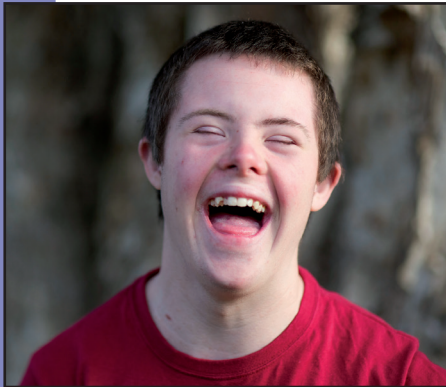


THE DIOCESE OF BLACKBURN

THE CHURCH OF ENGLAND IN LANCASHIRE



CCPAS Disclosure Service

Diocese of Blackburn and Diocesan Board of Education

**Contact your dedicated
Account Manager on
0845 120 45 49 Ext 204
accountmanager@ccpas.co.uk**

September 2016 version

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Swanley, Kent, BR8 7UQ.
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CCPAS 
setting standards in safeguarding

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CCPAS – Who Are We?

CCPAS (the Churches' Child Protection Advisory Service) is the only independent Christian charity providing professional advice, training, support and resources in all areas of safeguarding children and vulnerable adults. Organisations who register with the CCPAS Disclosure Service have access to a wide range of support services including a 24 hour helpline (0845 120 45 50) staffed by qualified and experienced social workers and counsellors and includes an 'out of office hours' service for emergencies.

Introduction

Criminal records checks are available to help organisations in the public, private and voluntary sectors by identifying candidates who may be unsuitable to work with children or other vulnerable members of society.

The government agency set up to administer these checks is the Disclosure and Barring Service (DBS). The DBS's aim is to help employers in England and Wales make safer recruitment decisions. A number of roles, especially those involving children or vulnerable adults, are entitled to a criminal record check. The DBS enables many organisations to access these checks as part of good recruitment practice.

The DBS's role is to help protect children and vulnerable adults by providing a first-class service to support organisations recruiting people into positions of trust. Applications for criminal record checks have to be made through a Registered Body. Many organisations require DBS checks for their workers but do not qualify to apply to become a Registered Body in their own right, however checks are possible through another agency known as an umbrella organisation appointed by the DBS. CCPAS is one such umbrella organisation. CCPAS also help users reach appropriate decisions where offences or concerns are revealed by a disclosure check. CCPAS' disclosure services are open to all organisations whose workers qualify for a DBS check.

CCPAS has created a bespoke membership scheme specifically tailored to suit the needs and demands of the Diocese of Blackburn. Direct benefits of this scheme are that each parish/school enjoys reduced rates, direct access to named Account Managers, assistance with policies, training and access to the members area within our web site.

We are committed to working within the security procedures laid down in the DBS Code of Practice and the Police Act 1997. Working within this framework we will only disclose information received about an individual to named Recruiters, or appropriate persons involved in the recruitment process within the Diocese of Blackburn. We are available to provide impartial advice in individual circumstances, although the decision on whether or not to appoint someone is a matter for the parish/school with the advice of the Diocese. CCPAS is a professional Safeguarding Agency and this advice will be provided by experienced child protection workers at CCPAS.

In registering with the CCPAS Disclosure Service your Parish has agreed to follow the procedures contained in this guide. This includes following safe recruitment policies and procedures and complying with policies laid down by the Disclosure and Barring Service, including their Code of Practice, Equal Opportunities policies and those relating to the handling of criminal records information. We cannot stress enough that the DBS expectations have the force of law. If DBS policies are not complied with, applicants might have a valid case for formal complaint.

What is a Disclosure?

A Disclosure is a document containing information held by the police and government departments that provides details of a person's criminal record, including convictions, reprimands and warnings held on the Police National Computer (PNC). It can also contain details from lists and other information held by the Disclosure and Barring Service (DBS) as well as information held by local police forces.

A Disclosure, therefore, enables organisations to check the background of a job applicant (paid or voluntary) to ensure they do not have a history that makes them unsuitable to work with children or vulnerable adults. A Disclosure is an essential element of the appointment process within any church or organisation, forming part of a structured recruitment policy that should include interviewing, checking of references, staff supervision, training and ongoing support.

