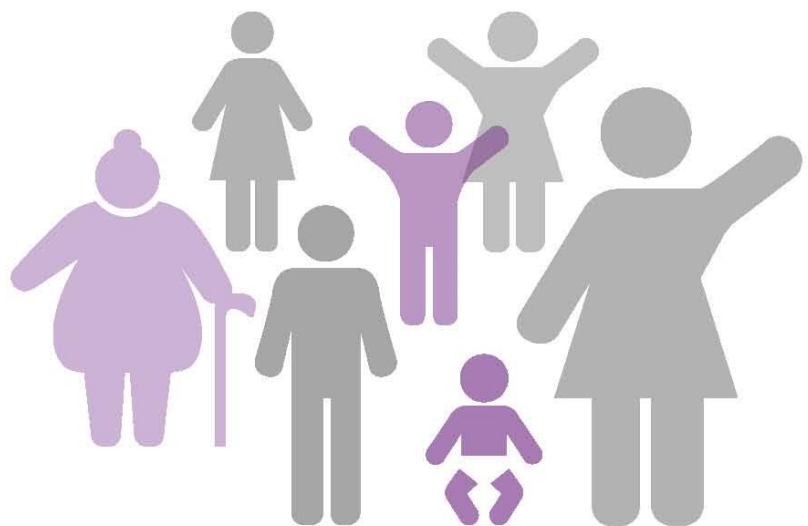




# Practice Guidance on Carrying Out Disclosure and Barring (DBS) Checks as part of Safer Recruitment

January 2018



The **Methodist** Church 

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## JOINT POLICY STATEMENT ON SAFER RECRUITMENT

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The Church of England and Methodist Church are committed to the safeguarding and protection of all children, young people and adults, and the care and nurture of children within our church communities. We will carefully select, train and support all those with any responsibility within both churches, in line with Safer Recruitment principles.

This means that we will

- Ensure that our recruitment and selection processes are inclusive, fair, consistent and transparent.
- Take all reasonable steps to prevent those who might harm children or adults who may be vulnerable from taking up, in our churches, positions of respect, responsibility or authority where they are trusted by others.
- Adhere to safer recruitment legislation, guidance and standards, responding positively to changing understandings of good safer recruitment practice.
- Produce and disseminate practice guidance on safer recruitment for both churches, ensuring that such practice guidance is compatible, and keep it updated.
- Always seek advice from human resources personnel to achieve best possible practice.
- Ensure training on safer recruitment practice guidance.
- Introduce systems for monitoring adherence to the churches' safer recruitment practice guidance and review them regularly.

## PREFACE

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This practice guidance is intended to support the work of those in the Church who have responsibility for safely recruiting people working with children and adults who are vulnerable. The status of this joint practice guidance is that is recommended for you to follow\*. In addition to any action taken via the Church's Complaints and Discipline processes, failure by trustees to ensure that it is followed could invalidate any relevant insurance cover.

This guidance covers one aspect of safer recruitment – that of carrying out Disclosure and Barring Service (DBS) checks.

Interim Guidance on Safer Recruitment was issued in June 2013. Extensive consultation has taken place leading to the Joint Policy Statement (above) and separate guidance for each church on carrying out DBS checks.

**Bishop Paul Butler**  
Bishop of Durham

**Reverend Dr Elizabeth Smith**  
Chair Leeds District

Joint chairs of the Joint Safeguarding Working Group

**This Guidance has been approved by the Methodist Council.**

## 1: INTRODUCTION

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- 1.1. This guidance sets out safer recruitment practices in relation to DBS checks for people working or volunteering in a Methodist Church setting primarily with children and adults who may be vulnerable<sup>1</sup>. It can also be used as a model of good practice for other posts. It replaces the interim *Safer Recruitment* guidance (2013).
- 1.2. The guidance is based on legislation which applies to the mainland of England and Wales, in particular the Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012.
- 1.3. The guidance complies with the Government requirements for 'faith communities' as set out in *Working Together to Safeguard Children 2015*.

*'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 53)*

- 1.4. No district is entitled to amend this policy although additional references to local arrangements can be inserted as an attachment.
- 1.5. The guidance should be used in the appointment to all new paid posts, including people moving from one Methodist employing body to another one, and to new volunteers working with children or adults who may be vulnerable. It may be used to inform any review of people previously in post.
- 1.6. The guidance addresses Disclosure and Barring Service (DBS) checks for those working and/or volunteering within the church.
- 1.7. It should not be forgotten that only a small proportion of adults who abuse are caught and still fewer are convicted, so organisations must **never** rely solely on the DBS check, which, although crucial, remains only one element of safeguarding and safer recruitment:

*The danger is that too much reliance will be placed on CRB [now DBS] checks... There is a concern that many abusers do not have convictions and 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).*

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<sup>1</sup> A 'child' is a person under 18 years of age and is seen to be vulnerable by reason of their age. An 'adult' is someone over 18 years old and includes any adult who may be vulnerable by reason of age, illness, disability; and any adult who has been made vulnerable by their situation or circumstance, such as by discrimination, or a victim of abuse. In safeguarding practice there has been a move away from the term 'vulnerable adult' in recognition of the fact that any adult can be vulnerable depending on the particular circumstances and to avoid labelling or categorising people. Therefore, rather than use the term 'vulnerable adult' in this guidance the term 'adult(s) who may be vulnerable' or 'adult(s) who is/are vulnerable' have been used. Nevertheless, the term 'vulnerable adult(s)' is still employed in the Safeguarding Vulnerable Groups Act 2006 (as amended) and other relevant legislation, (e.g. the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended)).

- 1.8.** 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, Malta and Gibraltar, every effort should be made to map the principles and detailed provisions of this process into their specific context.

