

# Paper R3

## Safeguarding advisory group

Vetting, disclosure and  
barring checks

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Vetting, disclosure and barring checks throughout the URC

### Basic information

<b>Contact name and email address</b>	Mr Ioannis Athanasiou <a href="mailto:safeguarding@urc.org.uk">safeguarding@urc.org.uk</a>
<b>Action required</b>	Decision
<b>Draft resolution(s)</b>	<ol style="list-style-type: none"> <li><b>Mission Council affirms its commitment to guarding the safety of all who are involved with the Church's life and work, to following current best practice in safeguarding, and to taking seriously the demands of the law and the expectations of our insurers and ecumenical partners.</b></li> <li><b>Acting on behalf of General Assembly, Mission Council therefore approves the principles set out in paper R3 of November 2018 for shaping a new code of practice around vetting, disclosure and barring checks and safer recruitment procedures.</b></li> <li><b>Mission Council directs the safeguarding advisory group to advocate across the Church these principles and the practices they entail, to embody these in the next edition of Good Practice, and to publish this resource in 2019.</b></li> </ol>

### Summary of content

<b>Subject and aim(s)</b>	Review and approve a new code of practice related to safer recruitment in the United Reformed Church.
<b>Main points</b>	The Church needs to provide adequate support to those who are responsible for undertaking any activities associated with submitting disclosure applications for ministers, staff and volunteers.
<b>Previous relevant documents</b>	Resolution 21, 'Ministries and youth and children's work: vetting and barring', General Assembly 2010. Appendix seven to Mission Council report, General Assembly 2018.
<b>Consultation has taken place with...</b>	Members of the safeguarding advisory group The Secretary for Ministries Churches Forum for Safeguarding (CFS).

### Summary of impact

<b>Financial</b>	Proposed resolutions have significant financial implications for URC's synods and for Church House.
<b>External (e.g. ecumenical)</b>	An external contractor ('Due Diligence Checking' Ltd) acts as umbrella body for undertaking the checks for paid and voluntary workers on behalf of the URC.

## Safeguarding advisory group safer recruitment checks

1. The United Reformed Church is committed to be a safe church for all. Mission Council is therefore asked to commit to providing clear guidance on recruiting people who will work or volunteer with children, young people and adults experiencing or being at risk of abuse or neglect, and thereby to encourage all local churches, synods, offices and institutions of the Church to follow best practice.
2. By providing this guidance Mission Council will reassert the need to make recruitment arrangements and practices safer for the benefit of the Church and those who join and serve the Church, in line with legislation, standards and guidance of the Charity Commission and the Office of the Scottish Charity Regulator. Those who act on behalf of the denomination should initiate, request and submit disclosure applications as part of robust recruitment processes, for specific roles that ministers, workers and volunteers are undertaking to support and serve children, young people and adults.
3. In addition to offering this guidance to the United Reformed Church, Mission Council is asked to update the safer recruitment policy of the Church to reflect new laws and regulatory requirements. The secretary of the safeguarding advisory group has already set up a policy review working group with synod safeguarding officers, which is reviewing and updating current safer recruitment policies and procedures for the whole church. The URC's new safer recruitment policy will be section six of Good Practice 5 Guidance for safeguarding children and adults at risk, the updated version of URC's main safeguarding policy document, which will be produced and disseminated by summer 2019.

### Criminal records checking schemes

4. The United Reformed Church uses the Disclosure and Barring Service (DBS) in England and Wales and the Protecting Vulnerable Groups Scheme (PVG) in Scotland to help ensure that those working with vulnerable groups are safe to do so. The safeguarding advisory group (SAG), the ministries and children's and youth work committees and safeguarding designated professionals in the synods work together to support and guide local congregations within the United Reformed Church, Local Ecumenical Partnerships (LEPs) and the wider church in their duties.
5. Criminal record checks are just one part of an effective recruitment process. They reveal any information held on central police databases such as cautions and convictions and any mention on government lists that bar an individual from working with children, young people or adults at risk. Although each nation in the UK uses a different scheme, they are all aligned and recognise each other's decisions. An applicant who is barred from working with children in one nation is barred across the UK.
6. It is a criminal offence for anyone listed and barred by the DBS and PVG to work or apply to work in the UK with the protected groups for which they are listed and barred (either children or adults). It is also illegal for any URC church or synod knowingly to employ a listed or barred person to do regulated activity and work from which they are barred or listed.

