

Safer Recruitment Policy

JUNE 2013

for the Church of England and the Methodist Church of Britain

This is the almost-final version of this policy. Some limited final decisions will be needed in autumn 2013, following which the final version will be considered by the House of Bishops and the Methodist Conference or Council.

This almost-final version is being issued now, at speed, because the Government are bringing into force important elements of the Protection of Freedoms Act 2012 on 17th June 2013, following a notice period of just 3 weeks.

This policy, with the '10 Step Procedure for All Recruitment', is designed to be read and used without amendment at the level of parish, church or circuit.

Most of the detailed background information is located in the appendices.

SECTION 1 Introduction

1. This policy replaces the 2010 interim policies (*Safer Recruitment* – Church of England, and *Recruiting Safely* – Methodist Church) and the supplementary guidance issued for both Churches in September 2012.
2. This policy is based on legislation which applies to the mainland of England and Wales, in particular the Safeguarding Vulnerable Groups Act 2006 (as amended) and the Protection of Freedoms Act 2012. It forms part of the safeguarding framework for both the Church of England and the Methodist Church. It is the first occasion where the close working relationship between the two Churches is reflected by a single joint policy. [*Note: to avoid cumbersome language, the word ‘minister’ is used to apply to those who are ordained within either church.*] For further information, see:
<http://www.methodist.org.uk/ministers-and-office-holders/safeguarding>
<http://www.churchofengland.org/clergy-office-holders/child-protection-safeguarding.aspx>
3. No diocese or district is entitled to amend this policy although additional references to local arrangements can be inserted as an attachment.
4. This policy complies with the Government requirements for ‘faith communities’ as for other organisations – see *Working Together to Safeguard Children 2013* which sets out as one of the requirements:

‘Safe recruitment practices for individuals whom the organisation will permit to work regularly with children, including policies on when to obtain a criminal record check’.
(Page 48)

5. The information sheets issued May – August 2012 provide detailed information about the Protection of Freedoms Act 2012. They will remain available on both main church websites.
6. This policy is being issued immediately in a pre-final format, because of the Government’s short notice in bringing into force further provisions of the Protection of Freedoms Act 2012. It will be updated in the autumn (2013) and considered in final format by the House of Bishops and the Methodist Council or Conference.
7. Both the Church of England and the Methodist Church provide further ‘Human Resources’ guidance about, for example, recruitment, management of staff, conduct and discipline. This policy is intended to supplement all such policies, and it applies to arrangements for all types of work: employment; office-holders; volunteers; students as well as other types of activity such as

internships. All this other guidance should cross-refer to this policy.

8. This policy is written to guide the appointment for all roles at local levels - parish, church or circuit. For appointments in other contexts – for example, within a Cathedral or at district / diocesan level - then the body with responsibility for the appointment must work with their lead safeguarding representative, to translate the principles and detailed provisions of this policy into their specific context.
9. Private arrangements made between families or friends are not covered by this policy, even where the people involved know each other through their church links. Only activities formally provided by the Church are covered.
10. For the Methodist Church in Scotland there is separate guidance relating to the Protection of Vulnerable Groups (PVG) scheme. For other contexts, for example in the Island jurisdictions and the Diocese of Europe, then again every effort should be made to map the principles and detailed provisions of this process into their specific context.

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SECTION 3 Joint Statement of Safeguarding Principles for the Church of England and the Methodist Church of Great Britain

The Church of England works in partnership with other Christian Churches and other agencies in delivering safeguarding. In partnership with the Methodist Church, the following statement of principles appears at the head of each safeguarding policy:

We are committed to:

- the care, nurture of, and respectful pastoral ministry for all: children, young people and adults
- the safeguarding and protection of children, young people and all adults
- the establishing of safe, caring communities which provide a loving environment where victims of abuse can report or disclose abuse and where they can find support and best practice that contributes to the prevention of abuse.

To this end...

- We will carefully select, support and train all those with any responsibility within the Church, in line with Safer Recruitment principles, including the use of criminal records disclosures and registration/membership of the relevant vetting and barring schemes.
- We will respond without delay to every complaint made, that any adult, child or young person may have been harmed, cooperating with the police and local authority in any investigation.
- We will seek to offer informed pastoral care to anyone who has suffered abuse, developing with them an appropriate ministry that recognises the importance of understanding the needs of those who have been abused, including their feelings of alienation and/or isolation.
- In as far as we can we will protect survivors of sexual abuse from the possibility of further harm and abuse
- We will challenge any abuse of power, especially by anyone in a position of trust.
- We will seek to offer pastoral care and support, including supervision, and referral to the appropriate authorities, to any member of our church community known to have offended against a child, young person or vulnerable adult.
- We will follow legislation, guidance and recognised good practice.

SECTION 4 Eligibility Groups for Safeguarding Criminal Record Checks

(see diagram overleaf)

This policy addresses how to recruit people in Groups 1, 2, 3 and 4. As part of both churches' commitment to creating safety within our communities, we will check all those where it is allowed in legislation to check – that is, where the role to be done makes the person eligible to be checked.

All aspects of recruitment and of safer working practice need to be pulled together if churches are to become safer places. Only a tiny percentage of adults who abuse children get caught and still fewer get convicted, so you must never rely solely on the criminal record check which, although crucial, remains only one element of safeguarding. This was noted by Lord Bichard when first introducing the system of criminal record checking:

'The danger is that too much reliance will be placed on CRB [now DBS criminal record] checks There is a concern that many abusers do not have convictions and that no intelligence is held about them. Therefore the selection and recruitment process if properly conducted is an important indeed essential safeguard.' (The Bichard Inquiry Report 2004 para 4.62.)

Example

In the Methodist Church in the last 3 years only 2% of criminal records have contained any additional information. For the remaining 98%, the checks represent an inconvenient bureaucratic hurdle akin to renewing your driving license or passport.

Within the 2%, a large number of offences have no safeguarding implications for example shoplifting or cannabis possession in the distant past. These cases are likely to be filtered by the new arrangements so that the information will not come through to us. (See App. 6).

Within the remaining tiny percentage, the church has learned of a wide range of behaviours with serious implications for safeguarding including offences of adult and child murders; manslaughter; rape of 8 year old girl; incest; kidnap and subsequent indecent assault of an 11 yr old boy; domestic violence; driving with excess alcohol or under the influence of drugs; abuse in a care setting; theft from employer; physical violence (including stabbings) against children and adults; indecent assaults and rape of adults; gaining contact to children via the web; accessing abuse on the web; taking and selling indecent photographs.

Groups 5 and 6, where we do not do checks, are also important. (See STEP 3.) They represent the largest group of people in church; and are where people who pose a safeguarding risk to either children or adults are often located – for example prisoners who attend church on release. Enhanced criminal record checks are not available for people in the community or congregations, but there should still be close working relationships between safeguarding leads in the church and the statutory services for example the police and probation service. This is set out in the safeguarding policies of both Churches. See also App. 13 for how ‘Sarah’s Law’ can be used by the Church in some situations.

The Church is in a unique position in that as part of its mission, it welcomes all people including those who, because of their past behaviour, are deemed to pose a risk to others within the church community but are seeking help and support in turning their life around. This risk-taking activity at the core of the Church’s mission means that it behoves the Church to pay increased attention to safer recruitment, safe working practices, and general good practice in terms of safeguarding. This includes remaining vigilant in relation to people in Groups 5 and 6, particularly if they begin to take on roles from Groups 1 and 2 without a proper recruitment process.

