

Criminal Record Checks

(drawn from the Church of England Practice Guidance : Safe Recruitment July 2016)

1 Who is eligible?

There are four types of criminal record checks:

- **Basic** – This checks for unspent criminal conviction information only. This is currently obtained from Disclosure Scotland
- **Standard** - This checks for spent and unspent convictions, cautions, reprimands and final warnings. This is obtained from the DBS.
- **Enhanced** - This includes the same as the standard check plus any additional information held by local police that's reasonably considered relevant to the role being applied for. This is obtained from the DBS; and
- **Enhanced with barred list checks** - This is like the enhanced check, but includes a check of the DBS barred lists. This is also obtained from the DBS.

Good safeguarding practice requires those who work closely with children and / or adults experiencing, or at risk of abuse or neglect to have an enhanced criminal record check. The eligibility criteria for enhanced criminal record checks is complicated but put simply one can ask "are you 16 or over and does the role include activities that allow regular/ substantial contact with children or adults experiencing, or at risk of abuse or neglect?" If the answer is "Yes" then you may be eligible for an enhanced criminal record check. Details as regards eligibility for enhanced criminal record checks, as set out in the legislation, and information on how this relates to Church roles can be found below. Those in self-help or family and friends arrangements are not eligible for an enhanced criminal record check.

2 How long do criminal record checks last in the Church context?

The House of Bishops has decided that criminal record checks must be renewed every five years. (Should there ever be a delay in obtaining the criminal record check, the person is **not** approved by the Church to act and must stand down pending completion of the process).

3 Criminal Record Checks outcome

3.1 Only a single paper disclosure certificate is sent to the applicant as individuals have ownership over their own information. They can choose when they want to share and with whom. Employing and volunteering organisations will not receive a copy of the certificate unless the application is in the DBS update service (see below) and certain conditions apply.¹ They will need to ask to see the applicant's copy if this is required. In terms of copying the certificate and retaining copies of certificates, the DBS has stated that where an applicant provides a copy of his / her DBS certificate to the employing or volunteering organisation they must comply with its obligations under the Data Protection Act 1998.

¹<https://www.gov.uk/dbs-update-service>

3.2 The Churches Child Protection Advisory Service (CCPAS) electronic criminal records system.

Some dioceses subscribe to a variety of electronic service providers which allow applicants to apply on-line and for the church to receive the results, back electronically. The Peterborough Diocese works in partnership with CCPAS to run all criminal record checks throughout the Diocese. The electronic service is efficient and usually obtains the results in days rather than weeks. It electronically informs your church if the disclosure is clear or if the certificate needs to be seen, (i.e. it contains information – for instance, conviction information). Only the lead recruiter (see below) in your church can access this information.

All Parish churches should register with CCPAS. This will involve appointing a DBS / criminal records administrator or “lead recruiter”. The Diocese advises that this person should be the Parish Safeguarding Officer. A deputy should also be appointed. With the electronic system the lead recruiter will know when a certificate is clear and can inform the person responsible for the appointment. In such circumstances the certificate does not need to be seen. If a criminal record disclosure is not clear (e.g. it reveals a conviction for a criminal offence or other relevant information) (see paragraph 6 below)

3.3 What does it cost?

Criminal record checks are free to volunteers but there is a cost for those in employment or those training for a role where they could be paid e.g. **all** clergy. The Diocese meets the cost for all clergy and paid staff.

4 DBS Portability

4.1 Portability is the term employed for using a criminal record check obtained in one role, for a new role. To acquire portability of DBS check, applicants must register with the DBS update service.

The DBS on line update service (for full details see [DBS update service](#))

4.2 The DBS Update service ensures that DBS checks are up to date attracts an additional annual fee which is met by the applicant.

