

# Safer Recruitment Practice Including DBS (formerly known as CRB) Disclosures



## 1. What is a Disclosure or DBS Check?

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The **Disclosure and Barring Service** (or DBS) formed in December 2012 as an amalgamation of the former Criminal Records Bureau (**CRB**) and the Independent Safeguarding Authority (ISA) agencies. The DBS continues to provide the Disclosure service for England & Wales.

A Disclosure (or DBS check) is a document that contains details of an individual's relevant criminal record (including convictions, reprimands, warnings and cautions) held on the Police National Computer (PNC). As of 29<sup>th</sup> May 2013 new filtering rules have been introduced under law which remove certain specified old and minor offences from Disclosures. For full details of the changes go to [www.gov.uk/dbs](http://www.gov.uk/dbs). From 10th September 2012, those roles that meet the definition of Regulated Activity as defined by the Protection of Freedoms Act 2012 will need to be checked against the relevant Barred List/s. From this same date those roles that fail to satisfy the new Regulated Activity definition can still be submitted for an Enhanced Disclosure however it is illegal for an "employer" or organisation to seek access to the Barred List/s in such instances. Additionally as of September 2012, information formerly released as "additional information" (also known as "brown envelope" information) ceased to be disclosed in this manner. If there is information known only to the Police which is deemed relevant to the role the individual is applying to undertake the Police can disclose this information under their common law powers.

A Disclosure enables organisations to make informed recruitment decisions (in accordance with **DBS Code of Practice** and Rehabilitation of Ex-Offenders Act) to ensure that those working with children and/or adults in receipt of certain services are suitable to carry out those duties without presenting a risk.

A Disclosure however does not replace usual recruitment and selection practices but is one part of the process.

There are 2 levels of Disclosure - Standard and Enhanced.

With effect from 12th October 2009, those people working with children or relevant adults are required to have an Enhanced Disclosure. If you wish to know more about Standard level Disclosures, please refer to the **DBS website**.

The DBS charge for the Disclosure service per application. Current fees for Enhanced checks can be found on the DBS website. However Disclosures are free of charge for **Volunteers** that meet the DBS definition.

For information regarding roles previously deemed to be "Positions of Trust" please refer to **Section 5, What about Obtaining Disclosures for those Roles within the Church that are Considered to be "Positions of Trust"?**

## 2. Why Does the Catholic Church of England and Wales use Disclosures?

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The Catholic Church is committed to doing everything possible to ensure children, young people and vulnerable adults are kept safe from harm.

The single most important responsibility to be undertaken is to ensure that anyone who is applying to work or minister, whether paid or otherwise, within the Church in a role which gives them direct access to children or vulnerable adults is selected with the utmost care. Reliance on a practice of untested trust is no longer acceptable and we are expected to adhere to the highest standards of best practice and public accountability, while continuing to foster a spirit of trust and openness that reflects the values of the Church.

The use of Disclosures within the Church does not replace, and should complement, normal recruitment practices such as the gathering of personal details, face-to-face interview and references (Testimonials of Suitability for **Clergy** or Religious members). It should not be seen as a substitute for carrying out these pre-appointment checks and to make an application to the DBS without these recruitment measures being utilised contravenes the **DBS Code of Practice**. The DBS Disclosure process is ONLY undertaken once a provisional job offer has been made following the assessment of the individual's suitability for the role via usual recruitment practices.

Following appointment, the use of Disclosures must not be viewed as the final step in the process and should not replace the need for on going vigilance, careful supervision and sound management of those working with children and the vulnerable.

While **Employers** within the statutory social care, health and education sectors are legally required to use DBS Disclosures, this legal obligation currently does not apply to other Employers or those who recruit Volunteers. However the Church is legally required to operate safe recruitment procedures and as such utilises DBS Disclosures to fulfil its obligations. It is a criminal offence to appoint someone who is known to be disqualified from working with children and/or vulnerable adults to a Regulated Activity role. Failure to take advantage of the Disclosure service available to identify those who may be disqualified would be viewed as a failing of the Church's responsibilities and would be a criminal offence if the role constituted Regulated Activity.

### 3. How are Disclosures Obtained for Relevant Roles in the Church?

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Disclosures are obtained for applicable roles and organisations within the Catholic Church of England & Wales, which fall under the scope and remit of the Catholic Safeguarding Advisory Service (CSAS). CSAS is registered with the DBS as a **Registered Body** on behalf of the Catholic Church of England & Wales and the DBS application and assessment process is implemented via the safeguarding staff located in Dioceses; **Safeguarding Representatives** in parishes; and nominated persons within the Religious.

CSAS is NOT responsible for undertaking DBS Disclosures where these are already carried out via Statutory Organisations (for example staff in Catholic schools or staff in Catholic Social Welfare agencies). For any queries regarding the portability of Disclosures between organisations, please refer to the Portability and Online Updating Service guidance (see **Section 23, Signposting to Related Information**.)

CSAS, as the Registered Body, must ensure that all DBS Policies and Codes of Practice are adhered to for the use of Disclosures within the Dioceses, Religious Congregations and related organisations/Catholic bodies. A breach of the Code may result in the Registered Body and their person liable for the breach (i.e. an approved **Counter-Signatory** of the Registered Body) liable for prosecution. This could result in a fine or the suspension or withdrawal of Registered Body status.

For DBS purposes, "CSAS" includes its authorised agents within the Safeguarding structure who act as counter-signatories for the processing of Disclosure applications. Signed agreements exist with these agents wherein they abide by the policies and procedures of CSAS and the DBS. A copy of the agreement is located in the Forms Library.

CSAS is committed to the fair and sensitive use of Disclosure information and will take all reasonable steps to ensure that it, and those for whom CSAS acts as a Registered Body, seek to achieve and maintain models of best practice. CSAS has a policy on the handling, storage and safe destruction of Disclosure information and this is found within **Section 14, Policy on Secure Storage and Retention** contained in this Safer Recruitment Policy. Where an applicant feels that Disclosure information has not been handled in a fair and sensitive way an appeal process is available. For details of this process, please refer to **Section 19, Disputes – DBS, Appeals and Complaints**.

CSAS will seek to ensure that:

- Each post (paid or voluntary) is assessed to check the appropriateness of a Disclosure to the role, and where applicable, determine the relevant product i.e. Disclosure with or without Barred List access;
- Any advertisement for a post requiring a Disclosure indicates the level of Disclosure required pre-appointment;
- The conditional offer of employment (paid or voluntary) subject to the receipt of a satisfactory Disclosure is clearly indicated;
- Candidates for any office, paid post or voluntary position eligible for a Disclosure, are asked to provide in writing (under confidential cover) convictions or other disqualifying behaviour that might be revealed by the Disclosure process. This will assist the recruitment decision making process and will only be taken into account when relevant to the post applied for;
- When an existing office holder, employee or Volunteer moves into a position eligible for a Disclosure, they will then be asked to undertake the Disclosure application process and associated requirements;
- If concerns arise in relation to an existing post holder (Clergy, Religious, employee, office holder or volunteer) which are not deemed by the Statutory agencies to warrant investigation by them, CSAS will seek a further Disclosure with the individual's consent.

For those using and implementing the Safer Recruitment policies and procedures of CSAS, as the Registered Body, please note that the standard forms and form templates contained in this Chapter can only be amended to allow for Diocesan or Religious Congregation logos. If you wish to consider amending the content or structure of any of the documents, you MUST seek approval from CSAS (as the Registered Body) PRIOR to use.

## 4. What Roles within the Church are Eligible for a Disclosure?

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The Protection of Freedoms Bill achieved Royal Assent in May 2012.

As of 10th September, there are 2 variations of Disclosure product that are available depending on whether the role meets the Protection of Freedoms Act definition of "Regulated Activity".

It is important to note that the new legislation no longer recognises "vulnerable adults" nor where the activity takes place but instead focuses on specific activities needed by an adult, which when any adult is in receipt of those services would deem the adult to be vulnerable.

Regulated Activity when working with children is defined as:

- Unsupervised relevant activities which include teaching; training; instructing; caring for or supervising children or providing advice or guidance on wellbeing or driving a vehicle solely for children;\*
- The generic description of supervision "means day to day supervision as is reasonable in all the circumstances for the purpose of protecting any children concerned." It is for each organisation to determine what is considered to be reasonable supervision in their context. Please refer to the Guidance on Supervision and Supervised Activities within the Catholic Church of England & Wales when assessing if a role meets the Regulated Activity definition. (This guidance will be following in due course along with a supervision decision making flowchart);
- Relevant unsupervised work is only considered Regulated Activity if it is carried out regularly. Regularly is defined as work carried out by the same person once a week or more; on 4 or more days in a 30 day period or overnight. If someone is carrying out health care or personal care (for example those working in such roles with children on the Lourdes Pilgrimage) the frequency test does not apply and therefore this activity only needs to be carried out once to be considered Regulated Activity;
- Those who provide the day to day management or supervision of a person engaging in Regulated Activity with children are also in a Regulated Activity role.

\*There is an exception to this - those who are in paid posts working in a specified establishment (despite being subject to supervision) are still deemed to be in Regulated Activity. Specified establishments are listed within Schedule 4 of the Safeguarding Vulnerable Groups Act 2006, updated by the Protection of Freedoms Act 2012.