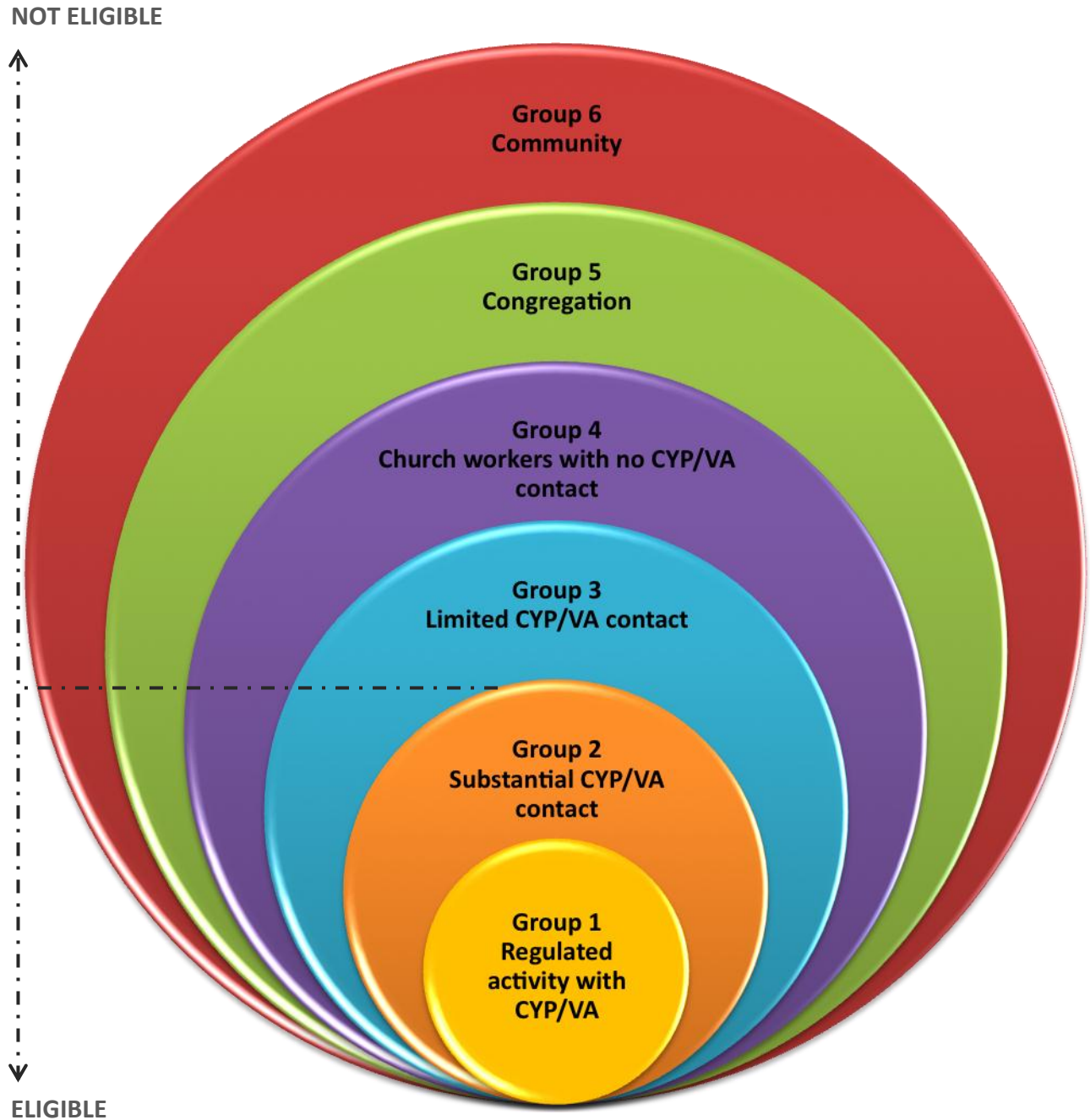
Case examples from Groups 5 and 6.

Group 5: A man was convicted of child sexual offences, many of which involved taking indecent photographs of children and selling them via the web. On release from prison, he expressed a wish to become a part of the life of a large city centre church. He was not allowed to have any role with children or vulnerable adults, but was welcomed as part of the newsletter team and his photography skills were put to good use. Some parents then notified the minister that the man had made up business cards describing his role as official church photographer and circulated them to parents from the nearby schools, offering competitive rates for photography sessions with the children. Only the prompt actions of parents, minister and then the statutory services prevented further harm.

Group 6: A minister realised that the new partner of her youth group leader had progressed from helping with laying out equipment and was staying through the sessions. The minister asked him to do a criminal record check and this revealed that there had been serious concerns about abuse of his own children in a previous marriage, although he had never been convicted of the crime because the children had been too distressed to give witness in court proceedings. The minister stopped him attending the group and also followed safeguarding advice to report his presence in the new family (where there were children) to the statutory services. Some years later, the minister heard that the man was being charged by the police with abuse of these children in the new family. Prompt and vigilant action by the minister, which she described pastorally as ‘leading the man not into temptation’, had protected the children in the church youth group albeit the tragedy still seems to have unfolded in the private family setting.

ELIGIBILITY

Criminal Record Check Eligibility Circles in Relation to Children, Young People (CYP) and Vulnerable Adults (VA)



NOT ELIGIBLE:

Groups 5 and 6 - Red and Green

People within the congregation or known through community engagement.

Enhanced criminal record checks **cannot** be carried out on these groups. Any concerns need addressing through working with the police or social care as appropriate. Specific information can be requested from the police either through normal 'Working Together' arrangements or through the Child Sex Offenders Disclosure Scheme, (commonly known as 'Sarah's Law'). See App. 13. Managing individuals who pose a specific risk is done in cooperation with the Probation Service and MAPPA (multi-agency public protection arrangements.)

Note: there could be a significant risk when a member of one of these groups becomes known and trusted within the church, and then allowed to move into Group 1 or 2 without checks, because of the sense of trust the person has engendered (this can be understood as part of the process known as 'grooming'). This is one of the main reasons for the emphasis on safer recruitment processes in all situations.

Group 4 – Purple

Those who work for the Church and where it would be useful to know about any convictions but, as their work does not relate to children, young people or vulnerable adults, safeguarding provisions do not apply. Enhanced criminal record checks **cannot** be carried out for this group. Basic disclosures can be requested for this group (currently only available via Disclosure Scotland, but anyone can apply) and other checks could be carried out for those that are charity trustees. However, it should be noted that basic disclosures do have their limitations. Examples could include – treasurer, secretary.

Group 3 – Blue

Those who work for the Church and have limited contact with people (including children and vulnerable adults) through their role, but this contact is insufficient to cross the threshold for eligibility.

Enhanced criminal record checks **cannot** be carried out for this group. Examples include – gardener, cathedral shop assistant, church steward.

Note: the DBS (Disclosure & Barring Service formerly CRB and ISA) has found that too many ineligible applications from Group 3 are being made for enhanced checks. They seek church cooperation in limiting such applications.

ELIGIBLE:

Group 2 – Orange

Eligible for enhanced criminal record checks because of substantial involvement with children, young people or vulnerable adults but not within the changed narrower definition of 'Regulated Activity', (for instance, because they are supervised).

The Government has said that work that was previously part of 'Regulated Activity' (before the change in definition) will continue to be eligible for enhanced checks.

Checks for this group will NOT include information about whether the individual is barred.

Group 1 – Yellow

Those who undertake 'Regulated Activity' with children or vulnerable adults. There is a legal requirement to check whether the individual is barred from 'Regulated Activity'. The changed definitions for 'Regulated Activity' came into force from 10th September 2012. The barred check is usually done through the enhanced criminal record check.

Note: Only people of 18 and over should do Church work within Groups 1 and 2, and so NO criminal record check to be undertaken for anyone aged 16-18.

Section 5 Terminology

The procedure set out at Section 6 uses some specific terms as defined below. In each case, the day-to-day reality may be that the role is shared between a number of individuals (for example, the role of minister in a church with a group ministry). For the sake of clarity, we refer here to a single person in each role.

APPLICANT This is the person who is being considered for the role. Remember this can be an employee, a volunteer, an office-holder, or any other person appointed to a role e.g. student or intern.

APPOINTER This is the individual who is leading on the process of deciding whether applicants are suitable for a role, and of appointing them. S/he will usually be doing this on behalf of the church council, circuit meeting or parochial church council. S/he may be another volunteer, a colleague, the manager of a service, the chair or secretary of the relevant meeting, or the minister. The APPOINTER should keep a written record of all actions and decisions.

SAFEGUARDER This is the safeguarding representative at parish, church or circuit level. S/he focuses on the 'safer recruitment' part of the process. Only the SAFEGUARDER, at local church level, can approve the APPLICANT for work on receipt of a clear criminal record check. S/he should keep a written record of the actions for which she is responsible at STEPS XXX.

RESPONSIBLE MEETING This is the group which carries ultimate responsibility for the process at local level - either the church council, circuit meeting or parochial church council (PCC) or the trustees / management committee for a particular project.

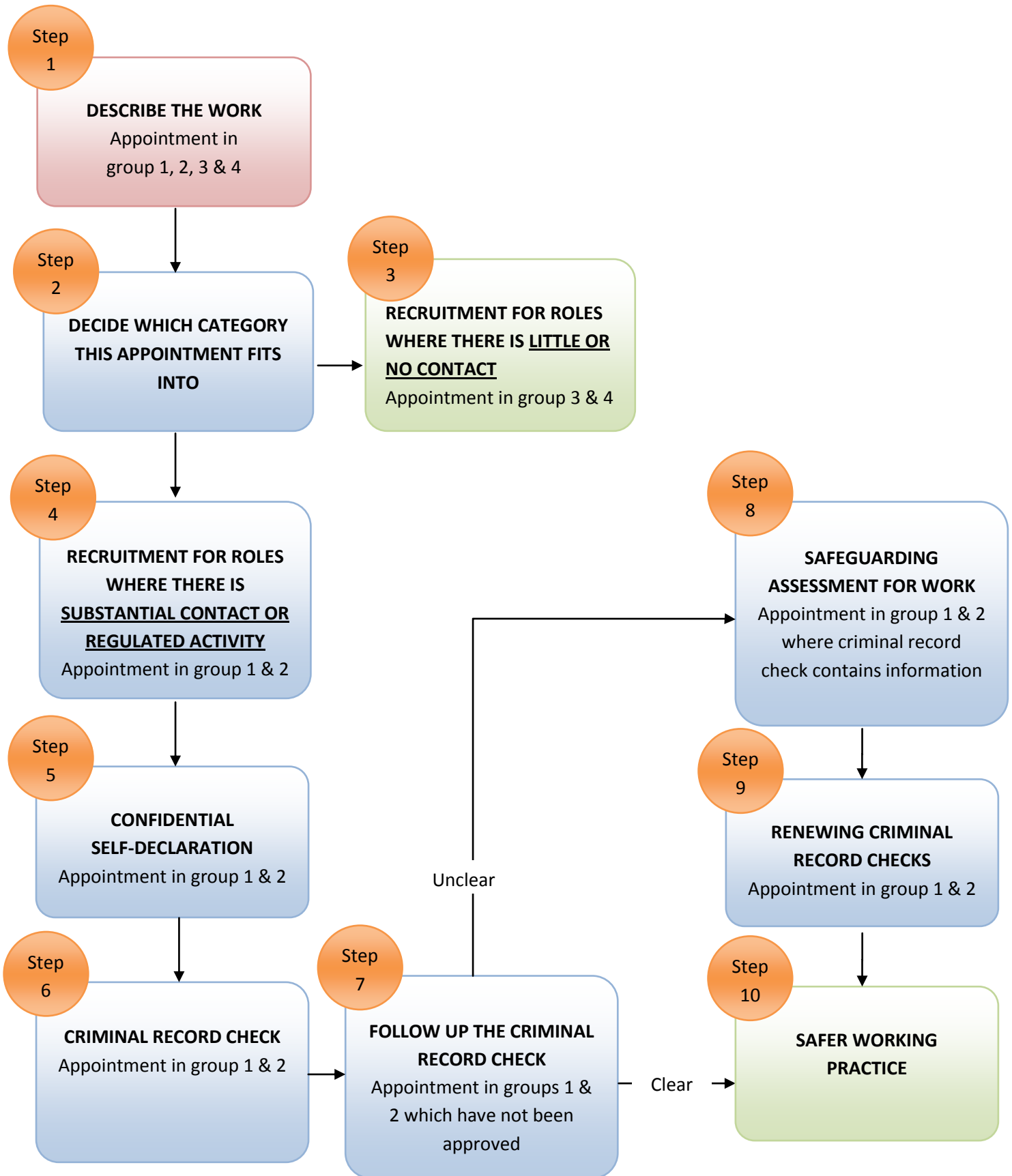
VERIFIER This is the person to whom the APPLICANT shows their ID documents when completing a criminal record check. The VERIFIER must complete the section on the form about the role and about the identity checks (Question w58 onwards.) The VERIFIER can be the same person as the APPOINTER, SAFEGUARDER, MINISTER or they may be someone without any other role in the process.

