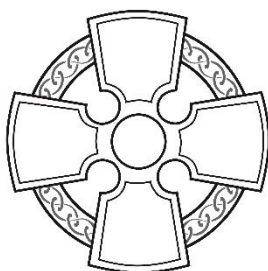


Y R E G L W Y S  
Y N G N G H Y M R U



T H E C H U R C H  
I N W A L E S

## CHOOSING THE RIGHT DBS CHECK

# GUIDANCE FOR RECRUITING MANAGERS IN MISSION/MINISTRY AREAS

*n.b. This guidance applies only to DBS checks for lay (non-ordained) roles organised at Mission/Ministry Area Level. Checks for all clergy (ordained) roles and for a small number of Licensed lay roles (Readers/LLMs) are coordinated through your Bishop's Office.*

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## Introduction

The legal criteria that establish who is eligible to have a certain type of DBS check (and who *must* have a certain type of DBS check) is set nationally by UK Government.

The system is based on the sorts of activities that the post holder is undertaking (or is going to undertake), the groups/locations in which the activities are taking place and how frequently those activities are taking place. The system is not based on role title or job title.

The DBS has published guidance on DBS checks in faith settings, which is available [here](#). To supplement that guidance, this document has been prepared by the Church in Wales legal and safeguarding teams, with particular reference to the sorts of roles undertaken regularly within the Church in Wales.

## Safer Recruitment

In the Church in Wales we are committed to ensure that our churches are safe places for all. As part of that commitment, we follow the principles of safer recruitment, both for paid staff and for volunteers.

A DBS check is only a small part of a good safer recruitment process. Other things you should be considering, depending on the particular role, include:

1. A standard application form for roles, so that you are receiving comparable information on potential candidates for available positions. It is good practice to have a very simple form even for volunteer positions, so that you have some basic information of everybody who is in a position of responsibility within your church;
2. A face-to-face interview, whether formal or informal (depending on role); and
3. Taking references from previous employers or others who know the person well (such as the Vicar of a previous parish).

As part of our commitment to best practice in safer recruitment, it is the policy of the Church in Wales to ensure that all role holders are subject to a DBS check at the highest level for which they are eligible. These checks are requested through the Church in Wales *My Church People* system.

## Types of DBS Check

There are six types of DBS Check:

1. Basic check. This gives details of unspent criminal convictions and conditional cautions. You may request a Basic DBS check for any role.
2. Standard check. This gives details of unspent and spent convictions and cautions. A Standard check may only be requested in very limited circumstances set out in UK Legislation. At the date of writing the Church in Wales has never requested a Standard Check, and it is highly unlikely that any position within a Mission/Ministry Area would require a Standard Check (as opposed to an Enhanced Check or Basic Check). Therefore there is no facility for requesting one through My Church People.
3. Enhanced Check (no barring). This gives details of unspent and spent convictions and cautions, together with any relevant non-conviction information from the Police National Computer. Please see further details below regarding eligibility. The majority of roles in a Church environment working with children or vulnerable adults will [only] be eligible for this check. When requesting an enhanced check, even when not asking to check a barred list (see below), you need to indicate on the My Church People form whether the reason for the Enhanced Check is due to work with children, adults, or both.
4. Enhanced Check plus children's barred list. This gives all the details of an enhanced check together with a check of the list maintained by DBS of those banned from working in 'regulated activity' with under-18s. Please see further details below regarding eligibility. A small number of posts within the Church in Wales with frequent unsupervised access to children will be eligible for this check.
5. Enhanced Check plus adults' barred list. This gives all the details of an enhanced check together with a check of the list maintained by DBS of those banned from working in 'regulated activity' with vulnerable adults. Very very few lay roles in the Church in Wales are eligible for this level of check. Further details of those very limited circumstances are below.
6. Enhanced Check plus both barred lists. This is a combination of (4) and (5) above. As noted above, it is very rare for a lay Church in Wales role to be eligible for an adult barred list check, and therefore it is also very rare for a role to be eligible for this check.

These checks will only disclose UK criminal convictions and related information. Therefore it is Church in Wales policy, where an individual has lived overseas for more than six months in their adult life, that a police check from that country will also

be required in addition to any Enhanced check. Please contact the DBS Admin team at the Representative Body for more details and assistance with this process.

## Key definitions

This guidance document uses certain key terms which have a particular legal definition in this context. These are listed below, and the online version of this guidance contains hyperlinks back to these definitions where they appear in the text.