Regulated Activity when working with adults is defined as:

- 6 specific categories of activity which when any adult is in receipt of such services is deemed vulnerable;
- Those categories of activity are:
  - Providing healthcare by a healthcare professional or under direction or supervision of one;
  - Providing personal care which is defined as physical assistance with eating; drinking; toileting; washing; dressing; oral care or care of skin, nails or hair (but excludes where a person's hair is cut) because of the individual's age, illness or disability. Also extends to those training, instructing or providing advice on personal care provision; those who prompt such needs and supervises the adult to do so;
  - Providing social work (meaning a social care worker under the Care Standards Act 2000);
  - Assisting with general household matters for example assisting with managing a person's cash, paying a bill on someone's behalf or shopping due to the adult's age, illness or disability;
  - Assisting in the conduct of a person's own affairs for example by virtue of a lasting power of attorney;
  - Conveying adults to, from or between places where they would receive the above categories of service.
- When looking at activities provided to adults (meaning those over 18 years of age) there is no minimum frequency test. The first time any of the above activities are engaged in they become a Regulated Activity and the barred status of the person undertaking such activities must be checked BEFORE they provide the activity/service;
- Those who provide the day to day management or supervision of a person engaging in Regulated Activity with adults is also in a Regulated Activity role.

The differences in work with vulnerable groups and which Disclosure product can be accessed are illustrated below with some sample role scenarios:

Enhanced Disclosure without Barred List checks	Enhanced Disclosure with Barred List checks
When working with Children:	When working with Children:

<ul style="list-style-type: none"> <li>• A person has been asked if they would assist with the children’s choir. They will be subject to supervision (as defined by the Church – see Guidance) by the Choir Leader and therefore they will not be in a Regulated Activity role. An Enhanced Disclosure is required however no check of the Barred List for Children can be made;</li> <li>• A person has expressed a willingness to help out with the parish Youth group and be on the rota. They will be subject to supervision by a Youth Leader so they will not be in Regulated Activity therefore an Enhanced Disclosure is obtained but a check cannot be made of the Barred List for Children.</li> </ul>	<ul style="list-style-type: none"> <li>• A person who is willing to apply for the soon to be vacant Group Leader role for the parish Children’s Liturgy. The Group Leader will not be supervised and will be supervising the other helpers therefore they are applying for a Regulated Activity post. An Enhanced Disclosure must be obtained ensuring that the Barred List for Children is checked;</li> <li>• A number of parish members are asked to join the rota to drive the minibus to transport children from the parish to organised events. This is Regulated Activity and therefore an Enhanced Disclosure with a check of the Barred List for Children must be obtained.</li> </ul>
<p>When working with Adults:</p> <ul style="list-style-type: none"> <li>• A Parish group is set up to provide support for mums suffering from post-natal depression. The Group Leader and any nominated organisers can be checked via an Enhanced Disclosure however the nature of the activity does not qualify as Regulated Activity. It is therefore inappropriate to seek a check of the Barred List for Adults;</li> <li>• A parish runs a weekly luncheon club for housebound or isolated parishioners. This activity requires that parish volunteers transport parishioners to and from the lunch club however the nature of the service does not meet the Regulated Activity definition of “personal care” nor are those transporting the parishioners engaging in Regulated Activity as they are not conveying to health or social care environments. Those assisting with the lunch club can be checked at an Enhanced Disclosure level but a check of the relevant Barred List is not legally</li> </ul>	<p>When working with Adults:</p> <ul style="list-style-type: none"> <li>• A nurse appointed to assist providing health care services to a person going on the Lourdes Pilgrimage will be in Regulated Activity as they are providing health care and personal care services to a person over the age of 18. Therefore the relevant check of the Barred List for Adults must be obtained in addition to the Enhanced Disclosure before the person can be appointed;</li> <li>• A prospective SVP member is expected, as stated within the role description, to be asked by those they visit on a regular basis to pay the occasional bill or grab some essential food items on behalf of the person they are visiting. As such this type of service is Regulated Activity. An Enhanced Disclosure with a check of the Barred List for Adults is necessary before the person is appointed to post;</li> <li>• A regulated Care Home run by a Religious Order is appointing Care Staff who are expected to aid residents who are unable to feed themselves with eating. As such this type of assistance with eating qualifies as</li> </ul>

<p>permissible;</p> <ul style="list-style-type: none"> <li>• A Catholic Charity is set up to provide advice to those with substance abuse issues. An Enhanced Disclosure can be obtained because the nature of the work was considered Regulated Activity under the Safeguarding Vulnerable Groups Act 2006. As the nature of the work no longer meets the new Regulated Activity definition however a check of the Barred List for Adults is not possible.</li> </ul>	<p>“personal care” and therefore is Regulated Activity. An Enhanced Disclosure including a check of the Barred List for Adults is necessary before the person is appointed.</p>
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CSAS has attempted to put together a decision making tool to help determine if a role fits the new definitions of Regulated Activity and therefore has a legitimate entitlement to access the relevant Barred List/s. This can be located in the Forms Library: see [Regulated Activity Decision Making Flowchart](#). (Guidance on Supervision and supervision decision making flowchart hyperlink. )

## 5. What about Obtaining Disclosures for those Roles within the Church that are Considered to be “Positions of Trust”?

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As of October 2009 “positions of trust” ceased to exist and was replaced by “Specified positions of responsibility”. Within the Safeguarding Vulnerable Groups Act 2006 there was a list of specific roles which had been deemed to qualify as a “specified position of responsibility” (for example a Trustee of a Children’s Charity) and as such were entitled to an Enhanced Disclosure and to check the Barred List. As of 10th September 2012, the Protection of Freedoms Act repealed the former “specified positions” within England (they remain in place in Wales however) and therefore when determining eligibility for a Disclosure (with or without accessing the Barred Lists/s) it is **not** relevant to deem the role to be a “position of trust”.

## 7. Appointment Process Summary for Clergy, Religious, new Employees and Volunteers

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NB. For those recruiting to a paid post within a Diocese, it is crucial that the person recruiting for the post engages with the Safeguarding Office at the first stage or refers to CSAS for guidance before initiating the process.

### 7.1 Advertising or Making the "vacancy" known

If the vacancy is for a paid post the advert for the vacancy must state that the role is subject to:

- An Enhanced Level Disclosure (and state if a Barred List check is required where applicable) for the successful applicant.
- Satisfactory references.

If the "vacancy" for a voluntary role in the church is advertised in the parish newsletter or on a notice board for example, it must state that the role is subject to an Enhanced level Disclosure (and include if a check of the relevant Barred List is required where applicable); Satisfactory references.

If a plea is made by the parish for volunteers, or a person is asked to undertake a role, the requirement for an Enhanced level Disclosure must be made known to the individual at the earliest opportunity.

If an individual or parishioner comes forward and offers their services to helping with a voluntary activity in the Church, again the requirement for an Enhanced level Disclosure must be advised at the earliest opportunity.

## **7.2 Application Form (also known as "personal details" form)**

An application or "personal details" form must be completed by all those seeking to work with vulnerable groups and **MUST** be used without any modifications unless approved by CSAS.

The standard mandatory form is available from the Forms Library for volunteers and sample application forms and reference requests are contained within the Forms Library contained in this Chapter however it is advised that due to the changing aspects of Employment Law, appropriate assistance is obtained to ensure application forms are compliant with legislation. Please refer to CSAS for guidance around the required items to be included in connection with DBS Code of Practice.

The individual should also be advised where they can locate the [Policy Statement on Recruitment of Ex-Offenders](#).

## **7.3 Safeguarding Self Declaration (SSD) - also known as Confidential Declaration Form**

Anyone who is seeking to work with children or adults whether in a paid or unpaid capacity must be provided with the opportunity to self-disclose relevant conviction information. This is a DBS Code of Practice requirement and applies to anyone being asked to have an Enhanced Disclosure therefore the Self Declaration is equally a requirement for Clergy and Religious in active ministry. The form is available from the Forms Library and **MUST** be used without any modifications unless sanctioned by CSAS. The completed SSD should be handed to the parish rep or relevant person in a sealed envelope for confidentiality purposes and sent to the Safeguarding Office or appropriate member of Religious.

Please note that with effect from 29<sup>th</sup> May 2013; new filtering rules were effected by law which remove certain old and minor convictions from the Disclosure. For more details on the new filtering changes please go to [www.gov.uk/db](http://www.gov.uk/db)s

The front page of the SSD clearly indicates how any information will be handled and how long the completed form will be retained for.

Please note that in circumstances where the completed SSD is submitted to the Safeguarding Office in advance of the completed DBS application, the Counter-Signatory has the discretion to determine the maximum validity of the completed SSD subject to a minimum period of 3 months.

Applicants for paid posts should also be informed in writing that the National Database will be checked in respect of all short-listed applicants and the National Database should be checked prior to final interview.

This form also indicates that details of the DBS Disclosure will be retained on the National DBS Database.

## **7.4 Discussion/Informal Chat or Interview Regarding Role and Person's Suitability**

For paid posts working with vulnerable groups, it is important to conduct an interview to assess the candidate's suitability; experience and skills for the role. (Please refer to [Section 9, Guidance for Conducting Interviews Appropriately](#) for further information).