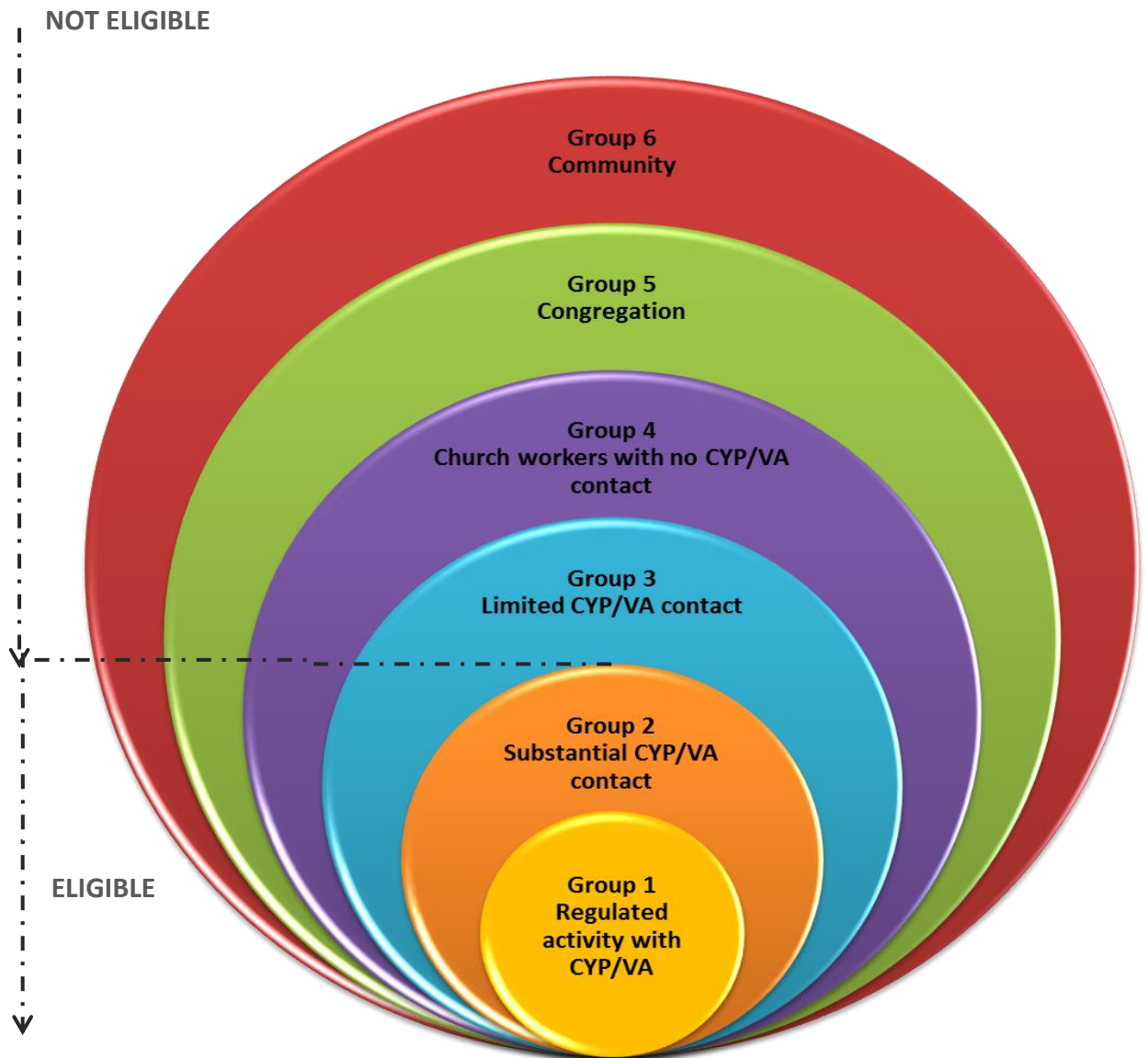
## 2: ELIGIBILITY GROUPS FOR CRIMINAL RECORD CHECKS

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- 2.1 This guidance addresses how to recruit people in GROUPS 1, 2, 3 and 4. As part of the Church's 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.
- 2.2 GROUPS 5 and 6, where we do not do checks, are also important. (See STEP 3.) They represent the largest group of people in churches; 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 the Methodist Church. See also Appendix 1 for how the Child Sex Offender Disclosure Scheme (Sarah's Law) and the Domestic Violence Disclosure scheme (Clare's Law) can be used by the Church in some situations.
- 2.3 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. The Church's mission, therefore, requires proper and appropriate 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.

## Criminal Record Check Eligibility Circles

in Relation to Children, Young People (CYP) and Adults who may be Vulnerable (VA)





GROUP	Eligible for:
<p><b>1 (YELLOW) Those who undertake ‘Regulated Activity’ with children or adults who may be vulnerable</b></p> <p>There is a requirement to check whether the individual is barred from ‘Regulated Activity’. The changed definitions for ‘Regulated Activity’ came into force from 10<sup>th</sup> September 2012.</p> <ul style="list-style-type: none"> <li>• See page 31 for additional detail on ‘regulated activity’.</li> </ul>	<p><b>Enhanced Plus</b> <i>With barred list check</i></p>
<p><b>2 (ORANGE) Those who are carrying out activities which involves substantial contact with children, young people or adults who may be vulnerable but not ‘Regulated Activity’</b></p> <p>Substantial contact<sup>2</sup> but not ‘regulated activity’ within the changed narrower definition (e.g. 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.</p> <ul style="list-style-type: none"> <li>• See Appendix 6 column B for additional detail on ‘substantial contact’.</li> <li>• The Church of England and Methodist Church define <b>supervised activity</b> as: <i>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.</i></li> </ul>	<p><b>Enhanced</b> <i>Without barred list check</i></p>

<sup>2</sup> Definition for Group 2 roles - ‘Substantial’ contact with vulnerable adults or children

**Vulnerable Adults**

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

Note: The definition of ‘vulnerable adults’ and ‘Regulated Activity ’as previously defined are found in the Safeguarding Vulnerable Groups Act 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 the 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:

- 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.)
- Any position which otherwise involves regularly caring for, training, supervising or being solely in charge of children.

GROUP	Eligible for:
<p><b>3 (BLUE) Those who have limited contact with people (including children and adults who may be vulnerable) through their role</b></p> <p>Contact is insufficient to cross the threshold for eligibility. Enhanced criminal record checks cannot be carried out for this group. Examples include – gardener, church shop assistant.</p>	<p><b>Basic Check</b></p>
<p><b>4 (PURPLE) Those where it would be useful to know about any convictions but their work does not relate to children, young people or adults who may be vulnerable</b></p> <p>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). However, it should be noted that basic disclosures do have their limitations.</p>	<p><b>Basic Check</b></p>
<p><b>5 &amp; 6 (RED &amp; GREEN) People within the congregation or known through community engagement</b></p> <p>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 Offender Disclosure Scheme (known as <i>Sarah’s Law</i>) or the Domestic Violence Disclosure Scheme (known as <i>Clare’s Law</i>), see appendix 1. Managing individuals who pose a specific risk is done in cooperation with the Probation Service and MAPPA (multi-agency public protection arrangements.)</p> <p><i>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.</i></p>	<p><b>No checks</b> <i>BUT</i> <i>Sarah’s Law/Clare’s Law</i> might be helpful</p>

### 3: THE 10 STEP PROCEDURE FOR DBS CHECKS IN RECRUITMENT

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#### GLOSSARY OF TERMS

The procedure set out in paragraph 3.3 onwards 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) or one person has a number of roles. For the sake of clarity, we refer here to a single person in each role.

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

**APPOINTER:** 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 district policy committee. 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.

**GROUP:** This refers to the eligibility group within the eligibility circles in paragraph 2 Eligibility GROUPs for Safeguarding Criminal Record Checks.

**RESPONSIBLE MEETING:** The group which carries ultimate responsibility for the process at local level - either the church council, circuit meeting, or the trustees/management committee for a particular project.

**SAFEGUARDING OFFICER:** The safeguarding officer at church or circuit level. S/he focuses on the 'safer recruitment' part of the process. On receipt of a clear criminal record check the SAFEGUARDING OFFICER can approve the APPLICANT for work. S/he should keep a written record of the actions for which s/he is responsible at STEPS 2, 4, 5, 6, 7, 8 and 10.