The person(s) within the parish/school handling Disclosures is called the Recruiter and the CCPAS Disclosure Unit will usually correspond with this person. The role of the Recruiter is one of trust and requires a high degree of honesty and integrity. The Recruiter will be privy to highly confidential and potentially sensitive information and we do therefore require that the role is filled by someone with the highest principles.

Appointing Additional Recruiters

In addition to the Lead Recruiter, there should be at least one other Recruiter appointed within the parish/school to handle Disclosures. This is essential so that we always have a point of contact if the Lead Recruiter is unavailable; or if a relative of theirs needs checking. To do this you will need to complete a 'New Recruiter Appointment Form' (Appendix 2). Please follow the instructions on the form.

Enhanced Disclosure

An Enhanced Disclosure should be applied for where the appointment involves a substantial degree of contact with children or vulnerable adults, including unsupervised activities such as teaching, supervising, training or providing advice/guidance on well-being. (This applies to most people working with, or responsible for, children in a church situation). In a very small number of cases the police may choose to use common law powers to provide information directly to employers in cases where this is necessary, for example, to prevent crime or harm to others. The Diocesan Board of Education has a policy which requires all Governors to have an Enhanced DBS Check. Governors and other volunteers in school will be processed by CCPAS in accordance with DfE and other national guidance.

Paid Worker or Volunteer?

The DBS charges a statutory fee in relation to paid workers. There is no statutory

fee in regard to 'volunteer' applications, though CCPAS make a charge to cover our expenses. The DBS definition of a 'volunteer' is restricted and in some circumstances the statutory fee is required, eg where an organisation provides some benefits in kind, such as subsistence, accommodation and training.

Regulation 2 of the Police Act 1997 (Criminal Records) Regulations 2002 defines a 'volunteer' as:

'A person engaged in an activity which involves spending time, unpaid (except for travel and other approved out-of-pocket expenses) doing something that aims to benefit some third party other than in addition to a close relative.'

For the purposes of this definition, applicants claiming 'volunteer' status must be 'unpaid'. The DBS advise that the applicant must not be in receipt of any form of payment, be it remuneration, an allowance, benefit, payment in kind, or other means of support in relation to the activity (except where they are considered by the DBS to constitute 'travel and other agreed out-of-pocket expenses'). Students on placement or individuals working towards ordination or accreditation (for example in counselling) are not regarded as volunteers as they will personally benefit from the work they are doing by means of accreditation or a qualification.

If you have any doubts about a particular situation in terms of whether a check can be legally carried out or whether an individual qualifies as a 'volunteer', then it would be wise to contact CCPAS further – preferably by emailing accountmanager@ccpas.co.uk. CCPAS will seek clarification from the DBS where necessary.

Checks for Parishes/schools

Most checks carried out by CCPAS through the diocesan charities membership scheme are for workers/volunteers in churches and schools who are appointed by the Diocese of Blackburn and church schools. CCPAS would regard the Diocese of Blackburn as being directly involved in the recruitment process and therefore the Diocese of Blackburn will have full access to all Disclosure results. It is the Recruiter's responsibility to forward ALL blemished Disclosures directly to the Diocesan Safeguarding Advisor (Safeguarding Advisor) in order that advice is sought regarding the recruitment decision. By using the CCPAS disclosure service parishes/schools are in agreement with this.

How the Appointment Process Should Work

The appointment process should not operate in isolation from a working child protection policy prepared in accordance with the principles contained in the official government guidelines Safe from Harm (Home Office 1993) (England) and Safe from Harm: Safeguarding Children in Voluntary and Community Organisations in Wales (Welsh Assembly Government, 2008) (Wales) core safeguarding standards issued by Safe Network (2011) and Protecting All God's Children (produced by Church House Publishing for the House of Bishops) – see CCPAS publication 'Safe and Secure' manual - full details of which will be enclosed within your membership email.

CCPAS require organisations to appoint a person(s) within the organisation to deal with Disclosures (referred to as a Recruiter). There is a requirement to appoint a

Lead Recruiter and this person will usually be the main point of contact between CCPAS and the organisation. The Recruiter will have been authorised by Blackburn Diocese.

Those who have responsibility for the recruitment of workers must understand that a criminal records check is only part (albeit an essential one) of a safer recruitment process. This process is crucial in preventing unsuitable or dangerous individuals gaining access to vulnerable groups. It includes the completion of a job application form, self declaration form, an interview, taking up references and a criminal records check as well as the applicant's agreement to abide by the organisation's safeguarding policy.

