

SHEFFIELD DISTRICT OF THE METHODIST CHURCH

SAFEGUARDING

Criminal Records/DBS eligibility checklist

September 2014

Introduction

The purpose of this guide is to assist churches to identify which posts or roles require a Criminal Records check from the Disclosure and Barring Service (DBS). The Protection of Freedoms Act 2012 changed some of the arrangements for the checks and the new measures came into force in June 2013. The government's aim was to reduce the need for Criminal Record checks and scale them back to 'common sense' levels based on the principles of proportionality and the informed consent of persons requiring a check. These changes have resulted in some positions that formerly required a check no longer requiring them and a new distinction between those checks required for those people working in 'regulated activities' and other work.

Government guidance has also revised the definitions of what is called 'regulated activity' and this is different for work with children and adults.

It is therefore timely, just over a year after the changes came into force, to publish this guide since we now have greater clarity and understanding about what is required.

Since June last year the District has offered advice and guidance in line with emerging interpretation and now presents this list of eligible roles as substantially indicative but not exhaustive. This latest advice may also be at slight variance with what has been stated previously but is offered in the light of a review of other District or Diocesan guidance and updated DBS guidance published on August 26th 2014. **This guide is therefore Sheffield District's guidance to churches and circuits as at September 1st 2014.**

Two types of Enhanced Criminal Records checks

The new legislation introduced a distinction between checks in respect of Regulated Activity and other work.

1. Enhanced Criminal Record plus Barred List Check

This check discloses whether the individual applicant is barred from Regulated Activity with children or vulnerable adults as well as detailing any convictions, cautions and other relevant information. Barring information is contained in statutory lists held by Government agencies and departments and concerns individuals who are barred from working with children or other vulnerable groups. For ease of reference this is now referred to below as **Enhanced Plus**.

2. Enhanced Criminal Record Check

This check discloses information about convictions, cautions and other relevant information but NOT whether a person is barred from Regulated Activity (although the decision which led to a bar may be provided by the police if they deem it relevant for the roles in question) For ease of reference this is now referred to below as **Enhanced**.

In summary many church roles that work with children or vulnerable adults will continue to require a Criminal Records check and the tables below will indicate which check is required, and the tests that will enable churches to decide if an Enhanced or Enhanced Plus check is required.

Regulated Activity and the key tests

1. Regulated Activity in respect of children

You work in a Regulated Activity if, unsupervised, you teach, train, instruct, care for or supervise children, or provide advice and guidance on well-being or drive a vehicle only for children. This applies if you work frequently with children (once a week or more often) or intensively (4 days in any period of 30 days), or overnight (between 2am and 6pm). So, for example, (and subject to the supervision test below) if you are a youth worker or Sunday school teacher working with a group on a weekly basis you are in a Regulated Activity and require an Enhanced Plus check. Likewise if you only volunteer to join the annual summer camp or holiday project and work for more than 4 days in a row you will need an Enhanced Plus check.

The supervision test is this: our definition of supervision is where the supervisor (who will have an Enhanced Plus check) is always able to see the supervised worker at his/her work. Some degree of reasonable application of this should be applied (taking into account other adult presence, numbers of children and location) but in practice, given how much we co-work in our church settings, requiring people to move around with children and young people, it is unlikely that we can totally satisfy the supervision test and so it is wise to consider most of our workers who meet the frequency test as being unsupervised and requiring an Enhanced Plus check.

If you work directly but less frequently with children, say as part of a rota, and unsupervised as defined above, you are eligible for an Enhanced check. This is not deemed to be Regulated Activity but is understood to be other work for which a check may be sought.

If you are always supervised by another person who is never away from your side and watches everything you do then you will probably not require a check at all. But in a church setting this is highly unlikely.

