DBS disclosure in relation to the appointment of a diocesan bishop that would go to the National Safeguarding Adviser, who would carry out the function of the Diocesan Safeguarding Adviser, i.e. carry out a risk assessment and state whether or not the person is suitable for appointment. In relation to suffragan bishops and deans, it is the Diocesan Safeguarding Adviser who would advise of any risk (and suitability) in the case of blemished/unclear disclosures, even though it is the office of the Archbishops’ Secretary for</p>

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	<p>Appointments who arranges the DBS check (and medical) for all dean and suffragan appointments, as well as diocesan bishops.</p> <p>For more information on the recruitment process in general, see paragraph 2 – The recruitment process – Safer Recruitment Practice Guidance</p>
<p>Barred List Status</p> <p>Can I apply to the DBS to receive notification of barred listed status in relation to an individual?</p>	<p>Yes. You can apply directly to the barring arm of the DBS to have that information sent to you by recorded delivery. You can email your request to: dbsdispatch@dbs.gsi.gov.uk</p> <p>You should enclose the following information:-</p> <p>Details of the individual:-</p> <p>Name: Date of birth: Address: Purpose of the role:</p> <p>You will need to provide the reason you have a “legitimate interest” to see this information. For instance:</p> <p>“The Church is making a suitability assessment to place the individual in regulated activity and the information is required for the purposes of the protection of children and vulnerable adults.”</p> <p>As the response will be sent by recorded delivery, you will need to provide your address.</p> <p>For more information on the barring process, see paragraph 7 – Referral to the Disclosure and Barring Service – the Safer Recruitment Practice Guidance.</p>