

## Policy and Procedure for dealing with a blemished Confidential Declaration Form (CDF) and /or a blemished Disclosure and Barring Service (DBS) Disclosure Certificate

The Diocese of Rochester is committed to ensuring that our recruitment and selection processes are inclusive, fair, consistent and transparent. We undertake not to discriminate unfairly against any individual subject to a criminal record check, based on a conviction or any other information that is revealed. A criminal record will not necessarily bar an applicant from being appointed.

It is the policy of the Church of England that some identified posts within the Diocese will require an enhanced criminal record check, so that we can check the suitability of paid, or voluntary workers who will work with children, young people and/or vulnerable adults and fulfil our mission of Promoting a Safer Church.

*This policy applies to Rochester Board of Finance, Rochester Board of Education, Rochester Cathedral, Rochester Diocesan Parishes/Bishop Mission Orders & Local Ecumenical Partnerships.*

For ease of reading this guidance, references to parish/incumbent /Parish Safeguarding Officer should be interpreted appropriately by other bodies who are not parishes e.g. in the Cathedral any DBS issues should be raised with the Chapter Clerk.

***It is important to note that a DBS is only a small part of the overall safer recruitment process.***

### **Blemished Confidential Declaration Form (CDF)**

- Prior to the submission of a DBS application, **every** applicant will be asked to complete a Confidential Declaration Form (CDF), which is submitted to the Lead Recruiter as part of the application process. Content voluntarily revealed by an individual on the Confidential Declaration Form must be assessed in the same way as that contained within the DBS Disclosure Certificate and should be handled with sensitivity and consideration for the individual who made the voluntary disclosure. The Parish will hold the information within their records.
- In the case of clergy, employees, or volunteers, who are **already** appointed to a role that did not require safeguarding checks, but where their presence or role within the church has changed and they now require these checks, and/or where newly provided information may indicate a risk to children or adults, the Incumbent and/or Parish Safeguarding Officer (PSO) will immediately communicate with the Diocesan Safeguarding Adviser (DSA) to discuss the information. They will also advise the applicant of the need for safeguarding measures to be established in relation to their present role and inform them about the process that will be followed and likely timescales. The DBS application will go ahead if the applicant still wants to apply for the role.
- Actions such as temporarily stepping the person down from an appointment pending a risk assessment, referral to statutory agencies, or making arrangements to manage risk whilst supporting continued participation in worship will be managed by the Parish (usually the Incumbent) and the Diocesan Safeguarding Adviser (DSA). For clergy, employees and volunteers, actions taken in relation to their role and the decision to proceed with the DBS application, must be undertaken in full consultation with the person that has ultimate responsibility for their appointment.

## **Blemished DBS Disclosure Certificates (Contains information)**

All Blemished Disclosure and Barring Service (DBS) Certificates will be referred to the Safeguarding Executive Committee (SEC) in an anonymised format. If a DBS Certificate is blemished the Diocesan Safeguarding Adviser (DSA) will contact the Lead Recruiter and arrange for the original DBS certificate to be sent to them at the Diocesan Office, by recorded delivery, or for it to be delivered in person. Once the certificate has been seen by the Diocesan Safeguarding Adviser, and the relevant information taken from the certificate, it is returned to the applicant by recorded delivery.

- Where there are offences that are **not** considered to be relevant to the role, or to pose a risk to an appointment the Diocesan Safeguarding Adviser (DSA) will recommend to the Safeguarding Executive Committee (SEC) that they can advise to proceed with an appointment.
- Where there **are** relevant offences in relation to a person's role, the Incumbent will be notified **not** to proceed with the appointment until they are advised by the Diocesan Safeguarding Adviser (DSA) that it is appropriate to do so.
- Where the disclosure content is similar to the self-declaration the applicant should be notified that the safeguarding measures already in place, are to be maintained until the disclosure has been further reassessed and reviewed by the Safeguarding Executive Committee (SEC), and a final decision reached.
- It is acknowledged that some spent convictions will appear on the DBS even though there is no necessity to declare them.
- Where the certificate provides information that is different to, or was not included on the self-declaration form, and indicates a risk to children or adults within the parish the Diocesan Safeguarding Adviser (DSA) will contact the Incumbent and ask them to immediately communicate to the applicant that there is a need for safeguarding measures to be established at local level, inform them of the process that will be followed and the likely timescales. The Incumbent needs to record, in writing, any information that they discuss with the applicant and ask the applicant to confirm its accuracy before it is submitted to the Diocesan Safeguarding Adviser (DSA).
- The Diocesan Safeguarding Adviser (DSA) will arrange to meet and interview the applicant, along with the Incumbent and/or Parish Safeguarding Officer (PSO), for clarification of certain issues e.g. context of the offence, discrepancies between information provided on the Confidential Declaration Form (CDF) and the DBS Certificate, nature/severity of the offence(s), age of the applicant at the time of the offence(s), date of the offence(s) and time between the offence(s) and date applied for the role being risk assessed. The Diocesan Safeguarding Adviser (DSA) will complete a Blemished Disclosure Risk Assessment Form during this interview and record all that they discuss. The Diocesan Safeguarding Adviser (DSA) will ask the applicant to confirm the accuracy of the information. The information will then be submitted at the next Safeguarding Executive Committee (SEC) meeting for consideration.
  - Once a decision has been made by the Safeguarding Executive Committee (SEC), the Diocesan Safeguarding Adviser (DSA) will contact the Incumbent and inform him/her of the decision. Should restrictions be placed on the applicant, those restrictions will be

reviewed annually in consultation with the Incumbent and Diocesan Safeguarding Adviser (DSA). A reminder will be given to the Incumbent not to allow the individual to undertake other roles/duties as the clearance has only been granted for the role that was applied for. If the role is likely to be associated, or involve a school, the DBS may not cover such roles and a separate arrangement should be made by liaising with the school/Trust CEO, Headteacher who may not permit the individual to be on school premises. The decision by the Safeguarding Executive Committee (SEC) only applies to the role applied for. If the applicant applies for a new role then approval from the Safeguarding Executive Committee (SEC) should be sought following this process which may necessitate that the applicant is reassessed by the Diocesan Safeguarding Adviser (DSA).

- If the decision by the Safeguarding Executive Committee (SEC) is to recommend to the PCC **not to appoint**, or to **discontinue appointment**, the Incumbent will need to discuss this with the applicant. Support with this can be given from the Diocesan Safeguarding Adviser (DSA).
- If the Safeguarding Executive Committee's (SEC) recommendations are not followed by a parish, or if the decision by a Parochial Church Council (PCC) is to disregard the advice of the Safeguarding Executive Committee (SEC), this becomes a formal decision of that PCC, and it should be recorded as such in their minutes. The Diocesan Safeguarding Adviser (DSA) will advise the PCC that if the Safeguarding Executive Committee's (SEC) advice is disregarded, they may be putting their insurance cover at risk, so due to this the Diocesan Safeguarding Adviser (DSA) will notify the Archdeacon and Diocesan Bishop that safeguarding recommendations have not been followed.

### **Appeals**

Any appeal by the applicant will be directed to the Bishops Safeguarding Advisory Panel (BSAP).