Operating a safer recruitment policy sends a powerful message to parents, children, visitors, as well as those intent on harm, that safeguarding is taken seriously in the organisation.

It is important to stress to applicants that having a criminal record should not necessarily bar the person from being appointed unless children or vulnerable adults would be put at risk. The scope of a criminal records check must be explained to the applicant, including the fact that strict confidentiality is observed. Information relating to the Rehabilitation of Offenders and Safe Storage policies should be made available for applicants to see. Importantly, individuals should also be asked to complete a **self-declaration form** before a check is applied for. This gives a person the opportunity to discuss any past issues which could emerge in a check. In such circumstances advice can be given on whether or not information would prevent someone working with children or vulnerable adults. Also, later on where there is a 'blemished' disclosure, the information given by the applicant in a self-declaration can in some cases help in determining the outcome (for example, in assessing their honesty).

Full details of the safer recruitment process can be found in our publication 'Help, I Want to Recruit Workers Safely' <http://www.ccpas.co.uk/Documents/Help%20-%20Recruit%20Safely.pdf>

If, following an interview and taking up references, the parish/school Lead Recruiter is satisfied the applicant is suitable for the position, they will be given access to an online application form (E-Bulk). Once this has been completed, the form will be processed by the Recruiter who will check evidence of identity from original documentation, complete the Recruiter's section on the E-Bulk form and send it electronically to CCPAS. Detailed advice on this procedure is contained in the *CCPAS E-Bulk Guides for Recruiters and Applicants* - these will be sent to you once your Registration Form has been processed (Appendix 1).

The Counter-Signatory at CCPAS checks and authorises the Disclosure application and then forwards it electronically to the DBS. Once processed, a paper certificate will be issued by the DBS to the job applicant and an electronic result (ie whether the disclosure was clear or blemished) can be viewed on the Ebulk system by the Recruiter and authorised users at the Diocese.

If a past conviction is revealed, the Diocesan Safeguarding Advisor (Safeguarding Advisor) must be advised of all Disclosure information in order to help the church

reach an appropriate employment decision. The Recruiter must liaise with the Diocesan Safeguarding Advisor before progressing with the appointment.

Why Carry out a DBS Check?

Following the tragic murders in Soham the Bichard Inquiry questioned the way employers recruit people to work with vulnerable groups, and particularly the way background checks are carried out. Recommendation 19 of the Inquiry Report highlighted the need for a single agency to vet all individuals who want to work or volunteer with children or vulnerable adults and to bar unsuitable people from doing so. The report led to the Safeguarding Vulnerable Groups Act (SVG Act) 2006.

The UK Government is committed to protecting vulnerable groups including children and wants to see a focused and effective safeguarding system, where harm or risk of harm is identified, acted upon effectively and ultimately prevented. The Government maintains that the State has a key role to play in, for example, barring unsuitable individuals from working with vulnerable groups including children, and in ensuring that organisations can access criminal record information on individuals when the role justifies it.

Under the Protection of Freedoms Act 2012, employers have certain responsibilities and the following regulations apply:

- Employers, social services and professional regulators have a duty to refer to the DBS any information about individuals for whom they are responsible who are believed to pose a risk to children or vulnerable adults.
- If your organisation works with children or vulnerable adults and you dismiss a member of staff or a volunteer because they have harmed a child or vulnerable adult, or you would have done so if they had not left prior to your intended dismissal, you must tell the Disclosure and Barring Service.

A person who is barred from working with children or vulnerable adults will be breaking the law (and liable to prosecution incurring imprisonment and/or a fine) if they work or volunteer, or try to work or volunteer in Regulated Activity. An organisation which knowingly employs someone who is barred to work with those groups will also be breaking the law (and liable to prosecution incurring imprisonment and/or a fine).

Full information on the procedure for referrals to the DBS can be found by following the link www.gov.uk/dbs or by phoning the Barring helpline on 01325 953795.

Who Qualifies for a DBS Check?

Most workers who qualified for a CRB check prior to September 2012 will still remain eligible for an enhanced DBS check, even if they do not fall within the new definition of Regulated Activity* but they will no longer be eligible for barred list checks.