For unpaid posts, the prospective volunteer should have some opportunity to discuss the role, expectations and time commitment involved with the group leader; Parish priest or relevant person. This discussion is also the opportunity for that person's suitability to be assessed i.e. attitude and experience. (Please see [Section 9, Guidance for Conducting Interview Appropriately](#) for further information).

## **7.5 ID Verification**

Refer to [Section 13, Identity Verification](#).

For paid posts:

Applicants invited to interview should be asked to bring original documentary evidence of identity to the interview in addition to completing the Catholic Church Identity Verification Form. See the Forms Library to the left of the screen.

The interview panel should satisfy themselves as the "Employer", of the identity of those called for interview, in line with the documents accepted by the DBS. It is important to be aware of the need for Employers to ensure applicants are legally entitled to work in the UK. Please refer to the "Summary Guide for Employers on Preventing Illegal Working in the UK" available from the UK Border Agency website.

This process ensures that chosen candidates do not need to represent original documents following selection; protects the Counter-Signatory in those instances where the Counter-Signatory has not seen the original documents themselves but via a local [ID Verifier](#) and also ensures that any queries by the DBS on documentation reference numbers can be easily resolved.

For Clergy, Religious and unpaid posts:

The documents presented should be checked for signs of tampering or fraud and checked against the Identity Verification Form completed by the applicant. The form must be signed off by the [ID Verifier](#) to confirm which documents were produced, acceptable and within the required validity period. The original documents should also be photocopied and attached to the ID verification form and retained in order to be used for DBS application purposes.

This process ensures that the individual doesn't have to present documents on more than 1 occasion; protects the Counter-Signatory in those instances where the Counter-Signatory has not seen the original documents themselves but via a local ID Verifier and also ensures that any queries by the DBS on documentation reference numbers can be easily resolved.

For ALL Disclosure applications:

Please note that it is important to ensure that sufficient evidence of identity is provided and only original documentary evidence can be accepted. The documents presented at interview should be checked for signs of tampering or fraud and checked against the Identity Verification Form completed by the applicant. The form must be signed off by the ID Verifier to confirm that all documents listed by the applicant were produced, acceptable and within the required validity. The original documents should also be photocopied and attached to the ID verification form and retained in order to be used for DBS application purposes.

Please note the ID verification process changed in line with DBS and Home Office requirements with effect from 28th May 2012. The new process includes the potential for an external ID validation check to be carried out and in some circumstances may require that the applicant presents themselves for fingerprinting.

For details of how the new ID Verification process works, please refer to [Section 13, Identity Verification](#).

It is important for those involved in checking the DBS application form and verifying the identity of the applicant to note, that they must not attempt to amend the application form without the applicant's knowledge and agreement, as it will invalidate the declaration by the applicant and may breach data protection legislation.

## 7.6 References

References are valuable in assessing the person's suitability to undertake the specifics of the role.

For paid posts: There is a sample reference form available from the Forms Library.

For unpaid posts: The use of the standard national reference form ensures that all necessary questions are asked. This can be located in the Forms Library.

For all posts:

References from relatives or the current parish priest or deacon are not acceptable. All references should be sought directly from the referee; generic references or those addressed "To whom it may concern" are not acceptable. Those appointing are responsible for satisfying themselves that references are authentic. Negative or ambiguous statements in references must be followed up by the appointer e.g. Parish Priest, Diocesan HR or Care Home Manager, and recorded.

In the event that any concerns arise on receipt of a reference please seek guidance from the Safeguarding Coordinator in the local Safeguarding Office or refer to CSAS.

## 7.7 Disclosure Application Form

The applicant (if deemed suitable) then proceeds to completion of the DBS Disclosure application. If the individual indicates they have an appropriate Disclosure and have subscribed to the Online Updating Service, please go to [\(see comment to Tri-x\)](#). The Counter-Signatory in each authorised office of the Safeguarding structure determines the best mechanism for supplying the Disclosure Application. The DBS provide guidance notes for applicants and also guidance for Counter-Signatories on the correct completion of the form.

Particular attention should be paid to documentary evidence provided; full and complete 5 year address history and all Registered Body and Counter-Signatory reference numbers are quoted.

The completed Disclosure Application should be presented to the Safeguarding Representative; Religious person or appropriate authorised and trained ID verifier to ensure that the documents presented previously are acceptable and appropriate for DBS Disclosure purposes. Particular attention should be given to name variations and changes ensuring that the DBS form captures any other names by which the applicant has been known.

The Disclosure Application is passed to the Counter-Signatory for checking, completion and signature and entry onto the CSAS National Database prior to submission to the DBS. Administrative staff can undertake the initial checking of the form and database entry if they have appropriate job descriptions and have signed a Confidentiality Agreement. See the Confidentiality Agreement within the Forms Library.

In the event that you have an applicant who has already had a Disclosure Certificate - if the Disclosure was obtained via another Registered Body, please refer to the information on [the Online Updating Service](#) and Online Status Checks

## 9. Guidance for Conducting Interviews Appropriately

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The interview or informal discussion provides an opportunity for the individual to understand the requirements of the role; expectations, training and support provisions.

Additionally it provides the opportunity for the Church to establish the individual's:

- Commitment to the role;
- Suitability for the role;
- Motivation for applying;
- Experience and prior involvement in similar activities.

In addition to the above, it provides a convenient time to discuss any anomalies in identity documentation for example dates of birth; spellings of name.

There are many free resources available concerning interview techniques in order to get the best out of the individual.

Some useful websites are provided below and the techniques described are applicable to unpaid and paid roles alike:

- [My Job Search website](#);
- [Blue Sky Interviews website](#).

## 10. Correct Completion of Applications for DBS Disclosures

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Please note that there is full guidance (for applicants; ID verifiers and Counter-Signatories) on how to complete the application form available from the DBS website.

The guidance available from the DBS includes information regarding how to submit applications where the applicant has resided overseas in the last 5 years; has travelled or is a student in addition to a number of other circumstances.

### **Role Titles to be used when submitting an application for a Disclosure\*:**

**With effect from May 2013, please note that line X61 of the DBS Application Form must be completed as follows:**

#### ***How to complete X61:***

Please complete the field as follows:

- **X61 line 1:** You must now include the relevant workforce(s). Choose the appropriate:
  - Child Workforce
  - Adult Workforce
  - Child and Adult Workforce
- **X61 line 2:** Enter a description of the 'position applied for' up to 30 characters.

***Please note that the Workforce must be stated on the Disclosure Application to enable the individual to make use of the Online Updating Service. Failure to include the relevant workforce on the first line of X61 will lead to delays in the application being processed as the Police Disclosure Units will query which workforce the role will be working with and prohibit the individual from using the Disclosure for similar roles with other organisations.***

***Some illustrations are provided below as guidance:***

- Children's Liturgy – Line X61 should show CHILD WORKFORCE on the 1<sup>st</sup> line and CHURCH MINISTRY" on the 2<sup>nd</sup> line.
- Care Staff (in a Care Home) – Line X61 should show ADULT WORKFORCE on the 1<sup>st</sup> line and CARE WORKER on the 2<sup>nd</sup>.
- For Clergy and Religious – Line X61 should show CHILD AND ADULT WORKFORCE on the 1<sup>st</sup> line and either PRIEST or RELIGIOUS BROTHER/SISTER on the 2<sup>nd</sup>.

**GUIDANCE ON ROLE TITLES ON THE DISCLOSURE FORM:** Role titles on the DBS application form MUST indicate the nature of the role and the contact involved so the eligibility of the Disclosure is apparent for DBS processing purposes.

Therefore, for post-holders (for Volunteer roles - see below), **ensure that the role indicates the nature or the element that makes the it eligible for the Disclosure as opposed to the official job title which may not**

**make the eligibility apparent to the DBS and Police Disclosure Units.** The DBS can query applications that they believe do not appear to be eligible for a Disclosure OR will raise queries with CSAS as the Registered Body as part of the assurance process to ensure that each application has been properly assessed for Disclosure eligibility.

Applications in respect of Priests; Religious Sisters/Brothers etc., should be submitted using those role titles on the Disclosure Application form.

### **Volunteer roles:**

For **ALL voluntary roles** within the Church, the role title on the Disclosure Application Form should be entered as "Church Ministry". Please note that "Volunteer" must not be stated on the Role Applied For on the Disclosure application.

This title must be used as the nature of the work or contact will not be understood by the local Police forces when assessing Church role titles like Children's Liturgy; Eucharistic Minister etc. for relevant criminal conviction information.

\*When CSAS is operating as an Umbrella Body on behalf of Catholic organisations with their own charitable status, it is for the "employing" organisation to determine the role title. CSAS Counter-Signatories can challenge the role on the basis of eligibility however the "employer" dictates the role title for DBS Disclosure purposes.

## **11. When does a Disclosure need to be Redone?**

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Due to the extent of legislative changes that have been underway there is no National Policy on Disclosure rechecks within the Catholic Church of England & Wales at the current time. Some Safeguarding Offices, Religious Orders and Catholic Charities may introduce their own recheck policy however.