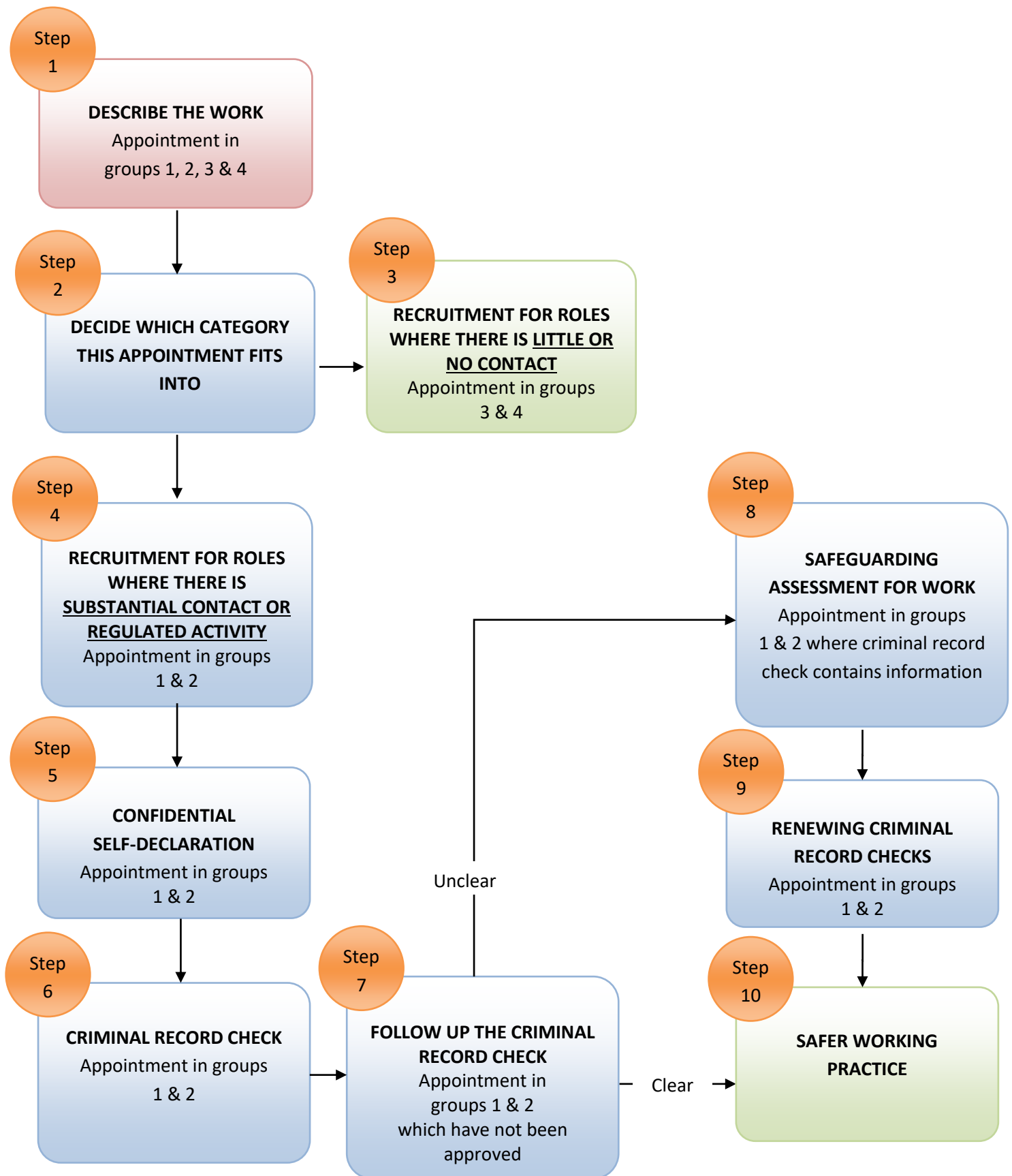
**VERIFIER:** The person to whom the APPLICANT shows their ID documents when completing a criminal record check. The VERIFIER must complete the section on the form about the role and about the identity checks. The VERIFIER can be the same person as the APPOINTER, SAFEGUARDING OFFICER, MINISTER or they may be someone without any other role in the process.

**MINISTER:** The Methodist minister who has pastoral responsibility for the relevant church or the Superintendent of the relevant circuit. 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:** 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 Section 8 Barring from Regulated Activity). Within the Methodist Church, Due Diligence Checking (DDC) acts as the Registered Body for the whole Connexion. The DDC website ([www.ddc.uk.net/methodist](http://www.ddc.uk.net/methodist)) is a useful source of further advice.

**DISCLOSURE & BARRING SERVICE (DBS):** The public body created 1<sup>st</sup> December 2012, which combines the functions of the Criminal Records Bureau and the Independent Safeguarding Authority. For more information on barring see Section 8 Barring from Regulated Activity.

## 1.9. THE 10 STEP PROCEDURE FOR ALL DBS CHECKS FLOW CHART



# Step 1

## DESCRIBE THE WORK

### WHO DOES THIS?

The APPOINTER

### THE TASK

- Ensure you have a **written outline** of the role. For paid roles this should be a formal job description and person specification. For voluntary roles a role outline may be preferred. For more guidance refer to Section 4 Role Outlines. The level of check should be included in the role outline.
- For all roles in groups 1,2,3,4 a statement should be included explaining that the Church is committed to safeguarding and that if anyone in this role sees or hears anything that might be a safeguarding risk they should report it immediately to their 'manager' or 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?**

**APPOINTER (and SAFEGUARDING OFFICER)**

*For groups 3 and 4 the Appointer can act alone.*

*For groups 1 and 2 or if there is uncertainty about a role, then the  
SAFEGUARDING OFFICER should be consulted.*

### **THE TASK**

- Decide which workforce this role relates to (children and young people and/or adults who are or may be vulnerable). Include this in the role outline.
- Decide the GROUP this role belongs in by considering level of contact with children, young people or adults who may be vulnerable (see the Eligibility Circles in paragraph 2, Criminal Record Checks for Methodist Church Roles in Section 6).
- For specific situations see Section 7

## 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?

**APPOINTER** *in consultation with the RESPONSIBLE MEETING (where relevant).*

#### THE TASK

- Plan the recruitment using the principles and practice of safer recruitment: written application; interview/discussion; references.
- Basic criminal record checks can be made via Disclosure Scotland.
- The Confidential Self-Declaration (see Section 2) can be used BUT for GROUPS 3 and 4 it can **only** ask about unspent and unfiltered convictions/cautions etc. (see Section 13).
- See also Appendix 1 for details of using the Child Sex Offender Disclosure Scheme (known as Sarah's Law) or the Domestic Violence Disclosure Scheme (known as Clare's Law).