MINISTER This is the Church of England or Methodist minister who is in the leadership role for the relevant parish, church or circuit and who chairs the PCC / church council / circuit meeting. His / her specific responsibilities are: as chair, to ensure that this process is in place for all appointments; and as minister, to ensure that pastoral support is made available for all those involved where it is needed.

REGISTERED BODY This is the organisation that is registered with the Disclosure & Barring Service (DBS) to process both criminal record checks and checks on whether someone is barred from Regulated Activity. (See App. 3 for explanation of Regulated Activity.) Within the Methodist Church, the Churches Agency for Safeguarding (CAS) acts as the Registered Body for the whole Connexion. The CAS website is a useful source of further advice www.churchsafe.org.uk. Within the Church of England, there are different arrangements for each diocese. Sometimes the diocesan Registered Body acts as an 'Umbrella Body' in that they provide access to the DBS for other non-registered organisations - for example when the smaller organisation requires less than 100 criminal record checks per year.

DISCLOSURE & BARRING SERVICE (DBS.) This is the newly created public body, from 1st December 2012, which combines the functions of the Criminal Records Bureau and the Independent Safeguarding Agency.

SECTION 6 The 10 Step Procedure For All Recruitment



Step 1

DESCRIBE THE WORK

For appointment to all Roles in groups 1, 2, 3 and 4

WHO DOES THIS?

The APPOINTER

TASK

Ensure you have a written outline for the role. If it is a paid role this should be a formal job description / person specification. If it is a voluntary role, you may prefer a simple role outline (see Appendix 1).

For all roles in Groups 1, 2, 3 and 4, you should include in your role outline reference to the fact that the church is committed to safeguarding and that if, at any time, the person in this role sees or hears anything that could suggest a safeguarding risk, or has any other reason to feel concerned, then s/he should report it immediately - either to his / her 'manager' (you need to insert the name and role title) or to the safeguarding representative.

Step 2

DECIDE WHICH GROUP THIS ROLE FITS INTO

For appointment to all Roles in groups 1, 2, 3 and 4

WHO DOES THIS?

The APPOINTER

For Groups 3 and 4, the Appointer can take this step alone.

For all Group 1 and 2 roles, or if you are uncertain about which group a role fits into, you should always consult with the SAFEGUARDER.

TASK

On the basis of the written outline in Step One, decide into which category this role fits in terms of contact with children, young people or vulnerable adults. Add this information to the written outline from Step One.

The Group is determined by the level of contact with children, young people (under 18s) or vulnerable adults - see Eligibility Circles page 7 and also the lists in Appendix 2.

Step 3

RECRUITMENT FOR ROLES WHERE THERE IS LITTLE OR NO CONTACT

For appointment to all Roles in groups 3 and 4

WHO DOES THIS?

The APPOINTER, in consultation with the RESPONSIBLE MEETING.

The SAFEGUARDER does not need to be involved for Group 3 and 4 decisions unless the process raises safeguarding questions.

TASK

Decide what recruitment steps should be taken, for example written application; interview, reference/s, self-declaration form, access to basic criminal record checks (available for anyone but currently only via Disclosure Scotland only). These roles are important even though they do not include working with children or vulnerable adults.

Note: for roles in groups 3 and 4, the individual should not be asked to disclose spent convictions from the past, or other information such as findings in the family court or civil court. This is important as it offers everyone the chance to put past difficulties behind them. There is no safeguarding interest to override this right to rehabilitation, since the role has been assessed as having little or no contact with children or vulnerable adults. Both Churches fully support this belief in rehabilitation and no-one should never try to undermine the principle via unfair questioning or inappropriate criminal record checks.

On occasion, a local church has wanted to use the Confidential Self-Declaration for people who do not fit into Groups 1 or 2. This can be done provided that only information about unspent convictions is requested. We have no right to ask for information about spent convictions in these circumstances.

See Appendix 6

Step 4

RECRUITMENT FOR ROLES WHERE THERE IS SUBSTANTIAL CONTACT OR REGULATED ACTIVITY

For appointment to all roles in groups 1 and 2

WHO DOES THIS?

The APPOINTER and SAFEGUARDER, in consultation with the RESPONSIBLE MEETING.

The SAFEGUARDER will be available for advice throughout the recruitment process.

TASK

Decide the details of how to recruit to roles in groups 1 and 2

Note: you should never agree to someone starting in one of these roles until the criminal record check has been received and the APPLICANT is approved for the work. This applies to both paid and voluntary roles.

Ensure that all information about the role, (the initial advert, any written material, the job description / person specification, reference questions and then the interview questions) emphasises the commitment of the church to safeguarding and safe working practice. Any information and any advert should always state that an enhanced criminal record check will be undertaken.

No applicant for any of these roles should be left in any doubt that the church sets high standards of safety and that the role will be undertaken in a culture of 'informed vigilance.'

Note: research with sexual offenders has confirmed that they can be deterred from applying for roles where this level of safeguarding activity is made obvious from the outset. It is therefore a crucial step to take in protecting our children, young people and vulnerable adults.

The guidance for recruitment methods in relation to these roles is:

Group 1 Regulated Activity (volunteer or paid position)

Always follow a formal recruitment process with application, interview and references.
Always require a self-declaration form and then a criminal record check (Steps 5 and 6).

Group 2 Substantial contact (paid position)

Always follow a formal recruitment process with application, interview and references.
Always require a self-declaration form and then a criminal record check (Steps 5 and 6).

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Group 2 Substantial contact (volunteer position)

Decide what level of recruitment is necessary dependent on the role – there should be some form of interview and taking up of references as a minimum.

Always require a self-declaration form and then a criminal record check (Steps 5 and 6).

Note: creativity and flexibility is needed in a church setting, to ensure that these processes happen without being experienced as unduly formal or rigid.

Note: where the APPLICANT seeks to use a friend from within church as referee, every effort should be made to supplement this with a reference from someone more objective – where possible, from a professional work context.

Step 5

FIVE CONFIDENTIAL SELF-DECLARATION

For all appointments in group 1 and 2 positions
(substantial contact / Regulated Activity)

WHO DOES THIS?

The APPOINTER and SAFEGUARDER should decide which of them does this with the individual. It should usually be the same person who arranges for the criminal record check, since the two things can be done at the same time.

TASK

Once you have decided who you are going to appoint to any role (either paid or voluntary) then you must always require the person to complete a Confidential Self-Declaration Form (See App. 9) as a preliminary to a criminal record check. This asks the individual to reveal any convictions, cautions or other relevant information – although this must take into account the Disclosure & Barring Service filtering rules see guidance in App. 6).

- This process offers the individual the opportunity to flag up for you any information that may come through on the criminal record check.
- Remember that people can be deeply embarrassed about incidents from their past even when there is no link with safeguarding.
- The process is confidential and the information should not be shared except within the recruitment process and for the purposes of safeguarding.
- Should the individual wish to discuss the information with someone, then either the minister or the diocesan safeguarding adviser / district safeguarding officer can be involved as appropriate.

See STEP 3 for using the Self-Declaration Form in other situations.

Step 6

CRIMINAL RECORD CHECK

For all appointments in groups 1 and 2
(substantial contact / Regulated Activity)

WHO DOES THIS?

The VERIFIER completes sections w, x and y on each criminal record check.

The Update Service should always be the SAFEGUARDER since it is only the SAFEGUARDER who can approve an individual for work.