It is at Safeguarding Office discretion to determine if a status check of a Disclosure (for those individuals who have subscribed to the Online Updating Service – see section) is necessary or a new Disclosure should be obtained (for those not subscribed to the Service or had a Disclosure prior to 17<sup>th</sup> June 2013) for those looking to take on additional roles or a change of role in the Church.

A new Disclosure is required for those

- Who had a Disclosure obtained via another Registered Body prior to 17<sup>th</sup> June 2013 and therefore their Disclosure is not available for use with the Online Updating Service; or
- now looking to work in Regulated Activity who did not previously; or where the previous Disclosure is not the appropriate product type; or
- where a change of workforce is occurring i.e. formerly working with children and now looking to work with adults or vice versa.

Please note that where the Church has obtained a relevant Disclosure, via CSAS as the Registered Body, or verified via the Online Updating Service a suitable and relevant Disclosure for an individual a further Disclosure is **not** required in the following circumstances:

- Continuation of the same role previously performed but moving parish or Diocese;
- Applying for a role with no greater level of responsibility compared to the role against which they were originally subjected to a Disclosure;
- Members of a Religious Congregation against the relevant group/s and the relevant Disclosure level, who are temporarily working within a Diocese, do not need to be rechecked via the Diocese as the previous Disclosure is valid as it was obtained via CSAS as the Registered Body.

## 13. Identity Verification

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### 13.1 Overview of ID Requirements and Obligations on Registered Bodies

Identity Verification is and has always been a critical aspect of the Safer Recruitment and DBS application process. The [DBS Code of Practice](#) requires that CSAS as a Registered Body of the DBS (*\*which extends to its authorised Counter-Signatories located in Safeguarding Offices and all those approved and appointed as Parish Reps/Identity Verifiers*) adhere to the following obligation:

“Registered Bodies must accurately and comprehensively verify the identity of the applicant prior to the submission of a DBS application”.

The statutory conditions attached to this component of the DBS Code of Practice means that Registered Bodies (*\*see point above*) must adhere to the requirement that prior to submitting a DBS application the identity of the applicant is verified in accordance with the identity checking guidelines issued by the DBS.

With this in mind, as of 28th May 2012, the DBS revised their Identity Verification requirements following a directive from the Home Office to enhance the ID checking process. The aim of the revised ID requirements is to reduce any possible abuse of the system and improve public protection. The Home Office anticipate that these revisions of practice will make it more difficult for individuals to conceal previous criminal records by changing their name.

The revised ID process requires applicants to provide documents that they have acquired through “undergoing stringent identity verification with the document issuers, such as the Identity and Passport Service or the Driver and Vehicle Licensing Agency (DVLA).”

In practice this means that the document types now deemed acceptable for verifying an individual’s identity are very specific and prescriptive. There are now 3 designated routes through which a person’s identity can be validated for DBS purposes and full details about the 3 ID verification routes and how to check validity of original documents is provided in [Frequently Asked Questions on ID Verification Process/Checking the Accuracy of Documentation](#).

The Identity Verification form (see Forms Library) has been updated to reflect the revised acceptable documents and which category of document they fall under. The ID Verification form is required to be completed by all DBS applicants indicating which documents they will produce and should be provided to the ID Verifier to check against the actual original documents presented by the applicant.

The ID Verification Form must be signed off (once the documents have been checked for signs of tampering, fraud and to ensure they are in date) by the ID Verifier to confirm the documents produced are acceptable and their validity. The original documents should also be photocopied and attached to the ID Verification Form which is passed to the relevant Counter-Signatory to progress with the DBS application process.

The photocopying requirement ensures that the individual does not have to present documents on more than 1 occasion, protects the Counter-Signatory in those circumstances where the Counter-Signatory has not seen the original documents themselves but via a local ID Verifier and also ensures that any queries received from the DBS on documentation reference numbers for example can be quickly and easily resolved.

It is important for those involved in checking the DBS application form and verifying the identity of the applicant to note, that Registered Bodies\* (\*see earlier definition) must not attempt to amend the application form without the applicant's knowledge and agreement, as it will invalidate the declaration by the applicant and may breach data protection legislation.

**Obligations placed on Registered Bodies; their Counter-Signatories and authorised, trained and appointed ID Verifiers are provided below per DBS guidance.**

Registered Bodies must:

- Follow the three route ID checking process as outlined in the guidance using the list of Groups 1; 2a and 2b documents;
- Check and validate the information provided by the applicant on the application form / continuation sheet;
- Establish the true identity of the applicant through the examination of a range of documents as set out in this guidance;
- Ensure that the applicant provides details of all names by which they have been known;
- Ensure that the applicant provides details of all addresses where they have lived in the last five years;
- Ensure that the application form is fully completed and the information it contains is accurate.

If there are any discrepancies in the information provided by the applicant and/or the identity documents supplied, and fraud is not suspected, please seek clarification from the applicant. Failure to do this may compromise the integrity of the DBS service and introduce risk into your recruitment or licensing arrangements.

Registered Bodies must not attempt to amend the application form without the applicant's knowledge and agreement, as it will invalidate the declaration by the applicant and may breach data protection legislation.

Please note that:

- You must only accept valid, current and original documentation;
- You must not accept photocopies;
- You must not accept documentation printed from the internet e.g. internet bank statements;
- Identity information for the applicant's name, date of birth and address recorded in Section A and Section B on the DBS application form must be validated;
- You should in the first instance, seek documents with photographic identity (e.g. passport, new style driving licence, etc.) and for this to be compared against the applicant's likeness;
- All documents must be in the applicant's current name as recorded in Section A (see further guidance provided on recent changes of name);
- One document must confirm the applicant's date of birth as recorded in Section A;
- You must ensure that the applicant declares all previous change of name, and provides documentary proof to support the change of name. **If the applicant is unable to provide proof to support the change of name, you should hold a probing discussion with the applicant about the reasons why before considering to validate their identity;**
- You must see at least one document to confirm the applicant's current address as recorded in Section B, in accordance with the guidance;
- You must provide a full and continuous address history covering the last five years. Where possible you should seek documentation to confirm this address history;
- You should cross-match the applicant's address history with any other information you have been provided with as part of the recruitment, such as their CV. This can highlight if an address has not been given e.g. if the applicant's CV shows that they have worked in Liverpool in the last five years, but the application form only shows London addresses, you may wish to question the applicant further about this;
- A document from each of the groups should be included only once in the document count e.g. do not accept two bank

statements as two of the required documents, if they are from the same bank;

- You should not accept the foreign equivalent of an identity document if that document is listed as '(UK)' on the list of valid identity documents.

### **13.2 ID Verification Process/Checking the Accuracy of Documentation**

[Click here to view FAQ's](#)

### **13.3 Guidance Regarding How to Check the Accuracy of Original ID Documentation**

[Click here to view FAQ's](#)

## **14. Disclosure Outcomes and Assessment Including Blemished/Positive Disclosure Process and Assessing Relevancy of Criminal Records**

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### **Disclosure Results**

It is a fundamental principle of the Catholic Church of England & Wales that decisions regarding suitability to work with vulnerable groups are made at Safeguarding Office level and NOT at local level. This is to ensure that there is clear and consistent decision making regarding assessing suitability.

Once the Disclosure Application is processed by the DBS, a copy of the Disclosure is sent to the applicant directly from the DBS. As of 17<sup>th</sup> June 2013, a copy will no longer be provided to the Counter-Signatory that signed off the Disclosure Application form. The Safeguarding Office/Counter-Signatory receive the original Disclosure Certificate from the individual.

For this reason it is recommended that Safeguarding Offices utilise the Online Tracking System to identify if and when the Disclosure Certificate has been despatched to the applicant. This will also enable Safeguarding Offices to pursue non-receipt of Disclosures from individuals where necessary.

Until such time that the DBS release a new version of the Online Tracking system, which will enable Registered Bodies and Employers to establish if a) the Disclosure has been released and b) if the Disclosure contained content or not the following procedure in respect of the "Applicant Only" or "Single Certificate" is to be followed.

\* Please note that due to the introduction of the "Single Certificate" the DBS expect that organisations ensure that the individual who presents themselves to work after their Disclosure has been despatched and verified by appropriate personnel, is indeed the same person seen throughout the pre-appointment process. This is to ensure that any attempt at collusion, whereby a person with relevant offences obtains a "Clear" Disclosure by asking another person to obtain a Disclosure in their name and then assume that identity to access vulnerable groups, are identified and prevented from succeeding in their fraudulent efforts. The new Disclosure results process integrates key stages to address this requirement.