## 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?

**APPOINTER** *and* **SAFEGUARDING OFFICER** *in consultation with the*  
**RESPONSIBLE MEETING** *(where relevant)*

#### THE TASK

- Plan the recruitment using the principles and practice of safer recruitment: application; confidential self-declaration; interview; references; criminal record check.
- The APPLICANT should **never** start in the role until the criminal record check has been received and they have been approved for the work. This applies to both voluntary and paid roles.
- It should be emphasised to those applying for these roles that the Church sets high standards of safety and the role will be undertaken in a culture of informed vigilance.

## Step 5

# CONFIDENTIAL SELF-DECLARATION

*For appointment to all roles in GROUPS 1 and 2  
(can also be used for Groups 3 and 4 (see STEP 3 above for further details))*

## WHO DOES THIS?

**APPOINTER** and **SAFEGUARDING OFFICER** should decide which of them does this – usually the person who arranges the criminal record check.

## TASK

- Once it has been decided to appoint to a role (paid or voluntary) the **APPLICANT** must always complete a Confidential Self-Declaration Form see Section 2.
- This process offers the person the opportunity to flag up information that may be disclosed through the criminal record check.
- This should be done with care as people can be deeply embarrassed about incidents from their past.
- The information and process are kept confidential and used for recruitment and safeguarding purposes only.
- Should the person wish to discuss the information, the minister or district safeguarding officer can be involved as appropriate.

# Step 6

## CRIMINAL RECORD CHECK

For all appointments in groups 1 and 2

### WHO DOES THIS?

**VERIFIER** completes the relevant sections on the criminal record check. The Update Service process should be undertaken by the **SAFEGUARDING OFFICER** since only the **SAFEGUARDING OFFICER** can approve an individual for work.

### THE TASK

*Note: No-one can start in a role in GROUPs 1 and 2 before the criminal record check has been received and the APPLICANT approved for work.*

The VERIFIER needs to add the applicant to the DDC system, following the guidelines in the DDC Methodist Quick Start Guidelines.

[https://res-1.cloudinary.com/ddc-ltd/image/upload/remote\\_media/uploads/2017/10/Methodist-Quick-Start-Guide.pdf](https://res-1.cloudinary.com/ddc-ltd/image/upload/remote_media/uploads/2017/10/Methodist-Quick-Start-Guide.pdf)

*Note: Selection of the correct Job Role from the drop down menu will automatically ensure that the correct levels of check are applied for.*

**For checks using the Update Service** – the SAFEGUARDING OFFICER should follow the steps set out below:

*Note: For the policy and guidance on The Update Service and Portability see Sections 9 & 10*

- ✓ APPLICANTS must show the SAFEGUARDING OFFICER their most relevant paper criminal record check and provide identity check documents as for a criminal record check. The level of check must match exactly.
- ✓ The Update Service cannot be used for home based positions.

*continued overleaf...*

*... continued*

- ✓ If the paper check is **not clear** (i.e. contains any information at all) then the SAFEGUARDING OFFICER **cannot approve** – move straight to STEP 7.
- ✓ If the initial paper check the SAFEGUARDING OFFICER has been given is **clear** and the On-line Update Service confirms '**No further information**', then the SAFEGUARDING OFFICER can approve the person to take up their role - move to STEP 10.
- ✓ If the initial paper check the SAFEGUARDER has been given is **clear** but the On-line Update Service says '**More recent information is available**' then the SAFEGUARDING OFFICER **cannot** immediately approve the person. The APPLICANT **must** carry out a new criminal record check and show the SAFEGUARDING OFFICER the new criminal record check certificate.

## Step 7

# FOLLOW UP THE CRIMINAL RECORD CHECK

*For appointment to all roles in groups 1 and 2  
unless they have already been approved for work via the Update Service route*

## WHO DOES THIS?

**SAFEGUARDING OFFICER and APPOINTER in conjunction with the REGISTERED BODY and the Connexional Safeguarding Team**

## THE TASK

*Note: only the APPLICANT now receives a copy of the criminal record*

- The SAFEGUARDING OFFICER and APPOINTER should together ensure that the APPLICANT does NO work (either paid or voluntary) until approved
- The SAFEGUARDING OFFICER should keep a record of all criminal record checks sent to the REGISTERED BODY as well as any approvals they have made using the Update Service.

### APPLICATIONS:

- The VERIFIER can track the progress of the application on the the DBS tracking service <https://secure.crbonline.gov.uk/enquiry/enquirySearch.do/>
- If the certificate is **clear**:
  - the REGISTERED BODY will be notified and they will notify the VERIFIER.
  - The VERIFIER should then inform the SAFEGUARDING OFFICER who can **approve the APPLICANT** for work.
- If the certificate is **NOT clear**:
  - The REGISTERED BODY will be notified and they will notify the Connexional Safeguarding Team.
  - The Connexional Team will contact the MINISTER, by email copied to the District Safeguarding Officer, advising them of the situation and asking them to meet with the APPLICANT and to obtain a full copy of their DBS certificate, which should then

*continued overleaf...*

*... continued*

be sent to the Connexional Safeguarding team, together with any other supporting documentation requested in the email, or letters attached to the email.

*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 to all roles in group 1 and 2

## WHO DOES THIS?

**SAFEGUARDING OFFICER** *should be in contact with the the Connexional Safeguarding Team who will lead on this. The District Safeguarding Officer and/or the Connexional Safeguarding Team are available for help at any point as needed.*

## THE TASK

- Where the criminal record check reveals any information at all, this must be assessed for possible risk
- This assessment is arranged by the Connexional Safeguarding Team, in co-operation with the District Safeguarding Officer. The final decision rests with the Connexional Safeguarding Panel (see Standing Order 232)
- The APPOINTER and SAFEGUARDING OFFICER at local level have a crucial role to play, in supporting the APPLICANT whilst this process unfolds.
- 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 Connexional Safeguarding Team, who may in turn seek legal advice.

## Step 9

# RENEWING CRIMINAL RECORD CHECKS

For appointments to all roles in group 1 and 2

## 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, 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 Methodist Church, Connexional** level. See Section 11 for the system in relation to Methodist ministers
- The **District Safeguarding Officer** or the **Connexional Safeguarding Team** should be consulted where any difficulties arise

## THE TASK

- Criminal record checks should be updated every five 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. The Connexional Safeguarding Team should be contacted if there is a delay as it may be necessary to suspend someone from their role until the check is received. If the role is an employee, their contract may clarify how and when they can be suspended and if the role is an officeholder (minister or lay member), see SO 013.
- 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, district or Connexional level.



# Step 10

## SAFER WORKING PRACTICE

### WHO DOES THIS?

**APPOINTER** *and the RESPONSIBLE MEETING (where relevant) with input from SAFEGUARDING OFFICER 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 everyone in our churches.

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 for the role and guidance about unanticipated contact outside the work role.
- oversight, supervision
- information about who s/he is accountable to and whom s/he is accountable for.