Unless a job is exempt under the provisions of the Rehabilitation of Offenders Act 1975 then a check is not legally possible. Put simply, this means that most people who regularly work with children in a church situation are eligible for a DBS check. This meets expectations by most Christian denominations, insurance companies and the Charity Commission (where the charity works with children or vulnerable adults).

Please see the Regulated Activity Decision Making flowchart (Appendix 3) - this will enable you to determine whether your workers are entitled to a check of the barred lists.

Please call the Disclosure Team if you need further clarification.

Any person who is working in Regulated Activity must by law, apply for an Enhanced DBS in order to obtain a Barred Lists check.

Regulated Activity has been redefined to focus on work which involves close and unsupervised contact with vulnerable groups.

Being clear about the definition of Regulated Activity matters because:

- Any individual working in Regulated Activity is legally obliged to undergo a DBS & Barred Lists check.
- An organisation which knowingly allows a barred person to work in Regulated Activity will be breaking the law.
- If you dismiss or remove someone from Regulated Activity (or you would have done if they had not already left) because they harmed or posed a risk of harm to vulnerable groups including children, you are legally required to forward information about that person to the DBS. It is a criminal offence not to do so.

*The full, legal definition of Regulated Activity is set out in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006, as amended (in particular; by the Protection of Freedoms Act 2012).

A check is one part of a safer recruitment process

Taking up a criminal records check is the last stage of an appointment process. You must follow the safe recruitment process outlined in this document and also described in more detail in our 'Safe and Secure' manual and our 'Help, I want to recruit workers safely' booklet.

In summary, therefore, you will have:

- Explained to the applicant at an early stage that the position is subject to a criminal records check, the scope of such checks, and the policies in place which can be inspected. They are therefore assured that the matter will be dealt with confidentially and efficiently.
- A job application form and self-declaration form (see CCPAS models in the 'Safe and Secure' manual) will have been completed.
- The applicant has been interviewed and satisfactory references received.
- Those responsible for the appointment have decided that on the basis of the above the person is appointable, subject to a DBS check.

As the final stage in the appointment process, the person can now be asked to make an application for a criminal records disclosure an online form (E-Bulk) supplied by CCPAS.

Please note that these procedures are followed whether the applicant is a paid worker or a volunteer.

Re-checks

Workers can be re-checked at any time if there is a concern, or routinely every five years unless they have registered for the DBS Update Service which means you can regularly check their certificate for further information (see below). Parishes will appreciate that a check is effectively out of date as soon as it is issued. In any event, it is only as good as the information on which it was based and the adequacy of the identity checks etc.

Can I Accept a Disclosure from Another Organisation?

The only way certificates are portable from one role to another is via the DBS Update Service. Any applicant whose certificate is issued on or after 17th June 2013 can subscribe to this service and take their certificate with them from role to role where the same level and type of check are required. The status can be regularly checked by the employer so there will be no further need to apply for fresh disclosures when renewing them. With the individuals permission, employers can go online for a free and instant check to find out whether the certificate is still up to date. If there is any new information revealed then the parish/school Lead Recruiter MUST contact Safeguarding Advisor (your Diocesan Safeguarding Advisor) for further guidance.

For further details see the CCPAS document in our members area: www.ccpas.co.uk/members/Documents/DBSUpdateService.pdf

Is it Possible to Check Workers from Overseas?

If you are recruiting people from overseas and wish to check their overseas criminal record, a Disclosure and Barring Service (DBS) check may not provide a complete picture of their criminal record. This is because the DBS cannot currently access

criminal records held overseas.

For further details please follow the link to www.ccpas.co.uk/Documents/Overseas.pdf

Payments and Charges - Parishes/Schools

Our preferential rate for Parishes in Blackburn Diocese accessing the online volunteer checks is £7.00+VAT (= £8.40). Each check for a paid worker has an additional charge of £44.00 which is the fee levied by the DBS.

Payment is made by Direct Debit and is collected on a monthly basis. You will receive a direct debit notification by email giving 15 days notice before any monies are taken. Payment cannot be made using any other method so please ensure that you remember to complete the Direct Debit Mandate on the Registration Form (on Appendix 1 of this document) to prevent it being returned to you.