TASK

Once the confidential self-disclosure has been completed, the APPLICANT should undertake a criminal record check. No-one can start a role with children, young people or vulnerable adults before the check has been received and the APPLICANT approved for work.

1. Criminal Record Check

This can be completed either by a paper form or on-line via your REGISTERED BODY, if the REGISTERED BODY has that facility (see App. 8.)

When completing the form, the Disclosure & Barring Service has asked us to clarify as follows:

- Question e55 asks the APPLICANT: 'have you ever been convicted of a criminal offence or received a caution, reprimand or warning?' The APPLICANT should now ignore this question and instead treat this question as if they were being asked: 'do you have any unspent convictions, cautions, reprimands or warnings?' (For more information about spent convictions, see App. 6.)
- Question x61 asks you to state your role. You should always start as follows – and then add more specific detail.
'Child Workforce'. Use this for any position that involves working/volunteering with children.
Adult Workforce'. Use this for any position that involves working/volunteering with adults.
'Child and Adult Workforce'. Use this for any position that involves working/volunteering with both children and adults.

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- Question x64 – tick YES only if this role is Regulated Activity (group 1) with children
- Question x65 – tick YES only if this role is Regulated Activity (group 1) with vulnerable adults
- Question x66 asks about homeworking. All ministers should tick this box. For other roles, decide on a case-by-case basis. The APPLICANT needs to be prepared that when they tick this box, the police may disclose relevant information about others at the same address. In order to minimise intrusion into private life, this box should only be ticked if direct work with children or vulnerable adults may take place in the home. For example, a youth worker who returns home after the session and writes up his or her notes, does not need to tick the box if this is the only work done at home.

2. Update Service

This is a new facility, provided by the Government to help with 'portability' of criminal records. It can only be used if the individual is already registered. The Church of England and the Methodist Church will decide whether to support use of this service after the first months of its operation, to enable any teething problems to be resolved. Meanwhile, if an APPLICANT is already registered to use the service via work in a different organisation, the SAFEGUARDER will need to follow the steps set out below. (See App. 7 for more information about the Update Service and about portability.)

- individuals must show you their most recent paper criminal record check, provide identity check documents as for a criminal record check, and give you their Update Service ID number for you to access the service on-line.
- If the paper check is not clear (i.e. contains any information at all) then you cannot approve – move straight to STEP NINE.
- If the initial paper check you have been given is clear and the On-line Service confirms 'No further information', then you can approve the person to take up their role - move to STEP TEN.
- If the initial paper check you have been given is clear but the On-line Service says 'More recent information is available' then you cannot immediately approve the person. They must first carry out a new criminal record check and show you the result.

Step 7

FOLLOW UP THE CRIMINAL RECORD CHECK

For appointments in group 1 and 2 positions (substantial contact / Regulated Activity) unless they have already been approved for work via the Update Service route (see Step 6 above.)

Note: as from 17th June 2013, the Disclosure & Barring Service will only send a single copy of the criminal record check to the APPLICANT with no second copy to the REGISTERED BODY. The aim is that the APPLICANT then has the opportunity to challenge any information, before sharing with the church. We will need to monitor how this works as it is a very different arrangement from before.

WHO DOES THIS?

As set out, above.

The SAFEGUARDER must not approve for work any applicant with a disclosure which contains information. This remains the responsibility of the REGISTERED BODY working with either the Diocesan Safeguarding Adviser or the Connexional Safeguarding team.

TASK

- the SAFEGUARDER should keep a record of all criminal record checks sent to the REGISTERED BODY as well as any Update approvals they have made
- the SAFEGUARDER should follow up with the APPLICANT and the REGISTERED BODY for any checks where no response has been received within 4 weeks
- the SAFEGUARDER and APPOINTER should together ensure that the APPLICANT does no work (either paid or voluntary) until approved
- once received, the APPLICANT should show the criminal record check to the SAFEGUARDER. It must be kept strictly confidential for recruitment and safeguarding purposes
- if the criminal record check is completely clear (i.e. no information on the form beyond 'personal information', 'employment details' and 'counter-signatory details') then the SAFEGUARDER can approve for work
- the SAFEGUARDER must notify the REGISTERED BODY of all such approvals so that a central record remains available as it has been to date.
- the SAFEGUARDER must send to the REGISTERED BODY immediately by Registered Post, a copy of any criminal record check which contains information. S/he must provide full contact details for him/ herself and for the APPOINTER.

Note: this is a change of practice as previously no copies of criminal record checks have been allowed without CRB / DBS permission. The change to a single certificate means that the APPLICANT can now agree to the form being copied.

Step 8

SAFEGUARDING ASSESSMENT FOR WORK

For appointments in group 1 and 2 positions (substantial contact / Regulated Activity) where the criminal record check contains information.

WHO DOES THIS?

As set out, above.

The SAFEGUARDER should contact the REGISTERED BODY, the diocesan safeguarding adviser / district safeguarding officer or (in the Methodist Church) the Connexional safeguarding team for help at any point as needed.

TASK

- where the criminal record check reveals any information at all, this must be assessed for possible risk
- within the Methodist Church, such assessment is arranged by the Connexional safeguarding team, in co-operation with the district safeguarding officer. The final decision rests with the Connexional Safeguarding Advisory Panel (see Standing Order 232)
- within the Church of England, each diocese is responsible for arranging this process and reaching decisions
- the APPOINTER and SAFEGUARDER at local level have a crucial role to play, in supporting the APPLICANT whilst this process unfolds. The MINISTER is usually informed at this stage.
- the possible outcomes of an assessment for work are: approval; approval with conditions; not approved.
- difficult questions can arise about whether this sensitive information needs to be shared and with whom. Always seek advice from the diocesan safeguarding adviser / district safeguarding officer, or (in the Methodist Church) the Connexional safeguarding team, who may in turn seek legal advice.

Step 9

RENEWING CRIMINAL RECORD CHECKS

For all appointments in group 1 and 2 positions
(substantial contact / Regulated Activity)

WHO DOES THIS?

- people working for the church (either in employed, office-holder or voluntary positions) carry individual responsibility for ensuring that their check is renewed within the five year deadline
- every parish, church and circuit should also have a system in place to monitor the criminal record checks and identify when the deadline is pending
- the system for criminal record checks for ministers is managed at diocesan or, in the Methodist Church, Connexional level. See App. 12 for the system in relation to ministers
- the diocesan safeguarding adviser / district safeguarding officer or (in the Methodist Church) the Connexional safeguarding team should be consulted where any difficulties arise
- the local authority designated officer (LADO) in England & Wales is available for advice. The LADO should be notified in any situation where a possible risk arises, including the receipt of such information via a criminal record check.

TASK

- criminal record checks should be updated every 5 years. The process set out in Step 5 (Confidential self-declaration) onwards should be followed
- the one obvious difference is that the person is already in role
- should there be delay in obtaining the updated criminal record check, the person is not approved by the Church to act and should stand down pending completion of the process. The diocesan safeguarding adviser / district safeguarding officer or (in the Methodist Church) the Connexional safeguarding team can be consulted about how to manage this situation
- should the criminal record check be returned with any information, the process at Step 8 should be followed
- at this stage, should the information received suggest a possible risk, then it may be necessary to consider suspension as a neutral act pending assessment and decision-making. Such a decision needs to be reached in consultation with those with responsibility at local, diocese/district or (in the Methodist Church) Connexional level.

Step 10

SAFER WORKING PRACTICE

WHO DOES THIS?

The APPOINTER and the RESPONSIBLE MEETING, with input from the SAFEGUARDER and MINISTER.

TASK

Appointing someone safely is a crucial part of protecting children, young people and adults who are vulnerable within our churches. Even more important is creating a culture of safety and the embedding of that culture in all our practices. Safer working protects children, adults and workers.

Once the APPLICANT has been safely appointed, the church should provide:

- support
- induction
- training in the role and in safeguarding including the requirement to report any concern
- reviews, building in periodic feedback from children, young people or adults with whom the APPLICANT now works
- clear boundaries, especially being alert to unsupervised contact through church, outside of the work role.
- oversight, supervision
- information about who s/he is accountable to and whom s/he is accountable for

See App. 10 for more information.

APPENDICES

1. Role outlines

For all role outlines, even those in Groups 3 and 4, it is important that there is an explicit statement stating:

- The Church takes the safety of everyone within the church very seriously and expects that everyone will work within the church safeguarding policy. In particular, the Church expects anyone who becomes aware of a safeguarding risk or of actual abuse, to immediately raise this with their [APPOINTER / manager] or [SAFEGUARDER] (you should insert specific names and role titles.)

Examples of role outlines based on examples shared by the Episcopal Church of Scotland, are as follows. These could be set within a job description for an employee or in a letter of welcome and thanks to a volunteer.

The document should detail the role outline (examples below) and also:

- a) Times of work (e.g. monthly rota; once each week etc)
- b) To whom you will be accountable (e.g. Sunday school superintendent, youth club leader, pastoral visitor coordinator)
- c) Arrangements for notification if you are unable to fulfil the responsibility (e.g. telephone the person listed above)
- d) Any practical arrangements e.g. process for paying expenses; provision of equipment.
- e) Any arrangements for induction, training and support
- f) Safeguarding statement – as above – plus the requirement to renew the criminal record check every 5 years
- g) Arrangements for continuing oversight and review (for an employee a review could be an annual professional appraisal following the probation period: for a volunteer it may be more of a conversation with the person listed at (b) above).
- h) Show an appreciation of the person's commitment and make a responding commitment to offer support as needed for the person to complete their role in a successful way.