1. The Disclosure certificate, in all cases, must be sent by the individual to the respective Safeguarding Office who counter-signed the Disclosure application.
2. It is for the individual to decide the means by which they will send their original Disclosure to the Safeguarding Office although some means of trackable post is recommended as copies cannot be obtained from the DBS if the original is lost.
3. The procedure below is equally relevant in circumstances where a person has subscribed to the Online Updating Service and advises they have a pre-existing Disclosure which is relevant to the role in the Church for which they are applying. In these cases it is imperative that the level of the Disclosure, i.e. Enhanced; the workforce and the relevant Barred List check is accurate to the role for which they are now applying. If this is not the case a new Disclosure application must be made. Further details regarding the Online Updating Service can be found at [↗](#)

If the Disclosure Certificate is “clear” (meaning it contains NO conviction information):

1. The Safeguarding Office or CSAS Counter-Signatory office notifies the relevant Safeguarding Representative of the clear Disclosure and records the Disclosure number and date of issue on the National DBS Database.
2. PLEASE NOTE that it must be clearly communicated and known by all Reps that the individual CANNOT be appointed to post until they receive notification to do so from the relevant Safeguarding office.
3. The Parish Rep or relevant person (for example Care Home Manager) MUST ask the individual to present themselves\* (after the Safeguarding Office has advised that the person can be appointed) so the Rep can validate that the person is the same individual who provided their original ID documentation BEFORE they are officially appointed and commence in post. It is important to note that this step does NOT require that the individual show their original Disclosure to the Rep to ensure that in blemished Disclosure situations there is no insinuation of those who may have conviction information in their history.

In the event that the Disclosure Certificate is “blemished” (meaning it contains conviction information):

1. The Safeguarding Coordinator must arrange to meet the individual in person and at that face to face meeting revalidate their identity to the ID documents presented at the time the Disclosure Application was verified by the relevant Rep.\*
2. Once the Safeguarding Coordinator has assessed the relevancy of the conviction information and made their determination, they notify the Rep regarding whether the individual can be appointed or not and record the Disclosure number and date of issue on the National DBS Database.
3. If the person can be appointed, as advised by the Safeguarding Office, the Parish Rep or relevant person (for example Care Home Manager) MUST ask the individual to present themselves\* (after the Safeguarding Office has advised that the person can be appointed) so the Rep can validate that the person is the same individual who provided their original ID documentation BEFORE they are officially appointed and commence in post. It is important to note that this step does NOT require that the individual show their original Disclosure to the Rep to ensure that in blemished Disclosure situations there is no insinuation of those who may have conviction information in their history.

A flowchart to help illustrate the Disclosure results process, please see the flowchart

The National Policy of the Catholic Church of England & Wales requires that the individual provide their original Certificate to their Safeguarding Office within 28 days from the date of issue stated on the Certificate. Failure for the Disclosure to be presented/submitted to the Counter-Signatory within this timeframe will require that a new Disclosure Application be completed as the accuracy of the former Disclosure will not be assured after 28 days.

Returning the original Disclosure Certificate to the applicant:

The Safeguarding Offices will return the original Certificate to the applicant by Signed For post OR alternatively where a number of applications have been submitted via the same parish or establishment (i.e. a Care Home); the Certificates will be placed inside separate, addressed and sealed envelopes and sent via secure post to the Parish Representative or relevant person/recruiting person who will then pass the sealed envelopes onto each individual.

The Counter-Signatory in the Safeguarding Office will then inform the person responsible for the appointment at local level of the decision to appoint or refuse appointment and will NOT normally disclose the reason for the decision.

However in the case of Clergy, Religious and employees, provided that the person with ultimate responsibility for the appointment (Bishop, Congregation Leader or line manager) is aware of and abides by the CSAS Safer Recruitment Policy and DBS Code of Practice, the contents of the Disclosure can be revealed to them alone. They must NOT reveal the information to other members of the selection process, or to Management Boards, Boards of Trustees etc.

With regards to Religious, the authorised Counter-Signatories will then inform the person responsible for the appointment at local level of the outcome of the Disclosure. The Safeguarding Rep; Coordinator or appropriate contact within the Safeguarding Offices or CSAS can then be contacted to discuss the implications of any content on the Disclosure. This same process can be used for content on the Safeguarding Self Declaration. CSAS is also available should guidance be needed concerning information self-disclosed or stated on the Disclosure Certificate.

There may be circumstances where a recipient of Disclosure information is asked to reveal details of a Disclosure to a third party in connection with legal proceedings i.e. in a case submitted to an Employment Tribunal. In such instances, the recipient of Disclosure information should inform the Disclosure & Barring Service (DBS) of any such request immediately and prior to the release of any information. (DBS Code of Practice requirement).

## **Blemished Safeguarding Self Declaration and/or Blemished or Positive Disclosure Assessment Process**

- It is important to remember that any content voluntarily revealed by an individual on the Safeguarding Self Declaration form may be very personal. That information therefore should be handled with sensitivity and consideration for the individual who made the revelation. In the event that you are unsure how to progress in light of information on the Safeguarding Self Declaration, please contact CSAS for advice and support on next steps. For Religious, please refer to your Safeguarding Rep; Coordinator or appropriate Safeguarding contact for guidance. CSAS is also available to provide assistance;
- Where the contents of the Safeguarding Self Declaration Form indicated that the person may be unsuitable to work with children, young people or vulnerable adults, the Safeguarding Commission will take appropriate action to remove any

perceived immediate risk and to assess future risk. This may include referral to the Statutory agencies in line with the "Responding to Allegations" National Policy;

- In cases of doubt about the result of the Disclosure, the Counter-Signatory or Safeguarding Coordinator will discuss this with the applicant within 14 days. In Religious Congregations, the Counter-Signatory will liaise with the Order concerning carrying out the process for assessing relevancy and risk assessment;
- The Counter-Signatory is concerned SOLELY with information in relation to Child / Vulnerable Adult protection issues. Where other information regarding convictions etc is given on the Disclosure Certificate, the Counter-Signatory will inform the person with ultimate responsibility for the appointment at Diocesan/Religious level who will take a decision on whether to appoint and will NOT share the reasons at parish level to preserve confidentiality;
- It may be appropriate in such cases to appoint with written limitations or to put in place a specific condition within the probationary period;
- Where the information provided in the Disclosure indicates continued risk to children or vulnerable adults, the Counter-Signatory/ Safeguarding Coordinator or in Religious situations, the person responsible for the appointment or the Congregation Leader will immediately communicate with the applicant to discuss the need for safeguarding measures to be established at local level;
- The Counter-Signatory/ Safeguarding Coordinator or in Religious situations, the person responsible for the appointment or the Congregation Leader will inform the applicant of the process to be followed/action to be taken, and likely timescales;
- The Counter-Signatory/ Safeguarding Coordinator or in Religious situations, the person responsible for the appointment or the Congregation Leader will then refer the matter to the appropriate Safeguarding Commission which will, within 28 days, review the information in accordance with Safer Recruitment Policy and Procedures. This process will be undertaken on an anonymised basis;
- Advice may be sought from CSAS in reaching an appointment recommendation and the Commission should present a written recommendation, with reasons for it, to the appropriate Bishop or Congregation Leader who will take the final decision. In the event that the Bishop/Congregation Leader is uncertain about

the recommendation made to them, they should always consult with CSAS;

- The Counter-Signatory/ Safeguarding Coordinator or in Religious situations, the person responsible for the appointment or the Congregation Leader will then inform the local person responsible for the appointment process of the decision, again without giving reasons;
- If there are concerns regarding continued risk (e.g. where a volunteer applicant might remain within the parish and has convictions of say a sexual nature against children) a written agreement must be made between the individual concerned and the Safeguarding Representative and approved by the Safeguarding Coordinator.

### **Destruction of Disclosure Certificates in all cases**

- The Registered Body copy of the Disclosure Certificate (issued prior to 17<sup>th</sup> June 2013) will be destroyed no later than 6 months from the Date of Issue (except where a regulatory body has negotiated an exception with the DBS).

### **Assessing Relevancy of Criminal Records**

Candidates invited to interview for employment, volunteer or office holding roles should be told in writing that relevant criminal convictions and other associated information will be discussed with them in confidence, in order to assess job-related risks. This provides an opportunity for organisations to raise issues concerning offences with applicants in open discussion. One to one interviews are preferable to Panel interviews for this purpose because of the sensitive nature of the information and are best done by people trained in interviewing techniques.

It should be duly noted that the first step, as with any selection or appointment process, should be the assessment of the applicant's relevant skills, experience, qualifications and ability to do the job. Only then should an applicant's criminal record be discussed with them. Interview Panels will do this only with the applicant to whom they would like to offer the post. The person who will do this is the Safeguarding Coordinator who is the only person to receive the Confidential Declaration Form of the person the panel wishes to appoint.

A job offer or volunteer appointment can be made "subject to" checks such as references, medical information and a Disclosure.

If it is the case that the information provided in the Disclosure contradicts that provided by the applicant, this should be discussed in person with them as part of a post-appointment process. This may have happened for a variety of reasons e.g. the information is inaccurate, it relates to someone of the same name, the applicant may simply not have understood the nature of the sentence they received or they may have tried to hide their convictions as a means of increasing their chances of employment.

An applicant's criminal record should be assessed in relation to the tasks he or she will be required to perform and the circumstances in which the work will be carried out. The following should be considered when deciding on the relevance of offences to particular posts:

- Does the post involve one to one contact with children and/or vulnerable adults as customers, employees and clients?
- What level of supervision will the post holder receive?
- Does the post involve any direct responsibility for finance or items of value?
- Does the post involved direct contact with the public?
- Will the nature of the post present any opportunities for the post holder to re-offend in the place of work?