How to Register

To register for the Diocese of Blackburn Disclosure Service Scheme your parish/school should:

1. Agree to formally adopt a policy on the fair treatment of all applicants and the handling and safe keeping of information www.ccpas.co.uk/Disclosure/HandlingStorage.pdf and agree to work within the DBS Code of Practice <http://www.businesslink.gov.uk/bdotg/action/detail?itemId=1084427588&type=RESOURCES>. These documents should be kept securely. We accept that an organisation may still be working on these documents at the point application is made to join the CCPAS service. However, these documents must have been formally adopted and available to applicants before the Recruiter begins to process checks for workers.
2. Complete and return the *CCPAS/Diocese of Blackburn Disclosure Registration Form* (found on Appendix 1 of this document) including the Direct Debit section. Send the completed Registration Form to Safeguarding Advisor, Blackburn Diocese, Diocesan Offices, Clayton House, Walker Office Park, Blackburn, BB1 2QE.

The Diocese will authorise your form, then CCPAS will confirm registration via email enclosing the E-Bulk Guides for Recruiters and Applicants. From then on the Parish can use the CCPAS Disclosure Service to carry out criminal records checks for workers.

CCPAS / Diocese of Blackburn Disclosure Registration Form

Please complete in **BLOCK CAPITALS & BLACK INK** and return in an envelope to Safeguarding Advisor, Blackburn Diocese, Diocesan Offices, Clayton House, Walker Office Park, Blackburn, BB1 2QE.

1. Parish/school details

parish/school Name: _____

Contact Address (this must be the address where contact can be made with the Recruiter and where post can be securely received)

_____ Post code: _____

Tel no: _____

parish/school Address: (if different from above):

_____ Post code: _____

Tel no: _____

2. Parish/school Lead Recruiter Details:

Mr/Mrs/Miss/Ms/other: _____ Surname: _____

Forenames: _____

Date of birth _____ Day-time Tel no: _____

Email: _____

This is essential and is needed for secure access to the online system.

3. Statement by parish/school

This organisation is responsible for appointing individuals that have regular contact with children and/or vulnerable adults. In registering with the CCPAS Disclosure Service, we agree to comply with all the requirements contained in the Disclosure and Barring Service Code of Practice and other DBS procedures and processes. In particular, we confirm that we have adopted policies for the recruitment of offenders and safe storage of information in line with DBS expectations. We will not communicate, disclose or make available all or any part of confidential information to any third party.

Registration Form continued...

Do not complete - for Diocese of Blackburn use only.

Authorised Person:

Print Name: _____

Date: ___ / ___ / ___ Signed: _____

We confirm that we have read the CCPAS Statement of Fair Processing and the E-Bulk Recruiter Agreement Form (see www.ccpas.co.uk/Disclosure/FairProcessing.pdf). We as an organisation agree to abide by the terms and conditions set out in these documents in accordance with the Data Protection Act 1998 and the DBS Code of Practice.

We undertake to keep CCPAS informed of any changes in our organisation, personnel or practices which could materially affect our ability to work within these expectations.


Signed: _____ Date: _____
Parish Lead Recruiter

Print Name: _____

Signed: _____ Date: _____
Incumbent or Head Teacher

Print Name: _____

Please ensure that the Direct Debit mandate is completed otherwise the form will be returned.