Role Outline Examples (based on examples shared by the Episcopal Church of Scotland)

Creche Assistant – supervising babies and toddlers (i.e. those too young to attend classes) during church services to allow parents to attend the service (i.e. where this takes place in a separate room and the parents are not present)

Sunday School Teacher – teaching classes for children held separately from Sunday services.
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Youth Group Leader – teaching and leading activities for children in church premises at
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other times in the week.

Youth Camp Leader – leader at residential events for children. A children’s residential camp is held at [] for two weeks each August, and other events are held throughout the year.

Pastoral Visitors - Ministers (or the PCC, church council) may appoint, train and supervise members of a congregation to assist them in visiting those with particular needs. Training would include awareness of the needs of the people they will visit, guidance on conduct, how to report concerns etc. Various workbooks and other training materials are used. Pastoral visitors are carrying out the church’s ministry of providing support, advice and spiritual guidance.

Outreach Project Workers - Outreach projects are church initiatives which target a group of people with a specific need e.g. drug or alcohol dependency, visual impairment, dementia or other mental health difficulties and provide support (often more ‘hands on’ support than pastoral visiting) to meet the needs of the individuals. Training relevant to the particular project is undertaken. The work may be with individuals or groups. Work with groups would include provision of support and fellowship. Work with individuals would include assistance with shopping or household tasks and repairs etc.

APPENDIX 2 Criminal Record Checks for Church Roles

TABLE A Those in Group 1 (Regulated Activity) who require an enhanced criminal record check plus barred list check - tick yes to Q x64, 65 or both, on the application form.

Note: you should always assess each role individually – see STEP 1 and 2.

See App. 3 for more detailed information about Regulated Activity.

<p>1. <u>Church of England ministers.</u></p> <p>All C of E ordained ministers including archbishops, bishops, archdeacons, deans, ordained and licensed clergy, stipendiary parish clergy, SSM and NSM clergy, chaplains, locally ordained clergy, clergy with 'permission to officiate', and those seeking ordination training or ordination.</p>	<p>2. <u>Methodist ministers.</u></p> <p>All Methodist ministers including ordained presbyters and deacons, those candidating for the ministry, probationer presbyters and deacons, and all supernumerary presbyters and deacons still capable of a preaching or pastoral ministry.</p>
<p>3. <u>Work with children.</u></p> <p>Youth workers, children's workers, managers of youth and children's workers in Group 1 (Regulated Activity) roles, bell ringers who teach children, music leader where the choir / music group is mainly with children or young people, server when the role includes supervision of children or young people under the age of 18, drivers of young people or children where the driving is organised by the church.</p>	<p>4. <u>Work with vulnerable adults.</u></p> <p>This includes pastoral visitors where the role includes direct feeding, physical care, or assistance with financial matters; also driving (organised by the church) to medical or social care appointments</p>
<p>5. <u>Managers (Regulated Activity).</u></p> <p>Those managing workers who undertake Regulated Activity with children or vulnerable adults, for example Sunday School Superintendent, the manager of a luncheon provision for adults with serious physical disabilities where help with feeding is required, or the Bellringer Tower captain who manages those who train children.</p>	<p>6. <u>Managers (supervised workers in Group 2).</u></p> <p>Those managing workers who work with children, where the role would have been Regulated Activity were it not for the level of supervision provided (see App. 3 for more details) with children or vulnerable adults – for example the manager of a crèche worker who is never alone with children and whose work is always directly observed.</p>

TABLE B Those in Group 2 (substantial contact) who are likely to require an enhanced criminal record check without a barred list check - tick no to Q x64 and 65 on the application form.

Note: you should always assess each role individually – see STEP 1 and 2.

See App. 4 for more detailed information.

<p>7. <u>Work alongside parents</u></p> <p>Those working with children in the presence of their parents, carers, or supervisors, but where on occasion the worker cares for the child without the parents present – including family worker and leader of parent & toddler groups or Messy Church.</p>	<p>8. <u>Previous definition of Regulated Activity</u></p> <p>Those whose role was (pre 2012) deemed to be Regulated Activity (with either children or vulnerable adults) and therefore now fall into Group 2 – eligible for criminal record but not for barring information. (See App..4) This includes members of PCC, church council, and circuit meetings especially the Church Wardens, senior stewards, and leaders for safeguarding. It also includes some specific roles for example visitors into schools e.g. Open The Book volunteers.</p>
<p>7. <u>Substantial work with children.</u></p> <p>All those working with children or young people where either the period condition (frequent, intense, overnight) is not met or where there is sufficient supervision to move the role out of Group 1 Regulated Activity . See App. 3 below. For example – a volunteer youth worker whose turn on the rota is only every other week (not frequent) or for example the crèche worker who is never alone with children and whose work is always directly supervised .</p>	<p>8. <u>Substantial work with vulnerable adults</u></p> <p>Those working with vulnerable adults where the role is substantial (Group 2) but does not fit the criteria for Regulated Activity . This includes some lay readers, worship leaders and local preachers; drivers for church activities; pastoral visitors/ assistants / home visitors</p>

Table C Those whose role is unlikely to be eligible for an enhanced criminal record check – but will still need consideration see Steps 1, 2 and 3 (i.e. Groups 3 and 4). There is still a need for careful recruitment and attention to safe working practice.

Note: you should always assess each role individually since it may be that the person does have substantial contact with children or vulnerable adults.

<p>9. <u>Safeguarders</u></p> <p>Safeguarding representatives at parish, church, circuit, district, diocese or national / Connexional level – <u>unless</u> as member of trustees (as for churchwardens and Methodist senior stewards) (see App. 11).</p>	<p>10. <u>Limited or no contact with children or vulnerable adults.</u></p> <p>For example, shop staff, tour guides, welcome teams, refreshment servers, flower arrangers, sidesmen and women, gardener, vergger, caretaker, choir leader, musical director, organist, choir members.</p>
<p>12. <u>Those in 'peer' or self-help arrangements</u></p> <p>For example, a support group for the families of drug or alcohol abusers – a person who previously had this problem, but now joins the group to share the experience of getting through it, or a parent supporter who has had personal experience does not need a criminal record check.</p>	

APPENDIX 3.

Definitions for Group 1 roles - Regulated Activity

(remember: checks for Regulated Activity roles include the check of the Barred lists for children and / or vulnerable adults – see Q x64/65 of the criminal record form.)

Ministers

Within the Church of England and the Methodist Church, all ordained ministers with authority to exercise their ministry are deemed to be undertaking Regulated Activity (Group 1) and are therefore required to undertake an enhanced criminal record check with barring information requested (Qs 64 & 65.) A minister / member of the clergy, once ordained, is expected to provide a range of services, including pastoral care, when exercising his/her ministry¹. So, where a person is ordained and is authorised to exercise his/her ministry they have the authority required² to undertake work which is 'Regulated Activity'.

It is recognised that the individual could be called upon to undertake this work at any time without any further accreditation or approval process. Such an individual is therefore deemed to be part of the workforce carrying out 'Regulated Activity' irrespective of the remit of his/her current post or the nature of his/her current role. For example, an ordained Church of England priest who is an academic with the appropriate Bishop's licence could start working in a church youth club within the diocese without any further check or validation process. In short, this means that all ordained ministers / clergy with authority to exercise their ministry are expected by the Church of England and the Methodist Church, to complete criminal record checks which include a barred status check.

Vulnerable Adults

The current Regulated Activity definition for adults was tightened by the Protection of Freedoms Act 2012. It is now defined by the role and not by the characteristics of the recipient –i.e. their type or level of vulnerability.

Within a Church setting, those undertaking Regulated Activity with adults will be limited to the small number of roles where the person concerned is involved in the relevant activities set out below. Differing from the children's definition, there is no period condition (frequency, intensity, overnight) for these activities. If a worker is expected to do them as part of the role at any point, then the role becomes Regulated Activity. An Enhanced Criminal Record plus Barred List check must therefore be undertaken.

Apart from the work of health or social work professionals (not usually relevant for church roles) the relevant activities are as follows – and include those who supervise / are responsible for people undertaking this work directly:

¹ For example: 'Declare the Good News, celebrate the sacraments, serve the needy, minister to the sick, welcome the stranger, seek the lost. Be shepherds to the flock of Christ. As you exercise mercy, do not forget justice; as you minister discipline, do not forget mercy;' (taken from the Methodist Ordination Service. Or see Canon C24 – Canons of the Church of England – 'Of priests having the cure of souls':- '6. He shall be diligent in visiting the parishioners of the benefice, particularly those who are sick and infirm; and he shall provide opportunities whereby any of such parishioners may resort unto him for spiritual counsel and advice.'

² For example if he/she is not currently in the Methodist Connexion and would need reinstatement, he/she is not automatically approved to carry out 'Regulated Activity' for the Church. Similarly, a member of the clergy in the Church of England who is not exercising his/her ministry in accordance with Canon C8 (which includes Permission to Officiate). In such cases the relevant individual would not be automatically engaging in 'Regulated Activity' of England who is not exercising his/her ministry in accordance with Canon C8 (which includes Permission to Officiate). In such cases the relevant individual would not be automatically engaging in 'Regulated Activity'.