2. Regulated Activity in respect of vulnerable adults

You work in Regulated Activity if you provide health care, personal care, social work, assistance with cash, bills or shopping, assistance in the conduct of a person's own affairs, conveying someone to healthcare, personal care or social care settings. The frequency and supervision tests do not apply – it's the task that matters. People who work in these roles therefore require an Enhanced Check. However most church workers with adults are unlikely to fall within the category of Regulated Activity.

However some pastoral visitors may help with shopping or transport to appointments and do this as part of the role expected of them as church appointed pastoral visitors, as opposed to helping out as a friend. This brings them into the orbit of the Enhanced Plus check and this is why careful attention must be paid to writing clear role profiles or job descriptions.

There has been some discussion about whether pastoral visitors require a check at all as their work may or may not bring them into contact with vulnerable adults, but if we accept that all adults at some time in their lives may be rendered vulnerable through age, disability, illness, discrimination or being at risk of abuse, **it is now required that for all pastoral visitors, churches should now seek an Enhanced check.**

Indicative list of posts/roles that will require a check

Group 1

All clergy, presbyters and deacons will require an Enhanced Plus Criminal Record Check as their usual work will bring them into the scope of the Enhanced Plus check

For information about how to apply for a DBS Criminal Record Check please go to:

<http://www.churchsafe.org.uk/component/content/section/9.html>

Group 2

Those employees and volunteers working with children and young people aged under 18

Given what has been concluded above about the question of working unsupervised, all the following roles/posts will require either an Enhanced Plus or Enhanced check according to the frequency test:

Lay workers with a brief to work with children and families

Youth workers/leaders

Children's worker/leaders

Summer and other holiday project workers

Sunday school teacher

Crèche workers

Family support workers where work is done separately with children

Parent and toddler group workers (if parent not attending)

Sports or activity workers/leaders (e.g. art, drama)

Music leaders where the choir or group is mainly children and young people

Lay leaders of church membership classes

Drivers for young people's and children's activities as organised by the church – not private parental arrangements

All managers of youth, children or family workers

Caretakers where role includes some supervision of children or young people

Group 3

Those employees or volunteers working with adults 18 plus in need of support because of age, disability, illness, discrimination or at risk of abuse

All will require an Enhanced check, and according to the Regulated Activity criteria some will require an Enhanced Plus check

Local preachers

Worship leaders

Lay workers and pastoral assistants

Those taking home communion

Pastoral visitors

Drivers for church activities with this group

Managers of volunteers and staff who deliver Regulated Activity services (Enhanced Plus check required)

Food bank workers who work directly with clients

Group 4

The following roles do not normally require a Criminal Record check unless they regularly undertake any of the roles in groups 2 and 3 above. Should this be the case then an adjustment will need to be made to their role profile to reflect this on either a permanent or temporary basis:

Caretaker without any inherent supervisory responsibilities for children or young people

Refreshment servers

Flower arrangers

Choir leaders for an adult choir

Welcome stewards

Church stewards

Organist or other musicians unless directing a choir or music group which may include children

Choir members

Church council members

Church guides and shop staff

Food bank backroom staff (sorters and shelf stackers etc.)

For all the roles in all groups, including group 4 above safe recruitment procedures must be followed. The Methodist Church's Safer Recruitment policy and guide can be accessed here:

<http://www.methodist.org.uk/media/885641/Safer%20Recruitment%20guidance%20FINAL%2013-6-13.pdf>

In summary this requires churches to make sure that for each role there is an up to date role profile, and that a full recruitment process is followed which includes an application form, a Form A declaration, taking up of references and an interview before appointment. The Criminal Record check will add to this as necessary.

Further information

Further advice and guidance on eligibility and the process of seeking a check can be found here:

<http://www.methodist.org.uk/ministers-and-office-holders/safeguarding>

<http://www.churchsafe.org.uk/>

<https://www.gov.uk/disclosure-barring-service-check/overview>

<http://www.sheffieldmethodist.org/category/safeguarding/>

Through navigation, these sites will take you into more detailed sections of guidance

If you have further queries please do not hesitate to contact:

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