## 4: ROLE OUTLINES

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For all role outlines, even those in GROUPs 3 and 4, it is important that there is an **explicit statement** as follows:

*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 [SAFEGUARDING OFFICER] (you should insert specific names and role titles.)*

For employees, the role outline will be included in the job description and employment contract which will set out the responsibilities of the employee. See Lay Employment Pack available from the Methodist Church website and speak with your District Lay Employment Secretary.

For volunteer roles, a role outline should be provided along with the following details:

- 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) Arrangements for induction, training and support.
- f) A safeguarding statement – as above – plus the requirement to renew the criminal record check every 5 years
- g) Any specific safeguarding responsibilities and any duties that may carry greater risk than others (e.g. minimal supervision, outreach work, lone working.)
- h) Arrangements for continuing oversight and review.
- i) 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)

<b>Crèche Assistant</b> – 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).
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<b>Sunday School Teacher</b> – 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 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** - Pastoral visitors carry out the Church’s ministry of providing support, advice and spiritual guidance. They are **appointed** by the Church Council and receive training and supervision 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. Workbooks and other training materials are used.

**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.

**Templates** - *The Connexional Team are developing pro forma job descriptions and person specifications for employees as well as role outlines for volunteer roles.*

## 5: CONFIDENTIAL SELF-DECLARATION

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The Confidential Self-Declaration should be completed by the APPLICANT before **any** criminal record check is sent off, including renewal applications. 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 Confidential Declaration Form should be completed by all those wishing to work in roles where they will be in substantial contact with children and/or vulnerable adults. This includes ministers.*

*The information on this form will be treated in confidence, and be seen only by those involved in the recruitment process and, when appropriate, the Safeguarding Co-ordinator.*

*The form will be kept securely in compliance with the Data Protection Act 1998.*

## NEW APPLICANTS

### Declaration

- I undertake to submit an application for a criminal record check before commencing in this role.
- I understand that the Church has a right not to employ/appoint me and a responsibility to ensure that I receive appropriate training.

**Please read carefully the information below before completing the next sections**

### EITHER

- I am not aware of any reason why I am not able to undertake the work being asked of me.\*

### OR

- There are matters that I need to declare before any employment or voluntary appointment can be confirmed.\*

These are outlined here: (please continue on a separate sheet, if necessary)

Name

Signed

Date

*You may find it helpful to discuss these matters with your minister or the church organisation which hopes to appoint you.*

### **You should declare**

- Any criminal convictions, including cautions, which have not been 'filtered' according to the Disclosure and Barring Service rules, including both 'spent' and 'unspent' convictions. This includes any convictions or cautions from outside the UK.
- If your name has been placed on a list of people barred from working with children / vulnerable adults - previously held by ISA now by the Disclosure and Barring Service (DBS). Please note: it is a criminal offence to apply for a post working with children/vulnerable adults if you are barred from working with them.
- If you are currently under investigation by the police.
- If a Family Court has ever made a finding of fact that you have caused significant harm to a child/vulnerable adult.
- If a child in your care or for whom you had parental responsibility has ever been removed from your care, been the subject of a Care Order, a Supervision Order or a Children's Services safeguarding plan.
- If Methodist Church Standing Order 010 applies to you

\*Delete as appropriate

**For applicants renewing their Criminal Record Check, please see overleaf.**

## APPLICANTS RENEWING THEIR CRIMINAL RECORD CHECK

### Declaration

- I undertake to submit a renewal criminal record check.

Please read carefully the information below before completing the next sections

### EITHER

- I am not aware of any reason why I should not continue in my present role.\*

### OR

- There are matters that I need to declare.\*

These are outlined here: (please continue on a separate sheet, if necessary)

Name

Signed

Date

### You should declare

- Any criminal convictions, including cautions, which have not been 'filtered' according to the Disclosure and Barring Service rules, including both 'spent' and 'unspent' convictions. This includes any convictions or cautions from outside the UK.
- If your name has been placed on a list of people barred from working with children / vulnerable adults - previously held by ISA now by the Disclosure and Barring Service (DBS). Please note: it is a criminal offence to apply for a post working with children/vulnerable adults if you are barred from working with them.
- If you are currently under investigation by the police.
- If a Family Court has ever made a finding of fact that you have caused significant harm to a child/vulnerable adult.
- If a child in your care or for whom you had parental responsibility has ever been removed from your care, been the subject of a Care Order, a Supervision Order or a Children's Services safeguarding plan.
- If Methodist Church Standing Order 010 applies to you

\*Delete as appropriate

### Note:

Because of the nature of the work for which you are applying, this post is exempt from the provision of Section 4(2) of the Rehabilitation of Offenders Act 1974 (ROA), by virtue of the ROA (Exceptions) Order 1975 as amended, and you are therefore not entitled to withhold information about convictions or cautions which for other purposes are 'spent' under the provision of the Act. Criminal convictions should therefore always be disclosed unless they have been 'filtered'. Further guidance is provided by the DBS and can be found at [www.gov.uk/government/publications/filtering-rules-for-criminal-record-check-certificates](http://www.gov.uk/government/publications/filtering-rules-for-criminal-record-check-certificates) and [www.gov.uk/government/publications/dbs-filtering-guidance](http://www.gov.uk/government/publications/dbs-filtering-guidance)

Please note that the 'rehabilitation periods' (i.e. the amount of time which has to pass before a conviction etc. can become 'spent') have recently been amended by the Legal Aid, Sentencing and Punishment of Offenders Act 2012. Since 10 March 2014, custodial sentences greater than 4 years are never 'spent'. For further guidance in relation to the 'rehabilitation periods', please see <http://hub.unlock.org.uk/knowledgebase/spent-now-brief-guide-changes-roa/>

### Methodist Standing Order 010 states:

((2) Subject to the provisions of the Rehabilitation of Offenders Act 1974 (or any statutory modification or re-enactment thereof for the time being in force and any regulations or orders made or having effect thereunder)

(i) no person who has been convicted of or has received a simple or conditional caution from the police concerning an offence mentioned in Schedule 1 to the Children and Young Persons Act 1933 (as amended) or who otherwise poses a risk to children, young people or vulnerable adults shall undertake work with children, young people or vulnerable adults in the life of the Church;

(ii) no person who has been convicted of or has received a simple or conditional caution from the police concerning sexual offences against children or vulnerable adults shall be appointed or reappointed to any office, post or responsibility or engaged or re-engaged shall be appointed to any office, post or responsibility or engaged under any contract to which this sub-clause applies unless authority for the appointment or employment has been obtained under clause (5) below.