- help with washing/dressing; eating/drinking; toileting;
- teaching someone to do one of these tasks.
- help with a person's cash, bills or shopping because of their age, illness or disability. (A good example is helping someone pay a household bill. Posting the letter for the housebound person is not Regulated Activity but taking the money from them to pay at the PO counter is Regulated Activity.)
- helping someone in the conduct of their affairs (for example, a Power of Attorney for someone who is not a relative or friend. This would be very unlikely in a church context and ministers in particular are advised never to accept Power of Attorney for a church member).
- driving someone (because of their age, illness or disability) to/from places in order to receive health, personal or social care. (Note: not as family or friend but as part of the church role.)

Children (birth to under 18 yrs old)

To meet the definition of Regulated Activity for work with children, the Period condition criteria must be met and the person must not be supervised to the level of the definition below.

In addition, those who supervise / are responsible for people undertaking work which meets these criteria, are deemed to be undertaking Regulated Activity .

The Period condition is defined as where the activity meets one or more of the following:
 Frequently - at least once a week
 Intensively - 4 days in a 30 day period
 Overnight - between the hours of 2am and 6am

Supervision. The question of whether or not a worker (or volunteer) is supervised is important.

The Government has not provided a formal definition, but rather left each organisation to implement its own definition. In most church situations, one worker will not be acting as the formal supervisor of another worker. The more usual pattern would be for people to co-work. The Church of England and Methodist Church define 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.

This is complex: an unsupervised position (to this definition) is Group 1 Regulated Activity but a supervised position is not Regulated Activity – it falls into Group 2 Substantial Contact. In addition, managers who provide supervision to the level of this definition, and therefore moves the worker out of Group 1 Regulated Activity, are themselves in Regulated Activity (see Box 6 in App. 2 above.).

APPENDIX 4 .

Definition for Group 2 roles - 'Substantial' contact with vulnerable adults or children

Vulnerable Adults

The DBS provides two categories which fit within this group (our emphasis). There is a complex legal pathway³ underlying this provision of which the outcome is as stated here.

Note: The definition of 'vulnerable adults' and 'Regulated Activity' applies to the Safeguarding Vulnerable Groups Act definitions, 2006.

- Any work which was previously defined as Regulated Activity relating to vulnerable adults
- Any position which otherwise involves regularly caring for, training, supervising or being solely in charge of vulnerable adults

Children

The threshold frequently quoted by Government is that the level of contact should be greater than the sort of casual contact with a local shopkeeper. In church terms, examples would be more contact than the door steward or coffee maker after service.

The DBS provides three categories which fit within this group (our emphasis):

- Any work which was defined as Regulated Activity relating to children within the meaning of Schedule 4 Part 1 of the Safeguarding Vulnerable Groups Act 2006 before the coming into force of section 64 of the Protection of Freedoms Act 2012 on 10th September 2012.
- Any regulated position within the meaning of Part 2 of the Criminal Justice & Court Services Act 2000 (CJCSA). (This does not include those working with 16/17 year olds on work experience.)⁴
- Any position which otherwise involves regularly caring for, training, supervising or being solely in charge of children.

³ The Protection of Freedoms Act 2012 states that this is within the meaning of section 59 of the Safeguarding Vulnerable Groups Act 2006 as it had effect immediately before the coming into force of section 65 of the Protection of Freedoms Act 2012. This has now been amended by SI 2013 No 1194 the Police Act Regulations 1997 (Criminal Records) (Amendment) and a new definition of 'work with adults' inserted into the relevant legislation.

⁴ Note: this legislation is pending review. It forms a crucial part of the provision – for example all Sunday school teachers or youth club volunteers, working on a rota, are only eligible for an enhanced check because of the 'regulated position' provision in the CJCSA. The Church has been working with the Government in relation to this issue and it is hoped that this will be clarified by the Government before the final version of this policy.

APPENDIX 5

Barring from Regulated Activity (i.e. Group 1 roles.)

Decisions about whether to bar an individual were previously made by the Independent Safeguarding Authority (ISA), which in turn took over all the information on previous professional barred lists - for example 'List 99' in education. In December 2012, ISA merged with the Criminal Records Bureau to form the Disclosure and Barring Service (DBS).

All organisations are required to take barring seriously:

- it is a criminal offence for an individual who is barred to apply for a Regulated Activity role – so organisations have to be clear when advertising or recruiting about the nature of the role
- it is a criminal offence for an organisation to appoint a barred person to a Regulated Activity role
- it is a legal requirement for an organisation to refer to the DBS for consideration of barring, any individual in Regulated Activity where for safeguarding reasons the organisation has either terminated the employment; failed to appoint; or would have terminated the employment had the individual not moved on through resignation, retirement or re-deployment. It is good practice to send a copy of such referrals to the local police as well.

The Government has decided that, as 'Barring' applies to Regulated Activity (Group 1) positions only, then checks for those in Group 2 (Substantial contact) positions will not provide this information. This was strongly opposed by many safeguarding organisations as the Protection of Freedoms Act was debated in Parliament. The Government confirmed that the criminal record check would provide the cautions / convictions on which the barring decision was made and that, where it is known to the police, any further information which contributed to the decision will be provided as Additional Information. For this reason it is strongly recommended that where any referral for possible barring is made, a copy of that referral should also be provided to the police locally so that all relevant information is known.

APPENDIX 6

Rehabilitation of offenders, 'spent' convictions and the DBS filtering arrangement

Rehabilitation and 'spent' convictions.

The Rehabilitation of Offenders Act 1974 provides that, subject to certain exceptions, those convicted of a criminal offence who have not re-offended during a specified period from the date of conviction will be deemed rehabilitated and their conviction 'spent'. The period of time that must pass before a conviction is spent depends on the sentence imposed rather than the nature of the offence.

The Legal Aid, Sentencing and Punishment of Offenders Act 2012 amends these time periods, but this is not yet in force. Further notification will be issued once this is in force.

Sentence	Rehabilitation period for people aged 18 and over when convicted	Provisions of the new LASPO Act, waiting to be brought into force.
Absolute discharge (i.e. offence committed but no penalty imposed)	6 months (Under 18: 6 months)	No rehabilitation period
Fines, probation, community service, reparation, compensation, curfew	5 years (Under 18: 2.5yrs)	Spent after 1 yr
Custodial sentence (up to 6 months)	7 years (from date of conviction) (Under 18: 3.5yrs)	Spent after 2 yrs
Custodial sentence (over 6 months, up to 2.5 yrs)	10 years (from date of conviction) (Under 18: 5 yrs)	Spent after 4 yrs
Custodial sentence over 2.5 yrs	Never spent (Under 18: never)	Custodial sentences between 2.5 and 4 yrs – spent after 7 yrs Over 4 yrs – never spent

Most spent convictions do not need to be disclosed to a potential employer. Failure to disclose a spent conviction is not a lawful ground for dismissal or exclusion.

The Church of England and the Methodist Church fully support the principle of rehabilitation and apply it to all recruitment practice.

Those posts with regular contact with children, young people and other vulnerable people, are exempted from the relevant provisions of the 1974 Act. Applicants for such posts will be advised that they will be subject to a criminal record check from the DBS before the appointment is confirmed. This will include details of cautions, reprimands or final warnings, as well as convictions, and other relevant information, subject to the DBS's filtering provision – see below.

The Methodist Church has set restrictions about the roles that can be undertaken by those

who pose a risk to children and vulnerable adults. See Standing Order 010 and the Policy 'Safeguarding Children & Young People.'

DBS Filtering of old and minor offences on Criminal Record Certificates

<https://www.gov.uk/government/publications/dbs-filtering-guidance>

Note: This is complex for applicants as they work through completing the Confidential Self-Declaration and the Criminal Record Check (Steps 5 and 6). The local SAFEGUARDER should help them work through any decisions, taking advice as needed.

Legislation has now been introduced to amend the law as a result of the Court of Appeal decisions in *R (on the application of T) v Chief Constable of Greater Manchester and others; R (on the application of JB) v Secretary of State for the Home Department; R (on the application of AW) v Secretary of State for Justice [2013] EWCA Civ 25*. In these cases, the Court of Appeal ruled that the automatic disclosure of all convictions and cautions on criminal record certificates, regardless of their relevance for the job in question, was disproportionate and therefore, it was incompatible with the right to private life under article 8 of the European Convention for Human Rights, (this "filtering" was also one of the recommendations contained in Sunita Mason's report (Recommendation 5) – A Common Sense Approach – Phase 1 – February 2011).⁵

From 29 May 2013, the DBS has removed certain specified old and minor offences from criminal record certificates. In summary:

For those 18 or over at the time of the offence:

An adult conviction will be removed from a DBS criminal record certificate if:

- 11 years have passed since the date of conviction
- and it is the person's only offence,
- and it did not result in a custodial sentence.

Even then, it will only be removed if it does not appear on the list of specified offences (such offences include murder, stalking offences under the Protection from Harassment Act 1997 or offences under the Sexual Offences Act 2003 etc. See the following link for the range of offences <https://www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check>⁶. In addition, if a person has more than one offence, then details of **all** their convictions will always be included.

An adult caution will be removed after 6 years have passed since the date of the caution – as long as it does not relate to one of the specified offences included in the abovementioned list.