4.3 For an annual subscription applicants can have their criminal record certificate kept up- to-date and take it with them from role to role. (However, if the certificate relates to work with children and an individual’s role changes to working with adults experiencing, or at risk of abuse or neglect, or vice versa, then a new criminal record application must be made as the basis on which the original certificate was issued has changed.) To apply for the update service an applicant must apply within 19 days of the criminal record certificate being issued. Apply at the [DBS update service](#). The DBS update service is very useful to those who have multiple roles where a criminal record certificate is required.

4.4 DBS update service can be very useful for organisations to check someone’s criminal record certificate status online and receive a result straight away. There is no registration process or fee for organisations to check a certificate online, but organisations must be legally entitled to carry out a check, (e.g.. the role must be eligible for an enhanced or standard (as appropriate) criminal record check), and have the individual’s permission.

4.5 Applying for the annual update services, which carries with it a number of benefits for the individual and the organisation, is a matter of individual choice for the applicant.

5 Portability within the Church of England. Anyone applying for a new role within the diocese where he/she currently works or applying for a new role in the cathedral where he/she currently works does not require a second criminal record check (i.e. his/her current check will be portable), provided the result of the criminal record check has been seen, does not need renewing (see 3.3) and the new role is: -

- With the same “workforce” (i.e. either working with children or working with adults experiencing or at risk of abuse or neglect); and
- Eligible for the same/lower level of criminal record check as the previous role.

5.1 When will portability not apply within the Church of England?

Portability will not apply and a new criminal record check will **always** be required where:

- A person moving into a role in the Diocese from an external organisation or
- An individual is seeking ordination, reader or lay ministry training; or
- A person moves to a new job or role in a new diocese or cathedral; or
- A person moves roles to work with a different workforce. For example from working with children to working with adults experiencing, or at risk of abuse or neglect and vice versa ;or
- The level of check required changes to a higher level (e.g. in his / her new role a person is eligible for an enhanced plus barred list check; but in his / her previous role he /she was only eligible for an enhanced check without a check of the barred list).

6 When a criminal record disclosure is not clear or “blemished”(i.e. it contains information of, for instance, criminal convictions or cautions or additional information such as arrests)

6.1 If a criminal record disclosure is not clear, the lead recruiter should ask to see the original criminal records disclosure (the applicant receives a paper criminal records disclosure). A copy may also be requested but please note a copy must not be requested in substitute for the original, the original disclosure **must** always be seen.

6.2 The lead recruiter should cross-reference the disclosure with the Confidential Declaration to see if there are any discrepancies.

6.3 The disclosure should then be passed to the **Diocesan Safeguarding Adviser** for a risk assessment. The Diocesan Safeguarding Adviser is qualified to identify and assess the relevance and circumstances of offences and the risk. The risk assessment may involve interviewing the applicant.

6.4 If the issues are complex he or she will ask for assistance from the Local Safeguarding Children or Adults Safeguarding Board. In very complex cases the advice of an independent specialist may be required.

6.5 The Diocesan Safeguarding Adviser will make a recommendation concerning the suitability of the applicant to the person responsible for the appointment in line with the Diocese’s local arrangements. Should the applicant not wish the confidential declaration and / or the criminal record disclosure to be seen, which is entirely his / her choice, the application must **not** proceed further and must be terminated.

GKJ DSA 6th April 2017

(Adapted from the Church of England Practice Guidance : Safe Recruitment July 2016)

What activities make a person eligible for an enhanced criminal record check?

An individual will be eligible for an enhanced criminal record check, if he / she engages in work which is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended) and is 'work with children' and / or 'work with adults' as defined in the Police Act 1997 (Criminal Records) Regulations 2002 (as amended). Such work includes the following:

CHILDREN	
COLUMN A	COLUMN B
<p>An enhanced criminal record check with barring information</p> <p>Frequency Criteria:</p> <p>(i) <i>once a week or more;</i></p> <p>(ii) <i>four days or more in any 30 day period;</i></p> <p>(iii) <i>overnight between the hours of 02:00 & 06:00. ((iii) only applies to work of a 'Specified Nature' (see below))</i></p> <p><u>Children – Regulated Activity</u>³</p> <p>Each of the following situations MUST also satisfy one of the Frequency Criteria:</p> <p>1. Specified Nature: Teach, train, instruct, care for or supervise children (unsupervised – where supervised see Column B); or provide advice / guidance on physical, emotional or educational well-being.</p> <p>2. Specified Establishment Work in a 'specified establishment' where there is opportunity for contact with children,</p>	<p>An enhanced criminal record check without barring information</p> <ol style="list-style-type: none"> 1. Work of a 'Specified Nature' (as defined in Column A) where that work is supervised⁴. 2. Work of a supervised volunteer (or occasional or temporary contract work) in a 'Specified Establishment' (as defined in Column A). 3. Any activity that involves people in certain defined positions of responsibility (e.g. trustees of a children's charity or school governors). 4. Work done infrequently which if done frequently would be regulated activity relating to children (either as defined now or as defined prior to 10 September 2012). 5. Obtaining information in respect of any person who is aged 16 or over and who lives in the same household as an individual who is engaged in activity which used to be regulated activity as defined prior to 10 September 2012, where the activity normally takes place on the premises

³ Full details relating to Regulated Activity concerning children can be found [here](#)

⁴ Supervision - Where the supervisor - who has him / herself been safely recruited - is always able to see the supervised worker's actions during his / her work

(e.g. a nursery school, school, Further Education Establishment, children's homes, childcare premises) - *but not work by supervised volunteers or occasional or temporary contract work that is not of a 'Specified Nature', (e.g. maintenance contractors).*

3. Moderating an online forum for children

used wholly or mainly by children and must be carried out by the same person.

4. Driving a vehicle used to convey children and any person supervising or caring for the children under arrangements made by a third party.

Each of the following situations DOES NOT have to satisfy the Frequency Criteria:

5. Healthcare (e.g. doctor or nurse etc.) or personal care

Personal care includes assistance with toileting, washing, bathing and dressing for reasons of age, illness or disability (and prompting and supervision of the same) or teaching a child for reasons of age, illness or disability to do any of these tasks. Assistance with eating, drinking for reasons of illness or disability (and prompting and supervision of the same) or teaching a child for reasons of illness or disability to do these tasks.

6. Child-minding or fostering a child.

7. Day to day management on a regular basis **of a person** who is **providing a regulated activity** in relation to **children**. *Please note this includes a supervisor of a person who would be in regulated activity if not under*

where the relevant individuals live.

<p><i>regular supervision.</i></p> <p>8. Assessing the suitability of any person who is aged 16 or over to have regular contact with children and who lives in the same household as an individual who is engaged in regulated activity, where the activity normally takes place on the premises where the relevant individuals live.²⁷</p>	
ADULTS	
<p>COLUMN A An enhanced criminal record check with barring information</p>	<p>COLUMN B An enhanced criminal record check without barring information</p>
<p>Adults - Regulated Activity²⁹ Frequency Criteria: <i>There is no longer a requirement for a person to carry out activities over a certain period. Any time a person engages in an activity set out below, he / she is engaging in regulated activity, (i.e. includes one off events)</i></p> <ol style="list-style-type: none"> 1. Healthcare (by a healthcare professional). 2. Personal Care. Personal care includes assistance with eating, drinking, toileting, washing or bathing, dressing, oral care or care of skin, hair or nails due to age, illness or disability (and prompting and supervision of the same) or teaching someone to do one of these tasks. 3. Social Work by a Social Worker. 4. Assistance with a person’s cash, bills or shopping because of their age, illness or disability. 	<p>Frequency Criteria:</p> <ol style="list-style-type: none"> (i) once a week or more; (ii) four days or more in any 30 day period; (iii) overnight between the hours of 02:00 & 06:00. ((iii) only applies to work of a ‘Specified Nature’ (see below)) <ol style="list-style-type: none"> 1. Provision of any activity listed below to an adult who receives a health or social care service (e.g. includes adults in care homes; sheltered housing or receiving any form of care or assistance due to age, illness or disability) or a “specified activity” (e.g. in prison). <p>Please note that you MUST also satisfy the Frequency Criteria in relation to any such activity listed below.</p> <p>The activities will include:</p>

²⁷ Although this is not ‘regulated activity’ the Police Act 1997 (Criminal Records) (No 2) Regulations 2009 (as amended) allows a barred list check in such circumstances.