In some cases, the relationship between the offence and the post holder will be clear enough for the organisation to decide easily on the suitability of the applicant for the job. In other cases it will not be so clear-cut. It should be remembered that no two offences are exactly alike. Wherever possible it is prudent to check original information at source, and to obtain written permission from the applicant to do so. It is recommended that the following issues be taken into account as a minimum requirement:

- The seriousness of the offence and its relevance to the safety of other employees, customers, clients and property;
- Whether the applicant pleaded guilty or not guilty;
- The length of time since the offence occurred;
- Any relevant information offered by the applicant about the circumstances which led to the offence being committed, for example the influence of domestic or financial difficulties;
- Whether the offence was a one-off, or part of a history of offending;
- Whether the applicant's circumstances have changed since the offence was committed, making re-offending less likely;
- The country in which the offence was committed; some activities are offences in Scotland and not in England and Wales and vice versa;
- Whether the offence has been decriminalised by Parliament;
- The degree of remorse or otherwise, expressed by the applicant and their motivation to change.

Safeguarding Coordinators will undertake the risk assessment process only where the information contained in the Disclosure relates to the safety of children or vulnerable adults. Where those persons have any concern or

require advice this can be obtained via their Commission or CSAS. Other types of offences should be conveyed to the senior person (manager etc) whose responsibility it is to assess their relevance to the appointment. They must be aware of and abide by the CSAS Safer Recruitment Policy and Procedures.

## DBS Online Updating Service & Online Status Checks

With effect from 17<sup>th</sup> June 2013, the DBS launched the new “Online Updating Service” which is a web-based system that provides applicants with the ability to potentially minimise the number of Disclosures they need for the variety of roles they may undertake or wish to undertake.

This system is only available to those who have a Disclosure application processed after 17<sup>th</sup> June 2013 and the applicant has a limited window of opportunity to register the Certificate and subscribe to the Online Updating Service.

Guidance for applicants on the Online Updating Service is available.

For Safeguarding personnel; Counter-Signatories and employers details are provided below regarding the Online Status Check:

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- To undertake an Online Status check you will need to obtain the following pre-cursor information:

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    - The original Disclosure certificate MUST be presented or sent to the relevant Safeguarding Office (it is not sufficient to be sent a photocopy or scanned image of the Certificate based on current DBS guidance) and the identity of the individual must be verified through normal ID verification practices.
    - Check that the Disclosure is applicable to the scheme changes that took effect from 17<sup>th</sup> June 2013 i.e. “Applicant Only” Certificate and clearly states the workforce the check was in respect of. If the workforce is applicable to the Church role applied for; at the correct level i.e. Enhanced and accesses any relevant Barred List/s (if the Church role is deemed Regulated Activity) then you can proceed. It is essential that the Disclosure eligibility is assessed for the Church role to establish if there is legal entitlement to use the existing Disclosure.
    - The applicant must have signed a Safeguarding Self Declaration version dated June 2013 as this provides the individual’s consent to check their Disclosure status online.
    - The Disclosure Certificate number
    - Surname of the applicant as stated on the Certificate
    - Date of Birth of the applicant as stated on the Certificate
  - Then go to [www.gov.uk/dba](http://www.gov.uk/dba) and search for “DBS Update Service”.
  - Please note that there is NO charge to organisations that use this service.
  - The online system will require that the following information is entered by the person undertaking the online status check:

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    - Name of the organisation
    - Forename & surname of the person conducting the online check
    - The details of the Certificate provided by the applicant and the following information is mandatory:

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      - DBS Certificate number
      - Surname of the individual per the Certificate
      - Date of birth of the individual per the Certificate
-

- The system will present a legal declaration which should be read before ticking the “I agree with the legal declaration” check box to proceed.
- A result for the entered Disclosure information will be presented on screen. National policy requires that the Safeguarding Office or Counter-Signatory undertaking the online status check prints a copy of the Online Status result as evidence of the check being undertaken.
- The results will provide one of the following statements:

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  - This DBS Certificate did not reveal any information and remains current as no further information has been identified since its issue. (This means that the Certificate contained no content at the time of issue and no new information has been found since issue hence it can be accepted as still current and valid).
  - This DBS Certificate remains current as no further information has been identified since its issue. (This means the Certificate contained content however no new information has been found since issue therefore it can be accepted as still current and valid).
  - This DBS Certificate is no longer current. Please apply for a new DBS check to get the most up-to-date information. (This means that new information has come to light since the DBS Certificate was issued and a new DBS application must be made to access this new information. In such circumstances a conversation should be held with the individual regarding the reasons for the change of Certificate content and then request that a new Disclosure application be made.)
  - The details entered do not match those held on our system. Please check and try again. (This means that the individual has not subscribed to the Online Updating Service OR the Disclosure Certificate has been removed from the Update Service or incorrect details have been entered).

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Remember that access to the Online Updating Service is granted by the individual and if an individual wishes to withdraw their consent for the Church to carry out Online Status checks, this is their right to do so. A Form has been designed for this particular purpose and this can be found in the Forms Library entitled “[Online Status Check Consent Withdrawal Form](#)”. In the event that a person should call their Safeguarding Office and express their desire to withdraw Status check permissions the Safeguarding Office can complete the form on the individual’s behalf and take the phone call as clear expression to withdraw Status check consent. The form should always be completed either by the individual or by the Safeguarding Office on their behalf to keep an audit trail of the consent change and it is suggested that this form be filed with the original Self Declaration, which provided the initial written and signed consent.

In circumstances where an individual is subscribed to the Update Service and the Online Status check indicated a change to the Disclosure Certificate content which resulting in a new Disclosure application being made, please note that the Registered Body can obtain a copy of the resulting Disclosure Certificate from the DBS if the following conditions are met in full:

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- The DBS released the new Certificate to the applicant more than 28 days ago AND
  - The applicant has not submitted their Certificate to the Safeguarding Office.
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Please note that the results of an Online Status check should be handled in the same confidential manner as content on the Disclosure Certificate itself.

## **15. Obligations of the Registered/Umbrella Body and its Agents**

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CSAS, as the Registered Body, must ensure that all DBS Policies and Codes of Practice are adhered to for the use of Disclosures within the Dioceses, Religious Congregations and related organisations/Catholic bodies.

The DBS require that Disclosure applications must be made in accordance with their Code of Practice. A breach of the Code may result in the Registered Body and their person liable for the breach (i.e. an approved Counter-Signatory of the Registered Body) liable for prosecution. This could result in a fine or the suspension or withdrawal of Registered Body status.

For DBS purposes, "CSAS" includes its agents located within the Safeguarding structure who act as counter-signatories for the processing of Disclosure applications. Signed agreements exist with these agents wherein they abide by the policies and procedures of CSAS and the DBS. (The Agreement is available from the Forms Library).

CSAS is committed to the fair and sensitive use of Disclosure information and will take all reasonable steps to ensure that it, and those for whom CSAS acts as a Registered or Umbrella Body, seek to achieve and maintain models of best practice. CSAS has a policy on the handling, storage and safe destruction of Disclosure information and this is found within [Section 17, Policy on Secure Storage and Retention](#). PLEASE NOTE THAT THE POLICY STATEMENT IS DUE FOR REVISION IN LIGHT OF RECENT LEGISLATIVE CHANGES AND IS PENDING UPDATED GUIDANCE FROM DBS AT THE CURRENT TIME.

Where an applicant feels that Disclosure information has not been handled in a fair and sensitive way an appeal process is available. For details of this process, please refer to [Section 20, Appeals and Complaints Regarding use of Disclosures within the Church](#).

CSAS will seek to ensure that:

- Each post (paid or voluntary) is assessed to check the appropriateness of a Disclosure to the role;
- Any advertisement for a post requiring Disclosure indicates the level of Disclosure required pre-appointment;
- The conditional offer of employment (paid or voluntary) subject to the receipt of a satisfactory Disclosure is clearly indicated;
- Candidates for any office, paid post or voluntary position eligible for a Disclosure, are asked to provide in writing (under confidential cover) convictions or other disqualifying behaviour that might be revealed by the Disclosure process. This will assist the recruitment decision making process and will only be taken into account when relevant to the post applied for;
- When an existing office holder, employee or volunteer moves into a position eligible for a Disclosure, they will then be asked to undertake the Disclosure application process and associated requirements;
- If concerns arise in relation to an existing post holder (Clergy, Religious, employee, office holder or volunteer) which are not

deemed by the Statutory agencies to warrant investigation by them, CSAS will seek a Disclosure with the individual's consent.

For those using and implementing the Safer Recruitment policies and procedures of the Catholic Church of England & Wales, please note that the standard forms and form templates contained in this Policy can only be amended to allow for Diocesan or Religious Congregation logos. If you wish to consider amending the content or structure of any of the documents, you MUST seek approval from CSAS (as the Registered Body) PRIOR to use.

## 16. Policy Statement on Recruitment of Ex-Offenders

PLEASE NOTE THAT THIS POLICY STATEMENT MAY BE SUBJECT TO REVISION IN LIGHT OF RECENT LEGISLATIVE CHANGES AND UPDATED GUIDANCE FROM DBS IS CURRENTLY AWAITED.