For those under 18 at the time of the offence:

- The same rules apply as for adult convictions, except that the time period is 5.5 years

⁵ The relevant statutory instruments amending the current law are:- Police Act 1997 (Criminal Record Certificates: Relevant Matters) (Amendment) (England and Wales) Order 2013 and the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013

⁶ This is not the complete list as the legislation also extends to cover similar offences committed under the law of Scotland and Northern Ireland or under laws relevant to the armed services.

- The same rules apply as for adult cautions, except that the time period is 2 years.

Criminal Record Certificates

As a result of these changes, the DBS has amended question e55 on the DBS application form for a criminal record check. (See STEP 6.) The DBS has asked Registered Bodies to notify applicants of this change when asking them to complete the DBS application form. Currently, question e55 asks the applicant *'have you ever been convicted of a criminal offence or received a caution, reprimand or warning?'* The DBS states that applicants should now ignore this question and treat this question as if they were being asked *'do you have any unspent convictions, cautions, reprimands or warnings?'*

Note: to reflect this change, the Confidential Self-Declaration form (Step 5) has also been amended.

APPENDIX 7

DBS Update Service and Portability

Update Service

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/201178/Applicant_guide_v2.0_23.05.13.pdf

This came into being from 17th June 2013. It is a mechanism whereby an individual's criminal record can be constantly updated and accessed electronically. This prevents the need for repeat criminal record applications in relation to different roles. The service is free for volunteers and at an annual cost of £13 for others.

Joining the service is an individual decision. The APPLICANT needs to register within 14 days of receiving a fresh paper criminal record check and then renew registration annually or sooner, following a change of address.

The Church of England and the Methodist Church will make a decision in the autumn 2013, following any initial teething problems for this new IT system, about whether to support registration with this service for people who work for the Church. The process set out in this policy outlines how to respond where an APPLICANT has already joined the Update Service via work outside the church.

Portability.

This is the term employed by the Government for using a criminal record check obtained in one role, for a different role sometimes with a different employer or organisation.

There can be some portability of a criminal record check within the Church as follows:

- anyone applying for a further role within the same parish, church or circuit does not require a second criminal record check, if the work is with the same 'workforce' i.e. children or vulnerable adults
- where someone wishes to work/volunteer in a role with the different 'workforce' (for example, someone who has volunteered at a youth club now offering to work as a driver for a housebound adults scheme) then a new criminal record check is required.

To accept a pre-existing criminal record check from a body outside the Church, the following requirements must be met:

- the check must be completely clear (i.e. no record of cautions, convictions or additional information.)
- it is less than 2 years old.
- it is for a similar position
- the applicant's identity is verified.
- the APPLICANT is still in the post or job for which the check was obtained.
- a reference from the previous employer or appointer is obtained to ensure that the APPLICANT was appointed following receipt of the check.
- the issue date and serial number of the check is recorded together with the applicant's name and date of birth.

- A Confidential Declaration Form must be completed.

There are some circumstances where a new criminal record check should always be made:

- where the APPLICANT is registered with the Update Service, the criminal record is easily accessible and always updated. It should therefore always be checked .
- where a person applies for an employed position working with children or vulnerable adults
- where a person is candidating for the ministry (Methodist Church) or seeking ordination training (Church of England) then a new criminal record check is always required.

Note - once accepted for training, there is no requirement for the training institution to do a new criminal record check where the one obtained for at the stage of candidating / seeking training can be provided.

APPENDIX 8

Registered Body

All criminal record checks are carried out by a Registered Body (or Umbrella Body – see Terminology section) – i.e. a body registered by the DBS as meeting the required standards to do this work. The Methodist Church works through Churches Agency for Safeguarding (CAS). CAS now has an ‘E-bulk’ facility so that applications can be done either via the paper-based traditional format, or electronically via ‘E-bulk’. E-bulk asks the same questions as the paper format but enables a much quicker response from DBS. Methodist ministers currently should not use the E-bulk process unless your District has arranged a mechanism whereby you can be refunded for the cost of the application. The CAS website is a useful source of further information www.churchsafe.org.uk

Within the Church of England, Dioceses have a variety of different arrangements so information will be provided separately within each diocese.

The DBS has confirmed that they will notify the Registered Body once a criminal record check has been issued to the APPLICANT, in those criminal record checks that have gone through the electronic e-bulk system. It is not yet clear whether they will make similar provision for checks done via the paper-based route.

The DBS notification will say either ‘clear’ or ‘see certificate’. No details about the nature of any disclosure will be provided.

APPENDIX 9

Confidential Self-Declaration

The Confidential Self-Declaration should be completed by the APPLICANT before any criminal record check is sent off. It can be completed at the same time. The purpose is to offer the APPLICANT the opportunity to share any information before it is disclosed through the criminal record check. Many APPLICANTS with information to share have indicated that they have valued this opportunity to be honest from the outset of the process. This form has also proved extremely useful in the small minority of situations where the APPLICANT has indicated that there is no information, and the criminal record check proves the opposite.

The form will be amended before the end of June 2013 to comply with the DBS filtering provision (see App. 6 above.)

On occasion, the form is used in situations other than linked with a criminal record check. This can be done provided that only information about unspent convictions is requested. We have no right to be told information about spent convictions in these circumstances.

APPENDIX 10

Tips for Safeguarding in Recruitment and Working Safely

The commitment of the Church to welcoming everyone into our community, means that recruitment and working practices need to be exceptionally rigorous. There is a risk that offenders may move into an organisation like the Church, now that public sector organisations have become more stringent about their recruitment and working practice.

Because of the importance of recruiting safely, there is a great deal of literature available. Much of this relates specifically to the risks of sexual abuse since this is one of the main areas of abuse. The lessons apply equally to all kinds of abuse, against children and adults.

The NSPCC⁷ last year interviewed a number of sex offenders and used this perspective to analyse what is needed. Child sex offenders are known to be particularly manipulative and often rely on charm as a part of the grooming process not just in relation to their victims but also with regard to those adults which surround the victim and would ordinarily protect him or her from abuse. The report noted that many of the convicted child sex offenders described not only grooming children, but also their families and 'provided indications of how they managed the impressions of the communities they lived and worked in...'

Recruitment

- The safeguarding work in the diocese of Chichester has revealed the way in which an offender, once known and trusted within a community, can take advantage of that trust to move between work positions and abuse with freedom. The only defence is to apply the standard procedure without distinction for whether the 'applicant' is a friend, colleague, or someone previously unknown
- Leave the applicant (whether they be friend, colleague or newcomer) in no doubt, from the information provided, that your organisation takes safeguarding seriously
- Follow up any gaps in the chronology of a person's work history
- With references, if you use a standard pro-forma, ensure you ask explicitly about any safeguarding concerns
- Where any queries arise from a written reference, ensure you also speak to the author by telephone. Too often people 'hint' at difficulties in their written reference but the reader does not pick up the implication
- Ensure that at least one of your questions enables you to assess the person's commitment to working in a safe way, as well as understanding of the importance of safeguarding.
- No-one should start work until approval has been given following receipt of the criminal record check.

⁷ *Towards Safer Organisations 11 – Using the perspectives of convicted sex offenders to inform organisational safeguarding of children* (2012) NSPCC

Safer Working

- Culture. Safe working practices rely on a safe organisational culture. ‘For an organisation to have a satisfactory child-centred culture with children’s well-being and welfare at the core, it must have clearly articulated set of values and desired organisational behaviours. It then needs defined methods to adhere to and monitor the effectiveness of those behaviours’ (NSPCC 2012)
- Boundaries. Be alert to the question of boundaries. The Methodist Church President’s Safeguarding Inquiry in 2011 highlighted this. There are many different boundaries: for example, a worker approved to be a pastoral visitor with some older, disabled people should not also be helping at youth club without a separate recruitment process. Another example is where a youth worker starts meeting with some of the young people away from the youth club, even having individuals to stay overnight at home – or where the worker starts communicating in a private capacity on Facebook, Twitter etc.
- Framework. Provide the framework for all workers (paid or volunteer) of accountability, induction, support, development, oversight, review. This can look very different dependent upon the context and the role – but the framework is always needed.
- Reporting. Ensure that everyone knows that they are expected to report anything that raises a safeguarding concern. Concerns can arise in many ways but they always need reporting so that they can receive proper consideration. Too many church people have had to say ‘If only I had said something sooner’ about situations of abuse.

APPENDIX 11

Criminal record checks - guidance for specific situations

'One-off' Visitors or Helpers

Where a volunteer's role will be a one-off, such as accompanying staff and children on a day outing or helping at an event (e.g. a holiday club), recruitment measures would be unnecessary provided that the person is known to the organisation and is always supervised.

It is not necessary to obtain a criminal record check for visitors who will only have contact with

children on an ad hoc or irregular basis for short periods of time. It is good practice to ensure that visitors sign in and out and are escorted whilst on the premises by a member of staff or appropriately vetted volunteer.

Lay readers (Church of England), local preachers / worship leaders (Methodist Church)

It is expected that both during training and once accredited that new Lay Readers, Local Preachers and Worship Leaders will be engaged in church services which are for children or include children, (such as parade services), and vulnerable adults, (such as services in care homes, or in taking extended communion to the housebound).