²⁹ Full details in relation to regulated activity and adults experiencing, or at risk of abuse or neglect can be found here - https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/216900/Regulated-Activity-Adults-Dec-2012.pdf

5. **Assistance with the conduct of an adult's own affairs**, for example, lasting or enduring powers of attorney, or deputies appointed under the Mental Capacity Act 2005.

6. **Conveying**: conveying adults for reasons of age, illness or disability to, from or between places **where they receive healthcare, personal care or social work**. This would not include friends or family or taxi drivers.

7. A person whose role includes **the day to day management or supervision** of any **person** who is engaging in **regulated activity**.

a. Any form of **care or supervision**;

b. Any form of **treatment or therapy**;

c. Any form of **training, teaching, instruction, assistance, advice or guidance**

d. Moderating a **public electronic interactive communication service**,

e. Any form of work carried on in a **care home**, ;

f. **Advocacy services** ;

g. **Transportation** of an adult who receives a health or social care service etc., (whether or not the adult is accompanied by a carer) (except where already included in Column A – Adults – No. 6 “Conveying”).

2. Individuals who are **trustees** of a vulnerable adult's charity.

Church of England roles³⁰ eligible for a criminal record check.

A. Clergy.

All will require an enhanced criminal record check with barring information

All Church of England ordained and licensed Clergy including Archbishops, Bishops, Archdeacons, Deans, stipendiary parish Clergy, self-supporting Minister / non stipendiary Ministers, Chaplains, locally ordained Clergy, Clergy with 'permission to officiate', and those seeking ordination training or ordination.

B. Those Church Officers³¹ other than clergy (see A above) working with children and/or working with adults experiencing, or at risk of abuse or neglect. This includes those in training and individuals on student placements.

Those working with children. Most **will** require an enhanced³² criminal record check **with barring information** unless they are supervised³³ or do not fulfill the frequency criteria (i.e. on a rota)³⁴.

Those working with adults experiencing, or at risk of abuse or neglect. Most **will** require an enhanced criminal record check **without barring information**, provided they satisfy the frequency criteria. Some may require an enhanced criminal record check with barring information if, for example, they provide, personal care, assistance with cash, bills or shopping, conveying someone to or from healthcare, personal care or social care (but not to Church activities).

³⁰ This list is indicative and not exhaustive as there will be local variations in approaches, titles and roles

³¹ A "Church Officer" is anyone appointed by or on behalf of the Church to a post or role, whether they are ordained or lay, paid or unpaid

³² An Enhanced criminal record check from the DBS shows details of all spent and unspent convictions, cautions, reprimands, final warnings (unless filtered, (please see the DBS filtering guidance at <https://www.gov.uk/government/publications/dbs-filtering-guidance>)), local police records (if appropriate) and indicates if the person is on a barred list. The barred list is maintained by the DBS and lists individuals who are barred from working with children or vulnerable adults as defined under the SVGA.

³³ The Church of England defines supervised activity as:

Activity where the supervisor - who has him / herself been safely recruited - is always able to see the supervised worker's actions during his / her work. Where you are uncertain whether this level of monitoring can be maintained continuously – for example, ensuring cover for all holidays and sickness absence by the supervisor - then the role is not a supervised position

³⁴ Frequent – Once a week or more; Intensive – 4 days or more in a 30 period and overnight – Between the hours of 0200 and 0600.