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1. CSAS, in serving the Catholic community in England and Wales, and as an organisation using the Disclosure and Barring Service (DBS) Disclosure services to assess applicants' suitability for positions of trust, will comply fully with the **DBS Code of Practice** and undertakes to treat all applicants fairly. CSAS undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of conviction or any other information revealed;
2. Having a criminal record will not necessarily bar you from working within the Catholic community. This will depend on the nature of the position and the circumstances and background of your offence(s);
3. CSAS is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background; which assist in maintaining a safe environment for everyone who engages in activities based within the Catholic community;
4. This written policy on the recruitment of ex-offenders is made known and is available to all Disclosure applicants at the outset of the recruitment process;
5. CSAS and the Catholic community in England and Wales actively promote equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records. We select all candidates for interview based on their skills, qualifications and relevant experience;
6. A Disclosure is only requested after a thorough risk assessment has indicated that a Disclosure is both proportionate and relevant to the position concerned. For those positions where a

Disclosure is required, all application forms, job adverts and recruitment briefs will contain a statement that a Disclosure will be requested in the event of the individual being offered the position;

7. Where a Disclosure is to form part of the recruitment process, we encourage all applicants called for interview to provide details of their criminal record at an early stage in the application process. This information is sent under separate, confidential cover to a designated person, generally the person responsible for the appointment process, and this information will ONLY be seen by those who need to see it as part of the recruitment process. The Safeguarding Co-ordinator will be consulted in cases of doubt;
8. Unless the nature of the role allows questions to be asked about your entire criminal record, only "unspent" convictions as defined in the Rehabilitation of Offenders Act 1974 must be disclosed;
9. In order to protect certain vulnerable groups within society there are a large number of roles, posts and professions that are exempted from the Rehabilitation of Offenders Act 1974. These include posts and volunteer roles involving access to children, young people, the elderly, people with disabilities, alcohol or drug misuses and the chronically sick. In such cases, organisations are legally entitled to ask applicants for details of all convictions, irrespective of whether they are "spent" or "unspent" under the Rehabilitation of Offenders Act;
10. Suitable training to identify and assess the relevance and circumstances of offences is provided for all those who are involved in the recruitment process. Appropriate guidance and training in the relevant legislation relating to the appointment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974, is also provided;
11. At interview, or in a separate discussion, an open and measured discussion must take place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to the withdrawal of an offer of employment;
12. Every subject of a Disclosure is made aware of the existence of the DBS Code of Practice and a copy is available on request;
13. We undertake to discuss any matter revealed on a Disclosure with the person seeking the position before withdrawing a conditional offer of employment.

## 17. Policy on Secure Storage and Retention

[PLEASE NOTE THAT THIS POLICY STATEMENT MAY BE SUBJECT TO REVISION IN LIGHT OF RECENT LEGISLATIVE CHANGES AND UPDATED GUIDANCE FROM DBS IS CURRENTLY AWAITED.](#)

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### 1. General Principles for CSAS as a Registered Body

As an organisation using the Disclosure and Barring Service Disclosure service to help assess the suitability of applicants for positions of trust, CSAS fully complies with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information. It also complies fully with its obligations under the Data Protection Act and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information and this written policy is available to those who wish to see it on request.

For these purposes, "CSAS" includes its agents within the Safeguarding structure of the Catholic Church of England & Wales who act as Counter-Signatories in processing Disclosure Applications. They hold information locally;

### 2. Storage and Access

Disclosure information is never kept on an applicant's personnel file and is always kept separately and securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties;

### 3. Handling

In accordance with Section 124 of the Police Act 1997, Disclosure information is only passed to those who are authorised to receive it in the course of their duties. We maintain a record of all those to whom Disclosures or Disclosure information has been revealed and we recognise that it is a criminal offence to pass this information to anyone who is not entitled to receive it;

### 4. Usage

Disclosure information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given. No copy or representation of the Disclosure contents will be made or kept;

### 5. Retention

Once a recruitment (or other relevant) decision has been made, we do not keep Disclosure information for any longer than is absolutely necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep Disclosure information for longer than six months, we will consult the DBS about this and will give full consideration to the Data Protection and Human Rights of the person before doing so. Throughout this time the usual conditions regarding safe storage and strictly controlled access will prevail;

## **6. Disposal**

Once the retention period has elapsed, we will ensure that any Disclosure information is immediately suitably destroyed by secure means, i.e. by shredding, pulping or burning. While awaiting destruction, Disclosure information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack). CSAS and its agents will not keep any photocopy or other image of the Disclosure or any copy or representation of the contents of a Disclosure. However notwithstanding the above, we will keep a record of the date of issue of a Disclosure, the name of the subject, the type of the Disclosure requested, the position for which the Disclosure was requested, the unique reference number of the Disclosure and the details of the recruitment decision taken;

## **7. Acting as an Umbrella Body**

Before acting as an Umbrella Body (one which counter-signs applications and receives Disclosure information on behalf of other employers or recruiting organisations connected to the Catholic Community in England and Wales) we will take all reasonable steps to satisfy ourselves that they will handle, use, store, retain and dispose of Disclosure information in full compliance with the DBS Code and in full accordance with this policy. We will also ensure that any body or individual, at whose request applications for Disclosure are countersigned, has such a written policy and, if necessary, will provide a model policy for that body or individual to use or adapt for this purpose.

## **18. What Documents are Retained and for how long?**

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### **Application Form for post (where applicable)**

The application form (where relevant) is retained by the Religious Congregation; parish or recruiting organisation (as appropriate) per normal Church recruitment practices.

### **Safeguarding Self Declaration (formerly known as a Confidential Declaration Form or CDF)**

The Safeguarding Self Declaration Form is retained for 75 years (per the instruction of the National Catholic Safeguarding Commission - 2009) by the Diocesan Safeguarding Coordinator or by the relevant person within the Religious Congregation.

The Safeguarding Self Declaration is retained for this period regardless of the appointment decision.

The Declaration signed by the applicant does state that this Form will be retained for 75 years if the applicant is appointed and conversely if not appointed, the Form is retained for 75 years. (Please note that the retention period of this form used to be 100 years per the recommendation of "A Programme For Action").

### **ID Verification Form**

The ID verification Form, which the applicant completes for the purposes of identity verification at interview stage and is presented at that time by the applicant along with original documentary evidence of identity, is retained for 75 years.

The ID verification form is retained for this period by the appropriate Counter-Signatory or office.

The Declaration, signed by the applicant, on this form clearly indicates the retention of this form for 75 years.

In the event of the application not proceeding either due to the individual retracting their application for the role OR due to the resulting recruitment decision (of the parish, Diocese or Congregation) concluding that the individual will NOT be appointed to the role, then the ID verification form can be destroyed by secure means as outlined in [Section 17, Secure Storage and Retention](#).

## **ID Evidence Photocopies**

The photocopies of original identity documentary evidence (taken originally at interview stage for new employees and volunteers) are passed to the Safeguarding Coordinator or Counter-Signatory upon conditional offer of employment.

The photocopies of identity documents are retained by the Counter-Signatory pending receipt of the Disclosure Certificate.

Upon receipt of the Disclosure Certificate, assuming that there are no disputes raised about the accuracy of the Disclosure content, the photocopied identity documents are destroyed per the requirements of the DBS Code of Practice as outlined in [Section 17, Secure Storage and Retention](#)

In the event of the application not proceeding either due to the individual retracting their application for the role OR due to the resulting recruitment decision (of the parish, Diocese or Congregation) concluding that the individual will NOT be appointed to the role, then all copies of identity documentation must be destroyed per the DBS Code of Practice as outlined in [Section 17, Secure Storage and Retention](#).

## **Registered Body Disclosure Certificate copy**

The Registered Body copy of the Disclosure Certificate, sent to the Counter-Signatory who approved the Disclosure Application form for all Disclosure applications submitted prior to 17<sup>th</sup> June 2013, is retained for a maximum of 6 months\* (in secure lockable, non portable cabinets with restricted access) per DBS Code of Practice requirements, at which time the Disclosure Certificate is destroyed by secure means i.e. shredding, pulping or burning. (\*There may be regulator exceptions i.e. CQC requirements). It is strictly against DBS Code of Practice for the Registered Body/Counter-Signatory copy of the Disclosure to be copied or any facsimile made. The applicant's copy is their document and not subject to the same scrutiny or standards.

## **19. Disputes - DBS, Appeals and Complaints**

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### **Disputes Relating to Information Disclosed on the DBS Disclosure**

In the event that information is presented on the Disclosure certificate which you believe is inaccurate or wrongly appropriated to your identity, you should raise this initially with the appropriate Safeguarding Office or Counter-Signatory or person who asked you to undertake a Disclosure.

You can then either directly dispute the accuracy of the Disclosure information with the DBS or CSAS as the Registered Body, via the relevant Counter-Signatory, can liaise with the DBS on your behalf.

Further information concerning the DBS Disputes process can be found on the [DBS website](#).

## 20. Appeals and Complaints Regarding use of Disclosures within the Church

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### Appeals:

- Where appeals procedures exist within:
  - The policies of employing organisations;
  
  - OR
  
  - The processes for selecting office-holders.

These procedures will be used where an applicant wishes to appeal against a selection decision;

- Appointment decisions relating to volunteer roles are final.