**Frequently** – on four or more days in a thirty-day period

**Infrequently** – on fewer than four days in a thirty-day period

**Overnight** – between 2am and 6am

**Relevant Personal Care (adults)** - physical assistance in eating, drinking, toileting, washing, bathing, dressing, oral care or care of skin/nails. Provision of food alone is not regulated activity - assistance in the act of eating itself is required. This would include spoon-feeding, or prompting and supervising somebody who would otherwise not eat (e.g. due to dementia).

### Relevant Personal Care (children)

- a. Physical assistance in connection with toileting, washing/bathing or dressing to a child who is in need of it by reason of age/illness/disability;
- b. Prompting and supervision in connection with toileting, washing/bathing or dressing of a child, where the child is unable to make a decision in relation to performing such an activity within prompting and supervision;
- c. Physical assistance in connection with eating or drinking to a child who is in need of it by reason of illness/disability); or
- d. Prompting and supervision in connection with eating or drinking to a child who is in need of it by reason of illness/disability where the child is unable to make a decision in relation to performing such an activity without such prompting and supervision.

**Vulnerable Adult** – this is a definition specific to DBS checking and may be different from other definitions of a vulnerable adult in other contexts. A person aged 18 years or over who:

- i) lives in residential care/nursing accommodation or sheltered housing;
- ii) receive care or assistance at home by reason of age, illness or disability;
- iii) receives health care, including treatment, therapy or palliative care;
- iv) receives support, assistance or advice to develop/sustain their capacity to live independently;
- v) is detained in custody;
- vi) is supervised by the Probation Service; or
- vii) receives assistance with the conduct of their affairs by virtue of a power of attorney, under the *Mental Capacity Act 2005*, *National Health Service (Wales) Act 2006* or the *Social Security Administration Act 1992*.

## How To Use This Guidance

1. Consider the role for which the person is being considered. Create (or obtain) a role description, or a simple list of the regular tasks which the person will perform.
2. Check what other roles the person already holds in the MA, and gather any relevant role description.
3. Cross-reference that list (or those lists) of tasks against the 'Which Check' section of the guidance (below), working down the first three sections of that guidance in order.
4. When you reach a task description in the guidance that matches the duties the individual will perform, request a check at this level.
5. Only request a check of both barred lists where a task description in the guidance matches the duties the individual will perform in both the first and second sections.
6. If you have reached the end of the list of tasks without identifying a corresponding duty in your role description, consider undertaking a Basic check. You may request a basic check for anybody (with their consent).
7. You can cross-check your answer by using the questionnaire developed by our external DBS check provider, APCS, here:  
<https://www.onlinecrbcheck.co.uk/eligibility-tool.html>
8. If requesting an Enhanced check, consider whether the post is for a paid worker, or a volunteer position. Whilst volunteer checks save the Church in Wales money (because the DBS process them free of charge), you must select 'paid' if the individual:
  - a. Benefits financially from the position;
  - b. Receives any payment (except expenses);
  - c. Is on a work placement; or
  - d. Is performing the role as part of a course of study that will lead to a full-time role or qualification.
9. If requesting an Enhanced check, establish whether the applicant has ever lived abroad in their adult life. If so, contact the DBS Admin team at the Representative Body for guidance.

## Which Check? Work down this Checklist

Consider each of the following task descriptions in order. Will the role you are assessing perform this task? If yes, then this is the level of check they require and you may stop going down the list. If no, continue down the list until you find a task which the role-holder will be performing.

### First Check: Tasks which require an Enhanced Check (with adult barred list)

Very few roles qualify for this check. Please think carefully before requesting a check of the adult barred list.

- a) Assisting an adult with day-to-day with particular household tasks (managing cash, paying bills or shopping) because of their age, illness or disability. *This might apply, in rare cases, to some pastoral assistants.*
- b) Providing Relevant Personal Care in need of it by reason of age, illness or disability. *This might apply, in rare cases, to pastoral assistants and, also in rare cases, to some lead workers in night shelters.*

n.b. If the role you have identified does perform one of the above tasks, also assess the role against the children's barred list tasks below, to determine whether you need just the adult barred list, or both barred lists to be checked.