Examples of roles that this would apply to:

- Readers
- Worship Leaders
- Authorised Lay Ministers
- Licensed Evangelists
- Lay people authorised to provide pastoral care. For example Parish Pastoral Assistant, Pastoral Home Visitor, Street Pastor, Authorised Listener, Pastoral Outreach Worker and equivalents in Cathedrals e.g. Cathedral Verger who has pastoral care in job role
- Youth worker or Leader
- Children's worker or Leader
- Sunday school teacher or Leader
- Family workers who work with children or their Leader
- Bell ringers who teach or train children plus the Tower Captains who manage those adults who teach or train.
- Music leader where the choir or musical group includes children
- Head Server– only when the role includes supervision or training of children.
- Parish volunteer driver for vulnerable groups (children or adults) for children's / adults' activities organised by the Church – (Please note – private / personal arrangements among parents / friends etc. are exempt)
- Diocesan Safeguarding Advisers, Cathedral Safeguarding Advisers and Parish Safeguarding Officers who manage³⁵ people engaged in activities with vulnerable groups (children or adults).
- Members of National Safeguarding Team and other roles within Diocesan Safeguarding Teams where working with children and/or vulnerable adults (or managing on a day to day basis individuals who are working with children/vulnerable adults)
- Diocesan Education staff who either have substantial contact with children or manage those who do.
- Leader of Parent & Toddler Groups (but not parent helpers who supervise their own children or if a self –help group.
- Managers of individuals working with vulnerable groups (children and adults)
- Those in religious communities (e.g. monks, nuns, brothers and sisters) who are in active ministry and work with vulnerable groups (children or adults).

C. Charity Trustees of children's or vulnerable adult's charities³⁶. The Charity Commission recommends that trustees always obtain a criminal record check when eligible to do so as it an important tool in ensuring that the person is suitable to act³⁷

³⁵ Management in this context includes planning, organising, advising or directing

³⁶ A children's charity and a vulnerable adult's charity were defined in the Safeguarding Vulnerable Groups Act 2006 in Schedule 4. The relevant provisions have now been repealed but retain their relevance in relation to eligibility for checks . Broadly, a charity is a children's charity or vulnerable adult's charity if the individuals who are workers for the charity normally include individuals engaging in regulated activity.

If a governing body is registered as a charity and provided it sponsors and approves, in its own name, children's work or work with adults experiencing, or at risk of abuse or neglect then the members of the governing body will be eligible for an enhanced criminal record check without barring information. This may relate to PCCs, Cathedrals Chapters, Religious Communities, NCI Pension Board etc. **In such cases all members of the governing body will be eligible.**

For example

A PCC is a charity³⁸ **and** provided it sponsors and approves, in its own name, children's work or work with vulnerable adults (e.g. a Youth Club, Sunday School, home visiting scheme for the housebound or a luncheon club for adults with special needs who require assistance with feeding or toileting) then this recommendation applies. It does not apply to all PCCs only those that sponsor and approve children's work and work with vulnerable adults

D. Roles that are not eligible for an enhanced criminal record check (unless undertaking any role in A or B or C) but remain eligible for a basic criminal conviction check through Disclosure Scotland

Examples include:

- Parish Verger
- Server
- Caretaker
- Refreshment helper
- Shop Staff
- Flower arranger
- Sidesperson
- PCC members (including Church wardens where the PCC does not qualify as a children's/vulnerable adult's charity)
- Bell ringers (rank and file).
- Choir leader or musical director for adult choir
- Organist unless also directing a choir which contains children
- Choir members / music group members (unless the role includes responsibility for teaching, training, caring for or supervising vulnerable groups (children or adults)).

³⁷ [Charities: how to protect vulnerable groups including children](#) – “...In the case of trustees, because of their position within the charity, we take the view that whenever there is a legal entitlement to obtain a DBS check in respect of such a trustee, a check should be carried out. This goes beyond circumstances where the trustee comes into contact with children...” – Charity Commission policy paper – 14 July 2014

³⁸ [A PCC is a charity](#)