7. Those who act on behalf of the denomination should be vigilant in assessing each role or position and determining whether a DBS or PVG check should be initiated and what type of check is required. There are four types of criminal record checks:
- **Basic** – this checks for unspent criminal conviction and conditional cautions only, and it can be used for any position or purpose. This is obtained from DBS and Disclosure Scotland.
  - **Standard** – this checks for spent and unspent convictions, cautions, reprimands and final warnings to support employment/recruitment purposes. This is applied to specific roles and obtained from the DBS and Disclosure Scotland.
  - **Enhanced** – this includes the same as the standard check plus any additional information held by local police that is reasonably considered relevant to the role for which the person has applied. This is also obtained from the DBS and Disclosure Scotland.
  - **Enhanced including barred list checks** – this is like the enhanced check but includes a check of the DBS barred lists. This is obtained from the DBS and is equivalent to Protecting Vulnerable Groups (PVG) Scheme in Scotland.

### Fair and transparent processing of criminal offence data

8. Individuals and the self-employed cannot apply for a standard or enhanced check directly to the DBS. Due Diligence Checking Ltd has been contracted by the United Reformed Church (URC) to provide criminal records checking services for the URC, and the churches and synods within the Church. Checks for ministers, Church Related Community Workers (CRCW), Assembly accredited lay preachers, and other relevant denominational staff in the URC in England and Wales are currently processed by the URC ministries office at Church House. Checks for ministers and Church Related Community Workers (CRCW) in the URC in Scotland are currently initiated by Church House, which then instructs DDC to process them. The safeguarding advisory group is proposing to transfer the processing of checks for all paid and voluntary roles and positions within the URC to DDC next year following a review of the current contract.
9. Once a decision for appointing an applicant has been made, a DBS or PVG check should always be carried out for successful applicants, but only for job roles and positions which are eligible. Before someone considers asking an individual to apply for a criminal record check, they are legally responsible for ensuring that they are entitled to submit a disclosure application for the role/position, and that individuals have consented to such application. It is best practice that those who act on behalf of the denomination obtain suitable written consents from the applicants and ensure applicants are fully aware of what will be done with their data and why they are providing it. If a local church or synod has a privacy policy, the applicant should read and understand this prior to the URC asking to process their data.
10. It is essential that criminal offence data obtained via checking schemes are obtained lawfully, fairly and transparently. Any application for a check should therefore be initiated with the consent of the applicant, to ensure protection of the rights of people who apply to work or volunteer for the URC. Personal data relating to criminal convictions and offences are not included in the definition of special category data, but similar extra safeguards are applied to processing of sensitive category data.
11. Certain General Assembly appointees and others undertaking roles for the denomination, including ministers, will be deemed to be engaging in 'Regulated Activity', and therefore require a criminal record check prior to undertaking such work. To identify which roles are eligible for a DBS check, it is important to first be clear about what each role entails and produce a written job or role description (for a paid

or volunteering position), emphasizing the specific requirements and duties of the post, the frequency and period of time over which the work is to be done, and how the work will be supervised. The job or role description should say whether it is eligible for and requires a criminal records check, and if so the level of the check. Detailed job descriptions and thorough attention to regulated activity, workforces and supervising activity criteria are important for those who request disclosure applications and handle recruitment decisions and appointments throughout the URC.

12. All local churches and synods must treat DBS and PVG check applicants who have a criminal record fairly and should not discriminate because of a conviction or other information revealed. DBS and PVG checks with convictions or offences do not automatically bar applicants from working with children or adults. The URC has clear guidelines and procedures to deal with concerns resulting from information revealed by criminal record checks that are not clear (i.e. blemished disclosures), in accord with the Rehabilitation of Offenders Act 1974. The safeguarding advisers and officers of the URC also provide a comprehensive support service in such circumstances, including assistance with completing risk assessments and setting up appropriate safeguards for individuals and local churches.