## 6: CRIMINAL RECORD CHECKS FOR METHODIST CHURCH ROLES

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### GROUP 1 - REGULATED ACTIVITY

THOSE WHO REQUIRE AN ENHANCED CRIMINAL RECORD CHECK PLUS BARRED LIST CHECK

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

#### **Ministers**

All Methodist ministers including:

- ordained presbyters and deacons,
  - those candidating for the ministry,
  - probationer presbyters and deacons,
  - all supernumerary presbyters and deacons **still capable** of a preaching or pastoral ministry.
- 

#### **Work with children**

- Youth workers;
  - Children's workers;
  - Managers of youth and children's workers in GROUP 1 (Regulated Activity) roles,
  - Music leader where the choir/music group is mainly with children or young people;
  - Steward 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.
- 

#### **Work with Adults who are vulnerable**

This includes:

- pastoral visitors where the role includes direct feeding, physical care, or assistance with financial matters;
  - driving (organised by the church) to medical or social care appointments
- 

#### **Managers (Regulated Activity)**

Those who manage workers who undertake Regulated Activity with children or adults who are vulnerable, for example:

- Sunday School Superintendent
- the manager of a luncheon provision for adults with serious physical disabilities where help with feeding is required

## GROUP 2 - SUBSTANTIAL CONTACT (see footnote 2, page 8)

### THOSE WHO ARE LIKELY TO REQUIRE AN ENHANCED CRIMINAL RECORD CHECK WITHOUT A BARRED LIST CHECK

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

#### Work alongside parents

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.

For example:

- family worker
- leader of parent and toddler groups
- Messy Church helper

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#### Those covered by the previous definition of Regulated Activity <sup>3</sup>

Those whose role was (pre 2012) deemed to be Regulated Activity (with either children or vulnerable adults). This includes:

- members of the church council, and circuit meetings <sup>4</sup>
- senior stewards,
- leaders for safeguarding.
- some specific roles for example visitors into schools e.g. Open The Book volunteers.

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#### Substantial work with children

All those working with children or young people where either the requirements for Regulated Activity are not met (the period conditions -frequent, intense, overnight) or where there is sufficient supervision to move the role out of GROUP 1 Regulated Activity.

For example:

- a volunteer youth worker whose turn on the rota is only every other week (not frequent)
- a crèche worker who is never alone with children and whose work is always directly supervised.

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<sup>3</sup> The DBS provides three categories which fit within this group:

- 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.)
- Any position which otherwise involves regularly caring for, training, supervising or being solely in charge of children.

#### <sup>4</sup> Members of the church council or circuit meeting

Where the 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.

A minimum of three checks should always be undertaken: the safeguarding lead person and two stewards. 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.



### **Substantial work with vulnerable adults**

Those who work with vulnerable adults where the role is substantial (GROUP 2) but does not fit the criteria for Regulated Activity. This includes:

- worship leaders
- local preachers
- drivers for church activities
- pastoral visitors

Note The Methodist Church defines **supervised activity** as:

*Activity where the supervisor – who has him/herself been safely recruited - is always able to see the supervised worker's actions during his/her work.*

## GROUP 3 or 4

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.

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 role **does** include activity which involves substantial contact with children or vulnerable adults.*

Limited or no contact with children or vulnerable adults. For example:

- shop staff
- tour guides
- welcome teams
- refreshment servers
- flower arrangers
- gardener
- caretaker
- choir leader
- musical director
- organist
- choir member

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Those in 'peer' or self-help arrangements - for example the following are not eligible for a criminal check:

- a person who previously had drug/alcohol abuse problems but now joins a support group to share the experience of getting through it
- a parent supporter who has had personal experience of overcoming difficulties and is supporting another parent.

## 7: CRIMINAL RECORD CHECKS – GUIDANCE FOR SPECIFIC SITUATIONS

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### 16-18 Year Olds

Whilst acknowledging the need to nurture young people aged between 16<sup>5</sup> – 18 years in leadership roles, no young person under 18 should be expected to take on a role of sole responsibility. If they assist others in leadership roles, support and supervision must be given in proportion to their requirements. Therefore no 16-18 year old should be in a role within GROUP 1.

### Rehabilitation of Offenders

While the Methodist Church fully supports the principle of rehabilitation and applies it to all recruitment practice, 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 Methodist Church CPD Standing Order 010 and the *Safeguarding Children & Young People Policy*. The DBS has published a sample policy statement on the recruitment of ex-offenders.<sup>6</sup>

### ‘One-off’ events Visitors or Helpers

Where a volunteer’s role will be helping at a ‘one-off’ event, such as accompanying staff and children on a day outing, or helping at a day or evening event, the above 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.

### Self-help arrangements

Family members, self-help groups 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 GROUPS 1 or 2, without first having been approved through the criminal record process.

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<sup>5</sup> The minimum age at which someone can be asked to apply for a criminal record check is 16 years old.

<sup>6</sup> DBS policy statement on the recruitment of ex-offenders

### Caretaker/administrator/food bank workers

Most caretakers/administrators and food bank workers fall into GROUP 3 and are not therefore entitled to a criminal record check. Where the caretaker simply opens and locks the building, the administrator has no contact with vulnerable people or where the food bank worker simply parcels up food and hands it out, no check is required and they are not eligible. Where the role involves substantial contact with vulnerable groups e.g. some food bank workers<sup>7</sup>, this needs spelling out on the job role as the role should now be classed as a pastoral assistant or children/youth worker.

### Local preachers/worship leaders

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

- **New Worship Leaders** should obtain a criminal record check before their training commences
- **New Local Preachers** should obtain a criminal record check prior to going 'on trial'.

To ensure consistency both within the Methodist Church and with the requirement for all Church of England Readers to undertake a DBS check, all local preacher and worship leaders who are on the plan should undertake a criminal record check.

The nature of the check (i.e. with/without a request for barring information) will depend on whether their work will be in GROUP 1 (Regulated Activity) or GROUP 2 (substantial contact.) It is most likely to be in GROUP 2 but will depend on the specific role undertaken by the individual.

### Those coming to work from abroad (employees and volunteers)

The DBS has guidance for applicants on criminal record checks for those from overseas<sup>8</sup>.

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

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<sup>7</sup> Food bank workers whose role is to serve food, drinks and talk to those whom they serve will not be in regulated activity in relation to adults unless they are as part of their duties providing, for instance, personal care for adults. They will not qualify for regulated activity in relation to children unless they are caring for/supervising/advising etc. children on a frequent/intensive/overnight basis and they are themselves unsupervised. If they are not in regulated activity but the food bank workers still care for/supervise/ etc. children or adults who may be vulnerable, they are likely to be eligible for an enhanced check(without barring information). Nevertheless, individuals will have to be assessed on a case by case basis.

<sup>8</sup> Criminal record checks for those from overseas

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, obtained. This 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) will depend on whether their work will be in GROUP 1 (Regulated Activity) or GROUP 2 (substantial contact.)

#### **Ecumenical events:**

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

## 8: BARRING FROM REGULATED ACTIVITY (i.e. GROUP 1 ROLES)

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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.

## 9: DBS UPDATE SERVICE

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### DBS update service: applicant guide

<https://www.gov.uk/government/publications/dbs-update-service-applicant-guide/>

The DBS now operate an Update Service which makes checks easier. There is a cost to those employed but it is free to volunteers. For an annual subscription (free to volunteers) applicants can have their DBS Certificate kept up-to-date and take it with them from role to role within the same workforce. However new checks MUST be done in the following circumstances:

- if the DBS approval is for the children workforce only and then this changes to the adult workforce, or vice versa (i.e. the basis on which the original certificate was issued has changed).
- if the applicant check was for GROUP 2 and their role has changed to GROUP 1 (so no barred lists check has been done).