### Second Check: Tasks which require an Enhanced Check (with children's barred list)

- c) Teaching, supervision or caring for children, done frequently or overnight, and unsupervised. *For example, this might apply to a choir director (if there are children in the choir), or Sunday School leader.*
- d) Working in a school, or other educational/childcare establishment frequently and unsupervised. *For example this might apply to some pastoral assistants or catechists.*
- e) Giving advice or guidance, aimed wholly or mainly at children, relating to their physical, emotional or educational well-being, frequently or overnight. *For example, this might apply to a youth minister, but would not apply to a lay minister giving talks to a range of adults and children, or to a minister doing only a monthly children's talk.*
- f) Providing relevant personal care to a child. *This might apply to the leader of a toddler group, although this would be very unusual as most groups would expect parents/guardians to undertake the relevant personal care during*

*sessions. It might also apply to supervisors in rare cases where a MAC runs a nursery or child-care facility.*

- g) Conveying (driving) children, in a vehicle being used only for conveying children (and their carers or supervisors) frequently or overnight.

### Third Check: Tasks which give eligibility for an Enhanced Check (no barred list)

#### *General*

- h) **MAC Members** All Church in Wales Mission/Ministry areas will likely fulfil the legal definition of a 'children's charity' (as they all undertake regulated activity with children somewhere within the MA). This means that all MAC members are eligible for an enhanced check (no barring), as trustees of a children's charity.

There is no current legal means of requiring somebody to have an enhanced DBS check before standing for election to a MAC, or standing for election as an MA Warden. However, all elected MAC members should be strongly encouraged to undergo an enhanced DBS check.

A MAC can decide to make it a condition for a Trustee to have an enhanced check before they are appointed to any *other* role in the Mission/Ministry Area, even if that role would not otherwise qualify for an enhanced check. Similarly, an MA (or MA Leader) can make an enhanced check a requirement for any non-elected MAC members (co-opted members, Vicar's Warden *etc*).

To comply with the Church in Wales Safeguarding Policy, every MAC must ensure that three or more trustees have an up-to-date enhanced DBS check. In most MAs the number of Trustees with a valid enhanced DBS check should be significantly higher (either voluntarily, or for MAC Trustees to access other roles).

#### *Work with Children*

- i) Teaching, supervision or caring for children, done either frequently but supervised or infrequently but unsupervised. *This is likely to apply to Sunday School assistants, and those Sunday School teachers/leaders who are not on duty every week.*
- j) Giving advice or guidance, aimed wholly or mainly at children, relating to their physical, emotional or educational well-being, done infrequently. *This is likely to apply to any lay minister on the rota to give children's addresses.*
- k) Working in a school, or other educational/childcare establishment either frequently but supervised or infrequently (whether supervised or not). *For example this might apply to some pastoral assistants or catechists and to Open the Book volunteers.*



- l) Conveying (driving) children, in a vehicle being used only for conveying children (and their carers or supervisors), infrequently.

#### *Work with Adults*

- m) Working in a care home, frequently. *This may apply to some lay ministers, catechists, worship leaders or pastoral assistants.*
- n) Training, teaching, instruction, assistance or advice provided wholly or mainly for Vulnerable Adults, which is undertaken frequently. *This may apply to some catechists or pastoral assistants.*
- o) Care or supervision of Vulnerable Adults, which is undertaken frequently. *This may apply to some pastoral assistants.*

#### **Final Check: Even though no Enhanced Check is required, should we get a Basic DBS Check?**

There is no legal requirement to obtain a Basic DBS check. Nevertheless, it is a useful tool in a robust safer recruitment process. The Representative Body advises MACs to consider adopting a consistent policy on when Basic DBS checks will be requested, and particularly recommends them for any roles that involve dealing with children, vulnerable people and/or money.

## Frequently Asked Questions

### **Whose responsibility is it to make a decision on the level of check required?**

The legal responsibility sits with the 'recruitment manager', being the person responsible for making the decision of whether or not to appoint the person to the role.

Precisely who this person is in a Mission/Ministry Area may vary depending on context; it may be the MA Leader or the MAC Chair. It may also be the Cleric given particular pastoral responsibility for an individual church within the MA.

### **Does the recruitment manager have to fill in the My Church People e-form personally?**

A recruitment manager may delegate the form-filling to (for example) an administrator, but the recruitment manager remains responsible for justifying the level of check requested. Deciding the correct DBS check level must not be delegated to an administrator or assistant if that person is not the recruitment manager.