## Guidance

13. In this area, we are taking our guidance from the Disclosure and Barring Service (DBS) in its guide to eligibility for DBS checks, the Safeguarding Vulnerable Groups Act 2006 (as amended by the Protection of Freedoms Act 2012), the Protection of Vulnerable Groups (Scotland) Act 2007, new legislation related to the General Data Protection Regulation (GDPR) and relevant documents published by statutory agencies. Guidance about regulated activity with children has been published by the Department for Education (DfE). Information about regulated activity with adults is available from the Department of Health (DH). Guidance for both vulnerable groups as well as guidance about regulated work in Scotland are accessible on URC's website.
14. The Safeguarding Good Practice 4 for Synods and General Assembly and The Handbook for Churches (section seven of both documents) are available on the website of the United Reformed Church. Both documents offer clear and practical guidance on how to integrate criminal records checking schemes in the recruitment processes for paid and voluntary workers. DDC has set up a web page ([www.ddc.uk.net/urc](http://www.ddc.uk.net/urc)) with further information and guidance for local churches, trustees, verifiers and other responsible staff to complete online and paper DBS and PVG applications for those working or volunteering with children and adults at risk. The government also provides an on-line tool to find out whether to check eligibility of roles for a Disclosure and Barring Service (DBS) check in England and Wales ([www.gov.uk/find-out-dbs-check](http://www.gov.uk/find-out-dbs-check)). If legal information is complex or questions arise, URC churches and synods are advised to seek guidance by safeguarding professionals and regularly access statutory websites to keep information up to date due to constant changes in legislation and eligibility.
15. The table below shows URC roles where the activity is seen to be eligible for vetting, disclosure and barring checks. However, this list is indicative and not exhaustive as there will be local variations in roles and positions. Further, it should be recognised that roles do change over time and new roles are formed, and that some roles are not eligible, while others require certain type of checks. As an example, those in self-help groups or family and friends' arrangements are not eligible for an enhanced criminal record check. When a role is reviewed or a new one is created, those who are

responsible for appointments should consider first whether the individual undertaking that role is going to undertake 'regulated' activity with children or adults at risk.

16. DBS checks for all roles and positions of the URC must be renewed every five years. In Scotland membership of the PVG scheme lasts forever. PVG scheme members are continuously checked, unless they decide to leave the scheme, and they should keep their record up to date if for example, they change jobs or move house.
17. Any questions about the content of the table below should be raised with the author of this paper ahead of the Mission Council meeting, as it may not be possible for speakers to respond quickly and accurately to detailed queries in a plenary meeting.

### URC roles eligible for a criminal record check

	With barring information		Without barring information		No checks
	Adults	Children	Adults	Children	
Ministers, stipendiary/NSM and Church Related Community Workers – Active	✓	✓			
Ministers, stipendiary/NSM and Church Related Community Workers – Non-active					✓
Ministers of other denominations employed by the URC	✓	✓			
Others in special category ministry posts	✓	✓			
Ministers and CRCWs in training	✓	✓			
URC Assembly accredited lay preachers in England and Wales			✓	✓	
URC Locally recognised lay preachers in England and Wales			✓	✓	
URC Assembly accredited or locally authorized lay preachers in Scotland					✓
Assembly staff and Church House support staff who undertake regulated activity with children and/or adults	✓	✓			
Synod safeguarding officers or other safeguarding designated professionals, including safeguarding coordinators, deputy safeguarding coordinators and safe church advisers	✓	✓			
Synod recognised lay pastors, local leaders, and interim ministers	✓	✓			
Interim moderators					✓
Children's and youth workers (voluntary or paid), children's and youth work elders, managers of children and youth workers, stewards and drivers in settings with regulated work with children or young people		✓			
Vulnerable adult workers (voluntary or paid), elders and pastoral and personal care visitors where the role includes direct feeding, physical care, assistance with financial matters, bereavement support/counselling or driving to medical or social care appointments	✓				
United Reformed Church trustees of registered charities providing regulated activities for children or adults at risk			✓	✓	
TLS students studying the 'Gateways into Worship', 'Gateways into care' courses or 'Stepwise' development programme	✓	✓			

Frequency criteria: Once a week or more; or Intensive – four days or more in a 30 day period; or overnight – between the hours of 0200 and 0600.