To apply for the update service an applicant must apply within 19 days of the DBS certificate being issued. The update service may be very useful to those who have multiple roles where a DBS certificate is required.

The update service can be very useful to organisations to check someone's DBS certificate status online and get a result back straight away<sup>9</sup>. There is no registration process or fee for organisations to check a certificate online, but organisations must:

- be legally entitled to carry out a check (i.e. the role must be eligible for a DBS check) and the level of the original certificate any barred list check requested must be the same as the role the applicant is applying for
- have the individual's permission.

### Methodist Church Policy and Procedures on the Update Service

The Methodist Church will accept Update Service checks for volunteers but not for paid roles.

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<sup>9</sup> Extract from the DBS Update Service Website (link to [check someone's DBS certificate status online](#)):

The outcome of a valid Status check will be one of the following:

- **This Certificate did not reveal any information and remains current as no further information has been identified since its issue.** This means that the individual's Certificate contains no criminality or barring information and no new information is available.
- **This Certificate remains current as no further information has been identified since its issue.** This means that the individual's Certificate did contain criminality or barring information and no new information is available.
- **This Certificate is no longer current. Please apply for a new DBS check to get the most up to date information.** This means that the individual's Certificate should not be relied upon as new information is now available and you should request a new DBS check.

## 10: PORTABILITY (Non-ordained roles only)

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Portability means using a criminal record check obtained in one role for a different role, sometimes with a different employer or organisation.

If the applicant is registered with the Update Service then portability is not relevant as the Update Service can be used and the current criminal record checked this way. Below are the circumstances when a pre-existing criminal check can be used.

### Pre-existing check from within the Church

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

- anyone applying for a further role within the same church or circuit does not require a second criminal record check if the role is with the same 'workforce' i.e. either children or vulnerable adults.

However, where someone wishes to volunteer in a role with the different workforce (for example, someone who has volunteered at a youth club now offering to volunteer as a driver for a housebound adults scheme) **then a new criminal record check is required.**

### Pre-existing check from outside the Church

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

- completely clear (no record of cautions, convictions or additional information)
- less than 2 years old
- for a role in the same workforce
- for regulated activity if the new role is regulated activity.

And

- the applicant's identity must be verified
- the applicant must still be in the post for which the check was obtained
- a reference from the previous employer or appointer must be obtained to ensure the applicant was appointed following receipt of the check
- the issue date and serial number of the check must be recorded together with the applicant's name and date of birth.



## 11: CRIMINAL RECORD CHECKS FOR MINISTERS

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

1. Applications should be done online using the DDC system. If for any reason there is difficulty in using the online application system, the District Chair will need to contact the Connexional safeguarding team to discuss possible solutions.
2. When using the online system, payment is not required therefore if payment is requested, make sure the correct organisation code for ministers has been used and if so then contact Due Diligence Checking.
3. When a minister's DBS check falls due they need to be added to the DDC system, usually by their Superintendent Minister, as a new applicant, under the *[District] Ministers (Methodist)* list on the 'Add Applicant' page.
4. Once the applicant minister has completed the application online, they need to notify and meet with the verifier to finalise the application. The verifier can then keep track of the application until the disclosure certificate is issued. At the moment, only Superintendents, District Chairs and District Safeguarding Officers can be verifiers for ministers on EBULK although the main responsibility falls on the superintendent to verify the ministers within their circuit.
5. All ministers, whether or not in the active work, are deemed to be involved in Regulated Activity and so checks are necessary for working in regulated activity with both Child and Adult Workforces (GROUP 1).
6. **The checks are required every 5 years** or earlier at any stage where safeguarding concerns arise<sup>10</sup>.
7. **Fresh checks are NOT required when the minister moves appointment.** The only exception to this rule is when the minister moves to 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.
8. Checks are required for all **candidates for the ministry** and again before they are first stationed i.e. **Probationers**.
9. No person should start working in the role of minister without checks having been done and clearance given. This applies to probationer ministers (see 4 above) and to others, for example, those entering as a result of a transfer panel.

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<sup>10</sup> This includes, where after a complaints or disciplinary procedure it is identified that:

- as a result of a statutory investigation, the information on the criminal record check may have been updated with either a conviction, caution or additional information;
- the church is required to refer the minister to statutory authorities and/or the barring services.

10. 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 minister’s denomination, and confirmation provided to the Conference Office by completing the relevant sections of the application form.

Ministers seeking to be **Recognised and Regarded** and residing in the United Kingdom at the time of the application, will be asked, as part of the application process, to provide proof of a current criminal record and barring check.

11. **Ministers who come from abroad** and **Ministers from World Church Partner Churches** (and who will be serving on or stations by virtue of being granted the status of Recognised and Regarded, Authorised to Serve or Associate Ministers) and those who take part in placements and exchange visits (such as those organised under the auspices of the World Methodist Council Ministerial Exchange Programme) must provide information from the previous countries of residence.

***Overseas applicants and UK applicants who lived abroad***

Employers can ask applicants from overseas to provide a criminal records check, or ‘Certificate of Good Character’, from their country of origin.

It may also be possible for employers to get such a check through the relevant embassy in the UK but the applicant must give their permission.

Processes for getting [criminal records checks abroad](#) vary between countries.

12. 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 the 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 the Conference. The Superintendent should be notified of this decision.
13. 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.
14. Applications can be verified only by Superintendents, Chairs of District or the District Safeguarding Officer
15. The Connexional Team will email all District Chairs and District Safeguarding Officers each quarter to notify the District of those ministers whose checks are due.
16. **Confidential Declaration Form.** This form is for completion by everyone doing a criminal record check and is available on the Methodist Church in Britain website within the Safeguarding pages. 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'.

17. Where the disclosure contains information – i.e. it is a 'blemished' or 'unclear' disclosure – someone from the Connexional Safeguarding Team will contact the superintendent to request that a copy of the whole certificate from the applicant minister is sent by recorded delivery to the Connexional Safeguarding Team. The information on the certificate must be assessed for possible risk. Consideration must be given to the applicant standing down from their ministerial role as a neutral act until this process has been followed through.
18. 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 matches as closely as possible with the system for England and Wales.

## APPENDIX 1: THE CHILD SEX OFFENDER DISCLOSURE SCHEME (SARAH'S LAW) AND THE DOMESTIC VIOLENCE DISCLOSURE SCHEME (CLARE'S LAW)

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### 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, circuit or 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 2015* statutory guidance. Where the police find difficulty in disclosing to you necessary information, then these provisions may be of use.

The child 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.

## CLARE'S LAW - THE DOMESTIC VIOLENCE DISCLOSURE SCHEME

<http://www.police.uk/news/domestic-violence-disclosure-scheme/>

On 8 March 2014, the Domestic Violence Disclosure Scheme was introduced, (also known as 'Clare's Law').