### **Why do I have to work through this guidance? Why can't the Diocese/Representative Body just tell me what level of check is needed?**

The legal entitlements and restrictions on DBS checking are set UK Government and not by the Church in Wales. Eligibility is based on an analysis of the sorts of activities that the post holder is undertaking (or is going to undertake), the groups/locations in which the activities are taking place and how frequently those activities are taking place. The only place where this can be reliably determined is 'on the ground' where there is a clear understanding of the duties an individual will be performing. This will not necessarily be apparent from a role-title alone. For example, one Choir Directors will be directing choirs without children in, whereas another will be regularly teaching and supervising children. Two people, same job title, two different DBS check requirements.

However, we have included some general guidance about some common roles in the Appendix to this document. These are general points to consider when assessing roles with similar titles – they do not just give you the answer!

### **What happens if I request the wrong level of check?**

Requesting a level of check that is too low for the role can place children and vulnerable adults in your care at risk of harm. In certain circumstances it can be a criminal offence (if you have authorised somebody to work in 'regulated activity')

without undertaking the requisite checks). Depending on circumstances, it may also be a disciplinary offence (such as '*neglect of the duties of office, or persistent carelessness or gross inefficiency in the discharge of such duties*').

Requesting a level of check that is too high is also a criminal offence in certain circumstances.

If you request a check to which the applicant is not entitled, it is likely that it will be either be queried by our external application processor APCS (in which case APCS will be put in touch with you to clarify the position) or rejected by the DBS themselves (in which case a fresh application at the correct level may be required).

### **What happens where a DBS check comes back with information about a conviction, caution, or other relevant information on it?**

If information (such as a conviction) is revealed on a DBS certificate, the Representative Body receives a notification automatically, and requests that the person being checked provides a full copy of their certificate for inspection.

Any information revealed on a DBS certificate is considered confidentially by legal, safeguarding and HR experts at the Representative Body, who meet regularly to consider and advise on risk arising from DBS information. The Provincial Safeguarding or HR Team will be in touch with the recruiting manager with advice. This will likely be either that (a) the appointment should not be made, (b) there is nothing to stop the appointment being made or (c) that the appointment may proceed, but alterations to the role should be made in light of the information received.

If an individual refuses or fails to provide a copy of their certificate for inspection they should not be appointed to the role and should be removed from any other roles that they are currently holding. Once a certificate has been provided, it is strongly recommended that an appointment not be confirmed until the advice has been received.

### **How to I undertake a DBS Check in the Welsh Language?**

The DBS will only produce DBS Certificates in English, and Enhanced DBS checks are English only. Their website explains:

*DBS certificates cannot be printed in Welsh.*

*This is because under Part V of the Police Act 1997, the DBS is required to disclose criminal records and other government information as it is recorded in central records. This information is recorded on the Police National Computer (PNC) in English only, so DBS certificates will be issued in English only.*

*The DBS does not have the authority to translate information and has identified inherent risk to the integrity and accuracy of the DBS checking service, should certificate information be translated.*

*Also, where information is to be disputed there would be an additional need to revert the information to English for consideration of the original information.*

Whilst the DBS does offer a manual, postal system for filling in a Basic DBS Application in Welsh, the DBS does not offer or facilitate online processing for such applications. The DBS online processing systems are automatically linked in with our own My Church People systems - manually adding a small number of manual paper applications for basic DBS checks in Welsh introduces significant risk of human error and data security in transferring and translating information from, and back into, an online system.

Therefore, for safeguarding reasons, the Church in Wales DBS system is English-only. We will continue to discuss with DBS how they can better facilitate their Welsh-speaking users in line with the Home Office's obligations under the Welsh Language Act.

### **What practical good does DBS-checking actually do?**

There are recent examples of robust safer recruitment policies in MAs identifying risks to children and vulnerable adults, including a case where a safer recruitment check resulted in an individual being returned to prison. DBS checking, as part of a robust safer recruitment process, works!

## Particular Roles – Issues, Things to think about, Further Guidance

### Caretaker

A caretaker is unlikely to be eligible for an enhanced DBS check, unless they have particular duties relating to children or vulnerable groups. That a person might bump into or interface with children or vulnerable adults does not satisfy the relevant criteria. MACs should strongly consider a Basic DBS check for such a role, given their likely access to money and valuables.