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| <p>Instruction to your Bank or Building Society to pay by Direct Debit</p> <p>Please fill in the form and send to: CCPAS PO Box 133, Swanley, Kent, BR8 7UQ</p> <p>Name and full postal address of your Bank or Building Society</p> <p>To: The Manager Bank or Building Society</p> <p>Address:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p style="text-align: right;">Post Code:</p> <p>_____</p> <p>Name(s) of Account Holder(s)</p> <p>_____</p> <p>Branch Sort Code</p> <table border="1" style="width: 100%; height: 20px;"> <tr> <td style="width: 20px;"> </td> <td style="width: 20px;"> </td> <td style="width: 20px;"> </td> <td style="width: 20px;"> </td> <td style="width: 20px;"> </td> <td style="width: 20px;"> </td> </tr> </table> <p>Bank/Building Society account number</p> <table border="1" style="width: 100%; height: 20px;"> <tr> <td style="width: 20px;"> </td> <td style="width: 20px;"> </td> <td style="width: 20px;"> </td> <td style="width: 20px;"> </td> <td style="width: 20px;"> </td> <td style="width: 20px;"> </td> <td style="width: 20px;"> </td> <td style="width: 20px;"> </td> </tr> </table> <p style="text-align: center; font-size: small;">Banks and Building Societies may not accept Direct Debit Instructions for some types of account</p> | | | | | | | | | | | | | | |  <p>Originator's Identification Number</p> <table border="1" style="width: 100%; text-align: center;"> <tr> <td style="width: 20px;">4</td> <td style="width: 20px;">1</td> <td style="width: 20px;">0</td> <td style="width: 20px;">7</td> <td style="width: 20px;">1</td> <td style="width: 20px;">4</td> </tr> </table> <p>Reference Number - For office use only</p> <table border="1" style="width: 100%; text-align: center;"> <tr> <td style="width: 20px;">S</td> <td style="width: 20px;">E</td> <td style="width: 20px;">R</td> <td style="width: 20px;">V</td> <td style="width: 20px;">0</td> <td style="width: 20px;">0</td> <td style="width: 20px;"> </td> <td style="width: 20px;"> </td> <td style="width: 20px;">-</td> <td style="width: 20px;">B</td> <td style="width: 20px;">L</td> <td style="width: 20px;">A</td> <td style="width: 20px;">C</td> <td style="width: 20px;">K</td> <td style="width: 20px;">B</td> <td style="width: 20px;">N</td> </tr> </table> <p>Instruction to your Bank or Building Society Please pay <i>Churches' Child Protection Advisory Service</i> Direct Debits from the account detailed in this Instruction subject to the safeguards assured by the Direct Debit Guarantee. I understand that this Instruction may remain with <i>Churches' Child Protection Advisory Service</i> and, if so, details will be passed electronically to my Bank/Building Society.</p> <p>Signature(s)</p> <p>_____</p> <p>Date</p> <p>_____</p> | 4 | 1 | 0 | 7 | 1 | 4 | S | E | R | V | 0 | 0 | | | - | B | L | A | C | K | B | N |
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|--------------------------|--|-------------------------|
| CCPAS USE ONLY | | DATE RECEIVED |
| REC EMAIL ON SERVS | | ORG SET-UP ON EBULK |
| APPLICANT MANAGER SET UP | | REC APPROVAL EMAIL SENT |
| ORGANISATION PASSWORD | | |
| DIOCESE HQ ADVSD | | CHECKED |

New Recruiter Appointment Form

PLEASE NOTE: THIS FORM (SECTIONS A-C) **MUST ONLY BE COMPLETED** ONCE THE ORIGINAL LEAD RECRUITER HAS HAD THEIR REGISTRATION CONFIRMED BY CCPAS

Send the completed form: Safeguarding Advisor, Blackburn Diocese, Diocesan Offices, Clayton House, Walker Office Park, Blackburn, BB1 2QE.

SECTION A: ORGANISATION DETAILS

Membership No: _____ Parish/school name: _____

Contact Address (this must be the address of the parish/school where contact can be made with the Lead Recruiter from now onwards. Please enter even if unchanged):

SECTION B: NEW RECRUITER DETAILS

Please tick one box : Lead Recruiter Recruiter

Mr/Mrs/Miss/Ms/Revd/Other: _____ Surname: _____

Forenames: _____ D.O.B: _____

Email: _____ *(An email address is essential)*

Day-time tel no: _____ Mobile No: _____

If this form is for a new Lead Recruiter will the current Lead Recruiter still remain as a Deputy Recruiter? Y/N

If 'No' please confirm the email to be deleted from our records: _____

I confirm that we will continue to follow the correct recruitment procedure (as detailed in the CCPAS/Diocese of Blackburn document) and we will comply with the DBS Code of Practice. We confirm that we have read the CCPAS Statement of Fair Processing and the E-Bulk Recruiter Agreement Form www.ccpas.co.uk/Disclosure/FairProcessing.pdf. We agree to abide by the terms and conditions set out in these documents in accordance with the Data Protection Act 1998 and the DBS Code of Practice.