### Complaints about Handling Disclosures:

- If an applicant has a complaint about any aspect of the processing of a Disclosure Application, they should state their complaint in writing within 28 days to the relevant Counter-Signatory, who will initiate enquiries;
- The Counter-Signatory will pass a copy of the written complaint to the Director of CSAS within 10 working days;
- The Director of CSAS will ensure that enquiries into the complaint are undertaken within 28 days of receipt of the complaint;
- The outcome of the written enquiry will be conveyed to the complainant, and subject to individual confidentiality, any actions taken to remedy the situation will be summarised. The Report will be copied to the Director of CSAS;
- If the complainant remains unsatisfied by the response, they may appeal in writing to the Director of CSAS within 28 days of the Counter-Signatory's communication with them;
- If the complaint relates to the Counter-Signatory, it should be made in the first instances in writing to the Director of CSAS, who will follow the process above;

- If the complainant remains unsatisfied by the response, they may appeal in writing to the Chair of the National Catholic Safeguarding Commission (NCSC) within 28 days of the Director's communication with them;
- The decision of the NCSC is final.

## 21. CSAS Internal Processes and Procedures

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### Appointment of Counter-Signatories for CSASs Registered Body

The Lead Signatory (Director of CSAS) of CSASs Registered Body considers applications from those within the Diocesan or Religious Safeguarding structure in the first instance.

In order for a new Counter-Signatory to be proposed and approved, the relevant office must complete the "**Request for a new Counter-Signatory to be added to CSAS DBS Reg Body Account**" form. Once fully completed, this is sent to CSAS for consideration by the Lead Signatory. Additionally, a Counter-Signatory Agreement is required which must be completed and signed by the Bishop/Congregation Leader.

If this is approved in principle by the Lead Signatory, CSAS will provide guidance to the requesting office concerning how the necessary DBS Counter-Signatory application form can be received.

Once the individual receives their DBS Counter-Signatory application form, they must liaise with the PA to the Director of CSAS regarding identifying a mutually convenient date when the Lead Signatory can verify the original identity documents of the applicant and check the application form.

Once the Lead Signatory has verified identity and checked the form, the National Safeguarding Systems Adviser of CSAS will be asked by the Lead Signatory to submit the form to the DBS for processing.

PLEASE NOTE: The DBS do NOT notify CSAS if the application is approved and fully processed. Therefore when the newly appointed Counter-Signatory receives their letter of confirmation (which includes a specific Counter-Signatory reference number) a copy must be sent to CSAS without delay.

### Removal of Authorised CSAS Registered Body Counter-Signatories

It is a DBS Code of Practice requirement that Registered Bodies manage and maintain an accurate list of active Counter-Signatories.

In the event that a Counter-Signatory resigns, the office concerned must complete the "**Request for removal of a Counter-Signatory from CSAS DBS Reg Body Account**" form and once fully completed, this is sent to CSAS for action. The Lead Signatory of CSAS' Registered Body will write to the DBS, as required by the DBS, advising of the Counter-Signatory to be removed from the Registered Body.

CSAS will confirm in writing to the relevant office once the DBS have confirmed that the Counter-Signatory has been removed from the Registered Body account.

## **Terms and Confidentiality Agreement for those handling Disclosure material and with permission to access the National Database**

All those who have been appointed to a Safeguarding role within the Diocese, or on behalf of the Religious, and therefore have an entitlement within their job description to access the National Database are required to provide a completed and signed Confidentiality Agreement. The Agreement is required by CSAS **PRIOR** to obtaining their individually allocated secure access key fob; username and password to access the Database.

It is each office's responsibility to notify CSAS when members of staff leave employment in order that their login credentials are made inactive to prevent unauthorised access to the National Database.

Further details concerning use of the National Database are provided within the Database User Guide.

## **22. Specific DBS Topics or Circumstances Including Changes of Roles; Portability and Online Updating Service and DP Act**

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### **Changes of Role**

For information on changes of role and the impact on DBS Disclosures, refer to [Section 10, Correct Completion of Applications for DBS Disclosures](#).

### **Portability and Online Updating Service of Disclosures**

This term refers to the use of a Disclosure obtained via one Registered Body and used by another Registered Body. An example of this would be a Disclosure obtained for a teacher via a Local Authority as the Registered Body and re-used by another Registered Body for a different role whether that be paid or voluntary.

For Disclosures submitted prior to 17<sup>th</sup> June 2013, it is at the discretion of each organisation as to whether they will accept a check processed by another organisation due to inherent risks with the re-use of Disclosures prior to the new Online Updating Service being launched in 2013. The risks for example are the Disclosure is "a snapshot in time" and therefore changes in an applicants conviction record may have occurred AFTER the Disclosure was obtained by the processing Registered Body; "additional information" may have been released to the processing Registered Body; and those Registered Bodies that accept "ported" Disclosures are accepting that the Registered Body that processed the Disclosure application carried out the ID verification process fully.

The DBS advise all Registered Bodies that they can continue to use portability of Disclosures pre-June 2013 but do so at their own risk and without the support and assistance of the DBS.

The Catholic Church of England and Wales and CSAS do not accept "ported" Disclosures obtained via another Registered Body where the Disclosure was processed prior to 17<sup>th</sup> June 2013 and/or the individual has not subscribed to the Online Updating Service. Further details regarding the Online Updating Service can be found [here](#) }

*Requests for information from other Registered Bodies who use pre-June 2013 ported checks:*

Whilst CSAS, and thereby its agents in Dioceses and Religious Congregations, does not accept pre-June 2013 ported Disclosures, other Registered Bodies do continue to accept Disclosures processed by another

organisation. Therefore those working within the Church safeguarding structure may receive a request from another Registered Body seeking information about a CSAS processed Disclosure. The requesting Registered Body accepts ported Disclosure information at their own risk however CSAS must be aware of some fundamental Data Protection Act principles before information of a CSAS Disclosure can be shared with the requesting organisation.

The Data Protection Act principles are:

- The Registered Body seeking information concerning an individual's Disclosure (obtained via CSAS) must supply the individual's written permission for the Disclosure information to be shared;
- The Registered Body seeking information concerning the Disclosure (obtained via CSAS) will contact the Counter-Signatory of CSAS to ensure details supplied of the Disclosure by the applicant match to the information CSAS holds regarding the Disclosure i.e. date of Disclosure; Disclosure reference number etc. A photocopy of the Disclosure Certificate **MUST NOT** be taken nor supplied to the requesting Registered Body;
- CSAS requires that when a Counter-Signatory releases Disclosure information to the requesting Registered Body they include the following statement in the covering email or letter:

*"The information supplied is factual based on the Disclosure received for the named individual at that time and in no way can be interpreted as a reference or declaration of the person's suitability for any post involving children or vulnerable adults".*

### **Disclosures for Seminarians and Religious in Formation:**

Disclosures for Seminarians and Religious in Formation will be undertaken according to the national selection procedures for acceptance to being in priestly or religious formation.

The Vocations Director, or equivalent in the Diocese or Religious Congregation of origin, will initiate the Disclosure application; verify identity before sending the Disclosure application to the Counter-Signatory for signature; ensure that the Safeguarding Self Declaration Form and Identity Verification forms have been completed and ensure details of the applicant are added onto the National Database. The Vocations Director must check that the form has been completed accurately to ensure the DBS process is not delayed due to omissions on the form.

CSAS recommends that applications for Disclosures are submitted at least 2 months prior to the departure of the applicant for their seminary or religious formation house in an attempt to obtain the required clearance prior to the student arriving at the seminary or religious formation house.

It is not necessary for a Disclosure to be undertaken when a transfer of institution for a seminary student takes place as the documentation should travel with the student. When the Disclosure process is completed, the Counter-Signatory will inform the Vocations Director or equivalent, which will in turn ensure that the appropriate

Rector/Congregational Leader, or equivalent, is informed of the outcome. The Counter-Signatory is responsible for ensuring that Vocational Directors and Rectors (and equivalents) are aware of and abide by the CSAS Safer Recruitment policies and DBS Codes of Practice.

### **Data Protection Act Considerations:**

The Data Protection Act 1998 makes provision for the processing of information concerning individuals, including the obtaining, holding, use or disclosure of that information; providing those concerned give consent.

The Act allows for disclosure of "personal" and "sensitive" data if certain conditions are satisfied for example in the protection of children and/or the prevention of crime.

In addition, individuals give their consent for information to be shared and securely stored according to policy in respect of Confidential Declaration Forms, identity verification information and Disclosures by signing the approved forms which are contained within this Policy.

CSAS also has (as per [DBS Code of Practice](#)) a Policy on the Safe Storage and Retention of Disclosure material located within this Policy entitled Policy on Secure Storage and Retention.

For further details on the Data Protection Act 1998, refer to the [Information Commissioners Office](#).

### **Administrative Posts and Eligibility for DBS Disclosures**

Administrative posts (regardless of whether they are deemed to be privy to sensitive and personal data including details of children) are not and have never been eligible for a Disclosure.

## **23. Signposting to Related Information**

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<b>Useful and Related Documents/Guidance</b>
<a href="#">Protection of Freedoms Act 2012</a>
<a href="#">Safeguarding Vulnerable Groups Act 2006</a>
<a href="#">Regulated Activity (Children) – Dept of Education</a>
<a href="#">Regulated Activity (Adults) and Factual Note – Dept of Health</a>