It is therefore required that:

- New Lay Readers should obtain a criminal record check before their training commences
- New Local Preachers should obtain a criminal record check prior to going 'on trial'
- New Worship Leaders should obtain a criminal record check before their training commences
- For all current Lay Readers, Local Preachers and Worship Leaders, decisions should be based on the nature of their current duties.

Pastoral visitors

Those who are engaged in pastoral visiting or are appointed as pastoral workers for the general congregation will not normally be required to have a criminal record check as they usually fall into Group 3 .

For those pastoral visitors whose work is more focused on adults or families with increased vulnerability, then a decision needs to be made about whether the role fits into Group 1 or 2. If so, a criminal record check is required .

Those coming to work from abroad

For overseas candidates who have not previously lived in the UK, and also for UK candidates who have lived abroad for significant periods, the APPOINTER should make an additional check

by asking the APPLICANT to obtain a certificate of good conduct /police record from the relevant embassy or police force, wherever that is available.

Where an applicant is from, or has lived in, a country where this provision is not available, or is a refugee / asylum seeker with no means of obtaining relevant information from their country of origin, the APPOINTER should take extra care in taking up references and carrying out other background checks. For example, additional references should be sought and at least one reference, from a previous work place, should be followed up by phone as well as letter.

People sent by the Church to work abroad

The Church should undertake a criminal record check in relation to people we send abroad. The nature of the check (i.e. with /without a request for barring information at Q x 64/65) will depend on whether their work will be in Group 1 (Regulated Activity) or Group 2 (substantial contact.)

Members of the Parochial Church Council (PCC), church council or circuit meeting

Where the parish, church or circuit works with children and/ or vulnerable adults, then all members of these governing bodies, as Charity Trustees, are deemed to be in Group 2 and as such are eligible for a criminal record check. The detailed justification for this is that prior to the Protection of Freedoms Act they were engaged in Regulated Activity according to the previous definition, and therefore remain eligible for a criminal record check without barring information.

Remember that any members of these groups who directly supervise or manage the work of someone in a Group 1 role (Regulated Activity), are by definition themselves also in Group 1 and therefore a criminal record check plus barring information should be undertaken.

A minimum of three checks should always be undertaken: the safeguarding lead person and the two church wardens (C of E) or senior stewards (MC). For the other members, the meeting can decide on what checks are appropriate. It would not normally be deemed necessary to require checks from the all trustees.

See: July 2012 Protection of Freedoms Act Information Sheet, for information about further provisions for trustees, separate from the safer recruitment arrangements.

Note: apart from via this important provision of membership of the PCC, church council or circuit meeting, there is no eligibility for church wardens, stewards or safeguarding representatives.

Ecumenical events

For an occasional event, a decision should always be made about which body is 'hosting' the event. This matters both for safeguarding and for insurance arrangements.

When recruiting the workers (either paid or volunteer), suitable assurances should be obtained from the 'home' church or organisation which first recruited them, that the person has been recruited safely with criminal record check if required.

For a more permanent arrangement – for example, a street pastor provision via the local Council of Churches – a decision should be reached about whether the group should organise criminal record checks or whether one of the ecumenical partners should take the lead for all members. This usually mirrors the arrangements for safeguarding generally, so that if the Church of England or Methodist procedures are being followed by the group, then it makes sense for that denomination to take the lead with criminal record checks. Alternatively, where the group is of sufficient size to make it appropriate to have an

independent arrangement for criminal record checks, then the group should also have independent safeguarding policy and procedures.

'Peer' or self-help arrangements

Family members, or other vulnerable adults, do not require a criminal record check where they are assisting a leader in providing an activity for people who experience the same situation as themselves or their relative / close friend.

Student placements

When offering student placements for professional or vocational training where there is a practice placement element, a criminal record check should be applied for as soon as the place on the programme has been accepted, so that the information is received prior to the student commencing the work-based elements of their training. No student should ever start a placement where part of the role would fit within Group 1 or 2, without first having been approved through the criminal record process.

Caretaker

Most caretakers fall into group 3 and are not therefore entitled to an criminal record check. Where the role involves significant involvement with vulnerable groups, this needs spelling out on the application form since 'caretaker' will be rejected.

APPENDIX 12

Criminal record checks for ministers

Within the Church of England, each diocese has an independent arrangement for criminal record checks. Senior clergy are checked through Lambeth Palace.

Within the Methodist Church, there is a standard system as follows:

1. All ministers are deemed to be doing Regulated Activity and so both checks are necessary. In practice, that means completing the standard DBS form, ticking 'Yes' to Qs 64&65.
2. The checks are required every 5 years or earlier at any stage where safeguarding concerns arise.
3. Fresh checks are NOT required when the minister moves between Districts. The only exception to this rule is when the minister moves to the country of Scotland from elsewhere in the Connexion. The reason for this is that the PVG scheme which operates in Scotland differs from arrangements elsewhere and therefore a fresh check is required.
4. Checks are required for all candidates for the ministry and again before they are first stationed.
5. Payment is not required to be attached to the form as this is settled centrally by the Connexion. The exception to this is if you wish to do the check electronically, in which case you need to attach payment and seek re-payment later from the District. You can only do this if you have cleared it first with the District.
6. No person should start working in the role of minister without checks having been done and clearance given. This applies to probationer ministers (see above) and to others, for example, those entering as a result of a transfer panel or at the request of their local church.
7. Ministers who are 'authorised to serve' or who are 'associate ministers' retain a primary base for ministry within their own denomination. For now, the criminal record and barring checks should therefore be done by the denomination, and confirmation provided to the Methodist Church.
8. Ministers who come from abroad should provide information from the previous countries of residence, as set out in App. 12
9. Development & Personnel will email all District Chairs each quarter to notify the District of those ministers whose checks are due.
10. Checks are required for all presbyters and deacons, including supernumeraries, irrespective of whether they are in active work. The provision is that they are capable of a preaching or pastoral ministry. Chairs should notify the Secretary of Conference on an annual basis in October, of those ministers whom they deem incapable of ministry on the grounds of age or infirmity. The final decision about whether the checks are required will

rest with the Secretary of Conference.

11. Supernumerary ministers should normally be described as volunteers. The exception would be when a supernumerary minister is paid for specific work by a circuit – in this case they are deemed employed. The fee is then paid by the Connexion as with all working ministers.
12. Confidential Declaration Form . This form is for completion by everyone doing a criminal record check. It gives the individual the chance to disclose information up front. It also enables the church to hold them to account should they fail to do so. Ministers' forms should be returned to the Office of the Secretary of Conference, marked 'Confidential Declaration Form'.
13. Ministers and deacons are based in a manse as the base of their ministry. It therefore follows that they should all tick Yes at Q66. People should be aware (as set out in the Recruiting Safely policy) that this means the police will check the names of all adults known to be linked with that address and may disclose relevant information about these other people.
14. The application can be verified either by another minister or by a lay verifier.
15. Where the disclosure contains information – i.e. it is a 'blemished' or 'unclear' disclosure – then the minister should provide a copy of the certificate immediately, either to the district safeguarding officer who will then pass it on, or send it directly to the Methodist Church Connexional safeguarding team. Someone from the Connexional team will contact the minister to invite him / her to explain, amplify or challenge the information. Any communication will be with the minister directly or with the Connexional Governance section and Chair of District as appropriate, rather than with the verifier.
16. As mentioned above, the process in Scotland is different. This is clarified in a separate PVG policy document for Scotland. For the Island jurisdictions, arrangements need to be put in place which match as closely as possible with the system for England and Wales.

APPENDIX 13

Sarah's Law - The child sex offender disclosure scheme

<https://www.gov.uk/government/publications/child-sex-offender-disclosure-scheme-guidance>

This information is provided because there are occasions when the SAFEGUARDER in a church or diocese / district may need to consult the police locally about an individual who is in Group 3,4,5 or 6 – i.e. not subject to the criminal records check system. Usually this information sharing process can proceed relatively simply, under the provision of *Working Together to Safeguard Children 2012*. Where the police find difficulty in disclosing to you necessary information, then these provisions may be of use.

The sex offender disclosure scheme in England and Wales (also known as “Sarah’s Law”), allows any individual to formally ask the police if someone with access to a child has a record for child sexual offences. Police will reveal details confidentially to the individual most able to protect the child (this will usually be parents, carers or guardians) if they think it is in the child’s interests. (Scotland run a similar nationwide scheme called ‘Keeping children safe’ which allows parents, carers and guardians of children under 18 years old to ask the police if someone who has contact with their child has a record for sexual offences against children, or other offences that could put that child at risk).

Individuals who require further information on how the scheme operates in their community and how to make applications for disclosure should contact their local police force for more information.

If a disclosure is made, the information must be kept confidential and only used to keep the child in question safe. Legal action may be taken if confidentiality is breached. A disclosure is delivered in person (as opposed to in writing) with the following warning:

- *"that the information must only be used for the purpose for which it has been shared i.e. in order to safeguard children;*
- *the person to whom the disclosure is made will be asked to sign an undertaking that they agree that the information is confidential and they will not disclose this information further;*
- *a warning should be given that legal proceedings could result if this confidentiality is breached. **This should be explained to the person and they must sign the undertaking**" (The Child Sex Offender (CSO) Disclosure Guidance Document, Home Office - 2011, p.16, paragraph 5.6.24).*

If the person is unwilling to sign the undertaking, the police must consider whether the disclosure should still take place.