New Recruiters Signature: _____ Date: _____

SECTION C: DECLARATION

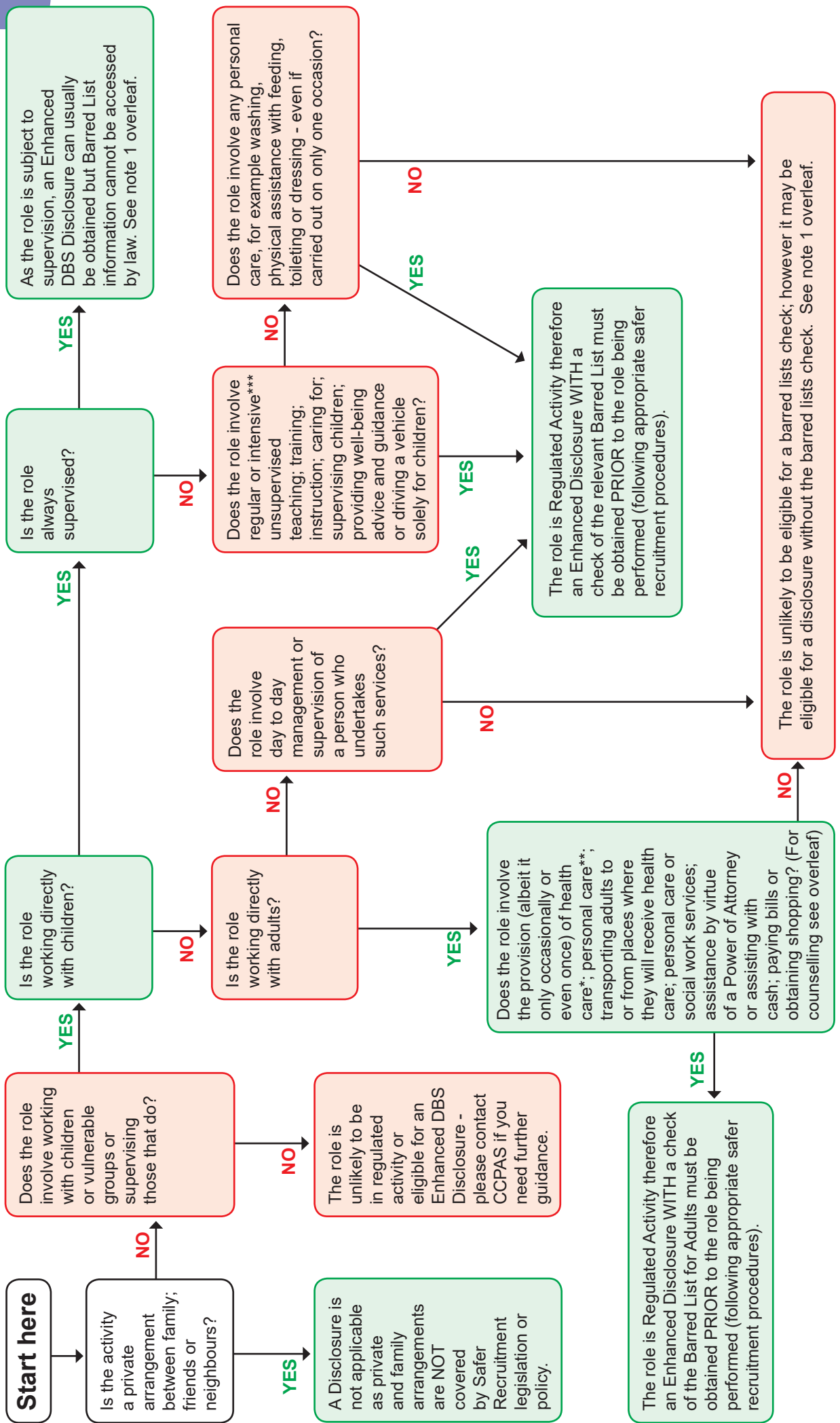
The following needs to be signed by the current incumbent or school Head Teacher and the authorised person from the Diocese of Blackburn (Safeguarding Advisor):

Signed: _____ Date: _____ Print name: _____
(Incumbent/Head Teacher)

Signed: _____ Date: _____ Print name: _____
Diocesan authorised signatory

| CCPAS USE ONLY | | | |
|----------------------|--|--------------|--|
| DATE ___ / ___ / ___ | | | |
| SIG CHECK | | REC ACC SENT | |
| ADD CHECK | | DIOCESE CC'D | |
| EBULK SET-UP | | CHECKED | |

Regulated Activity Decision Making Flowchart



Regulated Activity Decision Making Flowchart

Note 1: DBS Checks for those not in Regulated Activities

If an applicant is not in Regulated Activity (as per the chart) but works with children and/or vulnerable adults then it is possible they are still eligible for an enhanced DBS check but without a check of the barred lists. It is the Charity Commission's expectation (and many insurance companies) that you apply for a DBS check where the applicant's role is legally eligible for one.