In broad terms, the scheme operates in a similar fashion to the child sex offender disclosure scheme and allows police to disclose information about a partner's previous history of domestic violence or violent acts.

Any person can make an application about an individual who is in an intimate relationship with another person and where there is a concern that the individual may harm the other person. In addition, any concerned third party, such as a parent, neighbour or friend can make an application not just the potential victim.

After having received an application, if police checks reveal that an individual has a record for abusive offences etc. or there is other information to suggest that a person is at risk of harm, the police will give consideration to sharing this information with the person at risk or a person who is best placed to protect the potential victim.

As in the case of the child sex offender disclosure scheme, the information received from the police is confidential and should not be disclosed without discussing this with the police.

Nevertheless, you can use the information to keep the potential victim safe; to keep any children safe; ask for further support or advice.

Individuals wanting to use the domestic violence disclosure scheme should contact their local police force for further details.

## APPENDIX 2: WHAT ACTIVITIES MAKE A PERSON ELIGIBLE FOR AN ENHANCED DBS CHECK?

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

COLUMN A : GROUP 1	COLUMN B : GROUP 2
<p>An enhanced DBS check with barring information</p> <hr/> <p style="text-align: center;"><b><u>Children – Regulated Activity</u></b><sup>11</sup></p> <p><b>Frequency Criteria:</b></p> <p>(i) <i>once a week or more;</i>            (ii) <i>four days or more in any 30 day period;</i>            (iii) <i>overnight between the hours of 02:00 &amp; 06:00.</i></p> <p>Each of the following situations <b>MUST</b> satisfy one of the frequency criteria:</p> <p><b>1. Specified Nature:</b>            Teach, train, instruct, care for or supervise children - unsupervised (where supervised see Column B); or provide advice/guidance on physical, emotional or educational well-being</p> <p><b>2. Specified Establishment</b>            Work in a 'specified establishment' (e.g. a nursery school, school, Further Education Establishment, children's homes, childcare premises) - <i>but not work by supervised volunteers or occasional or temporary contract work that is not of a 'Specified Nature', (e.g. maintenance contractors).</i></p> <p><b>3. Moderating an online forum for children</b> used wholly or mainly by children and must be carried out by the same person.</p>	<p>An enhanced DBS check without barring information</p> <hr/> <p style="text-align: center;"><b><u>Children – Substantial Contact</u></b></p> <p><b>1.</b> Work of a '<b>Specified Nature</b>' (as defined in Column A) where that work is <b>supervised</b><sup>14</sup>.</p> <p><b>2.</b> Work of a <b>supervised volunteer</b> (or occasional or temporary contract work) in a '<b>Specified Establishment</b>' (as defined in Column A).</p> <p><b>3.</b> Any activity that involves people in <b>certain defined positions of responsibility</b> (e.g. trustees of a children's charity or school governors).</p> <p><b>4. Work done infrequently which if done frequently would be regulated activity relating to children</b> (either as defined now or as defined in Schedule 4 Part 1 of the Safeguarding Vulnerable Groups Act 2006)</p> <p><b>5.</b> Obtaining information in respect of <b>any person</b> who is aged 16 or over and who <b>lives in the same household</b> as an individual who is engaged in activity which <b>used to be regulated activity</b> as defined under the 2006 Act, where the activity normally takes place on the premises where the relevant individuals live.</p>

<sup>11</sup> Full details relating to Regulated Activity concerning children can be found [here](#)

<sup>14</sup> Supervision - Where the supervisor - who has themselves been safely recruited - is always able to see the supervised worker's actions during their work

<p><b>4. Driving a vehicle used to convey children and any person supervising or caring for the children.</b></p> <p><b>Each of the following situations DOES NOT have to satisfy the frequency criteria:</b></p> <p><b>5. Healthcare (e.g. doctor or nurse etc.) or personal care</b>  Personal care includes assistance with toileting, washing, bathing and dressing for reasons of age, illness or disability (and prompting and supervision of the same) or teaching a child for reasons of age, illness or disability to do any of these tasks. Assistance with eating, drinking for reasons of illness or disability (and prompting and supervision of the same) or teaching a child for reasons of illness or disability to do these tasks.</p> <p><b>6. Child-minding or fostering a child.</b></p> <p><b>7. Day to day management on a regular basis of a person who is providing a regulated activity in relation to children. Please note this includes a supervisor of a person who would be in regulated activity if not under regular supervision.</b></p> <p><b>8. Assessing the suitability of any person who is aged 16 or over to have regular contact with children and who lives in the same household as an individual who is engaged in regulated activity, where the activity normally takes place on the premises where the relevant individuals live.<sup>12</sup></b></p>	
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<sup>12</sup> Although this is not 'regulated activity' the Police Act 1997 (Criminal Records) (No 2) Regulations 2009 (as amended) allows a barred list check in such circumstances.

### Adults - Regulated Activity<sup>13</sup>

**Frequency Criteria:** *There is no longer a requirement for a person to carry out activities over a certain period. Any time a person engages in an activity set out below, he/she is engaging in regulated activity, (i.e. includes one off events)*

1. **Healthcare** (by a healthcare professional)
2. **Personal Care.** Personal care includes assistance with eating, drinking, toileting, washing or bathing, dressing, oral care or care of skin, hair or nails due to age, illness or disability (and prompting and supervision of the same) or teaching someone to do one of these tasks
3. **Social Work** by a Social Worker
4. **Assistance with a person's cash, bills or shopping** because of their age, illness or disability.
5. **Assistance with the conduct of an adult's own affairs**, for example, lasting or enduring powers of attorney, or deputies appointed under the Mental Capacity Act 2005.
6. **Conveying:** conveying adults for reasons of age, illness or disability to, from or between places **where they receive healthcare, personal care or social work.** This would not include friends or family or taxi drivers
7. A person whose role includes **the day to day management or supervision** of any person who is engaging in regulated activity.

### Adults – Substantial Contact

1. **Activities that used to be regulated activity** under Schedule 4 Part 2 of the Safeguarding Vulnerable Groups Act 2006 prior to 10 September 2012, which will include:
  - a. Any form of **care or supervision**;
  - b. Any form of **treatment or therapy**;
  - c. Any form of **training, teaching, instruction, assistance, advice or guidance**;
  - d. Moderating a **public electronic interactive communication service**;
  - e. Any form of work carried on in a **care home**;
  - f. **Advocacy services**; and
  - g. **Transportation** where it is for a purpose other than receiving health/social care

**Provided for adults who require assistance** because of their age illness or disability **or are residents in specific accommodation** – such as care homes or prisons.

Please note that you **MUST satisfy the frequency criteria** in relation to any such activity listed above.

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

<sup>13</sup> Full details in relation to regulated activity and adults who are vulnerable can be found here - [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/216900/Regulated-Activity-Adults-Dec-2012.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/216900/Regulated-Activity-Adults-Dec-2012.pdf)