### Catechist

A catechist is likely to be teaching or giving advice or guidance relating to emotional and/or educational well-being. If this is likely to be provided wholly or mainly for children (whether or not other adults happen to be present) then the role would qualify for an enhanced check (no barring). If such talks happen [frequently](#) then the role qualifies for an enhanced check with children's barred list.

If the catechist is likely to be giving such teaching or advice wholly or mainly for [Vulnerable Adults](#) and this is done [frequently](#) then the role qualifies for an enhanced check (no barred list). This might happen in venues such as a prison, hospital, care home or hospice.

Otherwise, the role would not likely qualify for an enhanced check, and a basic check should be considered.

### Churchwarden and Subwarden

An MA Warden (known in the Constitution of the Church in Wales as a Churchwarden) is an ex-officio trustee of the MAC and therefore eligible for an Enhanced DBS Check (no Barring).

A local Warden (known in the Constitution of the Church in Wales as a Subwarden) is unlikely to be eligible for an enhanced check by virtue of their role as warden. A Basic DBS check should be considered.

### Father Christmas/Santa

A Santa's grotto or similar is unlikely to meet the requirement for an Enhanced DBS check. MAs may wish to consider using a volunteer who already has an Enhanced DBS for other roles to play Santa, or requiring a Basic DBS check. Other sensible precautions include ensuring that parents/carers stay with their children when meeting Santa and ensuring Santa is accompanied by another responsible adult at

all times. Such precautions ensure that Santa does not have unaccompanied access to any children and is not considered to be 'caring for' or 'supervising' a child.

## Head Server

This will very much depend on the nature of your church and serving team. Are there children on the serving team, and how often? Does the Head Server supervise them Sunday-by-Sunday, or just teach new servers on an ad-hoc basis? Are they supervised when teaching new servers who are children? Go through the checklist with these questions in mind.

## Homeless Shelters/Night Shelters

Although homeless people are in vulnerable situations, being homeless of itself does not meet the legal criteria for being classed as a Vulnerable Adult. Perhaps confusingly, a 'homeless shelter' or 'night shelter' does not meet the legal definition of 'sheltered housing'.

Additionally, most work carried out with homeless persons by workers or volunteers at a shelter is not classed by the Disclosure & Barring Service (DBS) as regulated activity.

Therefore workers and volunteers are unlikely to qualify for an Enhanced DBS check – but carefully consider the duties particular role whilst working through our checklist. Basic DBS checks should be considered where the role is not eligible for an enhanced check.

## Open the Book Volunteer

This role, where it involves going into schools, will be eligible for an enhanced check. The only reason it would require an enhanced check plus children's barred list is where it is performed [frequently](#) and unsupervised.

If the role is performed in a venue other than a school or other specified establishment (school, nursery, care home, detention centre, pupil referral unit etc) then the role would not be eligible for an enhanced check if performed both [infrequently](#) and supervised.

## Organist

This will depend on the particular circumstances of the role in your church. Do you have children in your choir? Is the organist responsible for supervising, teaching or coaching them? How frequent is this supervision/teaching? Is the organist supervised themselves when giving such teaching? Does the organist use the church organ to give private organ tuition to children? Go through the checklist with these questions in mind.

## Pastoral Assistant

The correct check for a Pastoral Assistant very much depends on the precise duties being undertaken, which vary significantly from role to role. Consider the precise role carefully against the Checklist.

As an example, a pastoral assistant visiting sick and housebound adults (or adults resident in a care home, hospice or prison) to provide pastoral care frequently is eligible for an enhanced DBS (no barred list). A check against the adult barred list is only likely to be possible where the pastoral assistant is assisting a vulnerable person with household tasks (managing cash, paying bills, shopping) and so forth.

The DBS have confirmed to the Church in Wales that visiting to distribute Holy Communion does not considered regulated activity and does therefore not qualify for a check of the adult barred list.

As another example, if they will be working in a school (or other educational / childcare establishment) frequently and unsupervised, then the role is eligible for an enhanced check with children's barred list. If the work will be unsupervised but undertaken infrequently, or supervised (whether frequent or not), then the role is eligible for an enhanced check, no barred list.

## Worship Leader

A worship leader, through preaching, is likely to be giving advice or guidance relating to emotional and/or educational well-being. If this guidance is likely to be provided wholly or mainly for children (i.e. a sermon or talk aimed specifically or mainly at children, with or without adults present), then the role would qualify for an enhanced check (no barring). Only if such talks happen frequently would the role qualify for an enhanced check with children's barred list.