For vulnerable adults - If a worker is not in regulated activity with vulnerable adults then they may still be able to have an enhanced check (without a check of the barred list). This would be applicable if they are a Trustee of a charity that works with adults at risk or are working weekly, or 4 or more days in a 30 day period, or overnight with those who are receiving health or social care and they are giving teaching, advice, guidance, assistance etc in a group aimed at adults who need help because of their age, illness, disability or live in certain types of accommodation such as a prison, remand centre, residential care home etc. A recent example of workers not eligible for any check is a church group for adults with learning disabilities where no personal care is undertaken nor any other roles in regulated activity. They do teach those adults but as the group meets twice a month it is not frequent enough to be legally eligible for a check.

Eligibility is different with children - if the worker is not in regulated activity then as long as they are a Trustee of a charity that works with children or the applicant works with children more than occasionally e.g. on a rota or intensively (over-night or 4 or more days in a 30 day period e.g. a holiday club) then they would still be eligible for an enhanced disclosure but without a check of the barred list. Please contact CCPAS if you need further clarification.

Note 2: Definitions:

*Health Care: is defined as health care provided by a health care professional (meaning a person regulated by bodies like General Medical Council; Nursing & Midwifery council for example). Health care means all forms of health care provided for adults for physical or mental health needs and includes palliative care. Psychotherapy and counselling are included when provided by or referred by a health care professional. Services not provided by a health care professional are not covered by Regulated Activity i.e. life coaching; pastoral counselling etc; although if these are performed at least once a week, or four or more days in a 30 day period, or overnight they would be eligible for an enhanced DBS check.

**Personal Care: is defined as those who provide or prompt an adult with physical assistance with eating; drinking; toileting; washing or bathing; dressing; oral care or care of skin, hair or nails due to the adult's age, illness or disability. In circumstances where a hairdresser or a person cuts the hair of an adult they are excluded from Regulated Activity.

***Regularly' for the purpose of Regulated Activity **only** is once a week or more; 'intensively' is four or more days in a 30 day period or overnight.

Note 3: Scenarios of Roles and their eligibility basis:

- A creche worker who physically assists young children with going to the toilet (on one occasion or more) would be in Regulated Activity.
- A Sunday School worker on a rota would only be in a Regulated Activity if they work unsupervised every week or more; if they work less than this they would still be eligible for an enhanced DBS check without a check of the barred lists whether or not they are always supervised.
- Purely administrative roles i.e. Church Administrator or treasurer are NOT eligible for a Disclosure as they do not work directly with vulnerable groups. Additionally Disclosures cannot be accessed for those who handle sensitive or confidential information (unless they are supervising those working in Regulated Activity).
- A church worker who visits housebound people and on occasions is asked by the homeowner to do some shopping or pay a bill on their behalf is engaging in Regulated Activity.
- A church worker who is part of a group of volunteers that drive church members to their GP surgery or hospital appointments is working in Regulated Activity.
- The volunteers who are part of the rota to bring church members who would otherwise be unable to attend church, are NOT engaging in Regulated Activity as Church services are not covered by the Protection of Freedoms Act - unless they collect Care Home residents, in which case they would be in Regulated Activity.
- A luncheon club/foodbank or street outreach (eg Street Pastors) whose workers just serve food, drinks, or have a friendly chat with those they work with will not be in a Regulated Activity with adults unless they are giving professional counselling/health care or personal care to adults. They will qualify for Regulated Activity with children if they are advising/supervising/caring etc for children regularly or intensively on an unsupervised basis. If they are not in Regulated Activity but they do care for/supervise/give guidance/mentor children or vulnerable adults then they are likely to be eligible for an enhanced DBS check without a check of the barred lists - see note 1 above.
- Prayer teams whose members pray with/for adults and children in a public area/town centre type setting are not in Regulated Activity nor do they qualify for an enhanced DBS check. If however, their job role includes praying with a child/children frequently or intensively in an unsupervised setting, this would be Regulated Activity.