**DBS CHECKS FOR PCC MEMBERS**

1. Under the Safeguarding and Clergy Discipline Measure 2016 section 5 all bishops, clergy, licensed readers and lay workers, churchwardens and PCCs **must have due regard**  to safeguarding guidance issued by the House of Bishops. A duty to have 'due regard' to guidance means that the person under the duty is not free to disregard it but is required to follow it unless there are cogent reasons for not doing so. ('Cogent' for this purpose means clear, logical and convincing.) **Failure by clergy to comply with safeguarding guidance may result in disciplinary action. Failure by PCC members to follow the guidance could result in an investigation by the Charity Commission.**
2. The relevant guidance for parishes is on the Church Of England’s website and includes:

The Parish Safeguarding Handbook:

[*https://www.churchofengland.org/sites/default/files/2019-10/ParishSafeGuardingHandBookAugust2019Web.pdf*](https://www.churchofengland.org/sites/default/files/2019-10/ParishSafeGuardingHandBookAugust2019Web.pdf)

Key Roles and Responsibilities of Church Office Holders and Bodies Practice Guidance:

[*https://www.churchofengland.org/sites/default/files/2017-11/Key%20Roles%20and%20Responsibilities%20of%20Church%20Office%20Holders%20and%20Bodies%20Practice%20Guidance.pdf*](https://www.churchofengland.org/sites/default/files/2017-11/Key%20Roles%20and%20Responsibilities%20of%20Church%20Office%20Holders%20and%20Bodies%20Practice%20Guidance.pdf)

1. The Charity Commission’s Guidance:

[*https://www.gov.uk/guidance/trustee-board-people-and-skills?step-by-step-nav=3dd66b86-ce29-4f31-bfa2-a5a18b877f11#check-prospective-trustees-are-eligible*](https://www.gov.uk/guidance/trustee-board-people-and-skills?step-by-step-nav=3dd66b86-ce29-4f31-bfa2-a5a18b877f11#check-prospective-trustees-are-eligible)

[*https://www.gov.uk/guidance/safeguarding-duties-for-charity-trustees#get-checks-on-trustees-staff-and-volunteers*](https://www.gov.uk/guidance/safeguarding-duties-for-charity-trustees#get-checks-on-trustees-staff-and-volunteers)

Charities must carry out [Disclosure and Barring Service checks](https://www.gov.uk/disclosure-barring-service-check) (formerly CRB checks) on potential trustees if it’s appropriate to do so. If the charity works with children or adults at risk, you should check people’s criminal records and information held by the police.

[Find out what checks are available from the Disclosure and Barring Service (DBS)](https://www.gov.uk/dbs-check-applicant-criminal-record)

Trustees of charities which work with children or vulnerable adults are all eligible for Enhanced DBS checks, even if the trustees are not personally engaged in such work.

**Conclusion**

**The combined effect of the House of Bishops Guidance and the Charity Commission Guidance is that an Enhanced DBS check should be carried out on all PCC members as trustees.**

If it is decided NOT to follow this guidance a PCC minute should be made recording the fact and the reasons why. This will be needed as evidence in any future clergy discipline or civil court proceedings.

However, a PCC member cannot be forced to submit to a check and any person that has not had an Enhanced DBS check should not be allowed to work with children or vulnerable adults.