Changes to Disclosure and Barring

Why are changes being made?

The UK Government is committed to protecting vulnerable groups but wants a better sharing of responsibility for safeguarding between the state and organisations. It believes that arrangements up until now have over-emphasised protection by the state and not sufficiently emphasised the role organisations play. The Protection of Freedoms Act 2012 makes changes to disclosure and barring systems with the intention of reducing the need for Criminal Record checks to scale these back to more proportionate levels. Some of these changes will come into effect on 10th September 2012.

What is changing in September?

1. New definitions of regulated activity for children & young people and adults
2. Introduction of an additional level of Criminal Records Bureau (CRB) check known as an Enhanced Criminal Record Plus Barred List Check (‘Enhanced Plus’ check)
3. Changes to identity verification for CRB applications
4. Minimum age of 16 at which someone can apply for a CRB check

What do the changes mean for parishes?

With the scaling back of access to Criminal Record checks, safer recruitment processes and safer working practices as outlined in diocesan and parish policies now become more important and need to be closely followed and monitored. The changes affect who can apply for a CRB check and the process for confirming the applicant’s identity. Other stages of the safe recruitment process remain unaltered. The changes relate to new CRB applications only, so existing workers and volunteers are unaffected.

For new workers and volunteers aged 16 and over parishes will need to:

- decide if the role is regulated activity – Yes - apply for an Enhanced Plus CRB check. You can tell us you want to apply for this check by ticking the regulated activity box on the Diocesan Certificate.
- decide if the role involves significant contact with vulnerable groups – Yes - apply for an Enhanced CRB check. To apply for this check do not tick the regulated activity box on the Diocesan Certificate.
- obtain written consent for a further check on identity if the new worker or volunteer needs a CRB check but can only provide identity documents from ‘group 2’
What is not changing?

- You must not allow someone who has been barred by the Independent Safeguarding Authority to carry out regulated activity – you can check this by doing an Enhanced Plus CRB check before the person begins their role.

- You must refer any worker or volunteer carrying out regulated activity that you think has or may harm a child, young person or adult who may be in need or at risk because of their age, illness or disability to the Independent Safeguarding Authority – contact the Bishop’s Safeguarding Advisers for Children or Adults if you think you may have to do this.

- You must follow safe recruitment and safer working practice guidelines as outlined in the diocesan policies and your parish policies.

Further changes

The UK Government will be introducing further changes as a result of the Protection of Freedoms Act 2012 over the coming months. These include:

1st December 2012

The Independent Safeguarding Authority and the Criminal Records Bureau will combine to form the **Disclosure and Barring Service**

Spring 2013

**Updating Scheme** – it is intended that this will make CRB checks more portable but it is not yet known how accessible the scheme will be to volunteers.

**Single Disclosure** – the CRB certificate will be sent to the applicant only.

The diocese will provide guidance for parishes on these further changes once the details are known.
1. New definitions of regulated activity

Regulated activity with children and young people

Only activities carried out on behalf of the church are regulated activity. There are several different types of activity included in the new definition of regulated activity for children and young people. In parishes regulated activity is most likely to be activity with children and young people which is unsupervised:

- teaching
- training
- caring for or supervising children
- providing advice/guidance on well-being
- driving a vehicle only for children

and done frequently:

- once a week or
- 4 days in a 30 day period or
- between 2am and 6am

Other regulated activities with children and young people which may occur in roles in some parishes are:

- **Personal care** – assisting a child or young person with washing, dressing, eating, health care or toileting. This is regulated activity even if done once. For example, if your employees or volunteers assist a child with going to the toilet this would be regulated activity even if the task was only done once. However, accompanying a child to where the toilets are located would not be regulated activity unless the task was unsupervised and met the above frequency criteria.

- **Working for a specified place** – school, children’s home, childcare premises. For example, if your church runs an after school club, nursery or playgroup it may be a specified place, particularly if it is regulated and inspected by Ofsted. Supervised volunteers in specified places are not engaging in regulated activity.

- **Managing** or being responsible for regulated activity and those who carry it out
What is unsupervised activity with children & young people?

Unsupervised activity with children and young people is working all the time or some of the time where a supervisor cannot see and hear the worker’s/volunteer’s actions.

The UK Government has not yet provided a formal definition of what supervision means.

As an interim measure the church defines supervised activity as:

- activity where the supervisor is able to see and hear the supervised worker’s/volunteer’s actions at all times during their work

and

- activity that is continuously supervised at this level – i.e. the supervised worker/volunteer must not work if the supervisor is absent (even for a very short time) or on holiday

The supervisor must be recruited safely and eligible for an Enhanced Plus CRB check.

It is more likely that those who work with children and young people in church activities will be co-working rather than working under supervision as described above.

Regulated activity with adults

The activity must be done on behalf of the church - private arrangements with friends and family are not regulated activity.

Regulated activity is

- providing health care
- providing personal care – washing, dressing, toileting, eating, drinking – or teaching someone to do one of these tasks
- providing social work
- helping with cash, bills, shopping
- helping someone in the conduct of their affairs (e.g. enduring power of attorney)
- driving someone to/from places to receive personal, health or social care

done for an adult in need or at risk because of their age, illness or disability

and done

- once
2. New levels of Criminal Record checks

What is the new Enhanced Plus CRB check?

An Enhanced Criminal Record Plus Barring List check contains information about a person’s ‘barred’ status – that is, whether they are allowed to work with vulnerable groups. Anyone whose role includes regulated activity must apply for this type of check before they begin their role.

Are Enhanced CRB checks still available?

Yes – but the check will not contain information about a person’s ‘barred’ status – that is, whether they are allowed to work with vulnerable groups. Anyone whose role includes regular and significant contact with children, young people or adults who are in need or at risk because of age, illness, disability or factors arising from social exclusion, even if this is only a temporary state, should still apply for an Enhanced CRB check even if they are not engaging in regulated activity. The threshold of ‘significant contact’ frequently quoted by Government is that the level of contact should be greater than the sort of casual contact with a local shopkeeper.

How do I know which level of CRB check to apply for?

The charts at the end of this guidance will help you to work out which CRB check you need to apply for.

3. Changes to identity verification for CRB

The list of documents that an applicant can produce to confirm their identity has changed. You will receive a list of the new documents when you ask for a CRB application form.

If an applicant is unable to produce a document from the list in group 1 of the CRB documents list, their identity must be confirmed by the required documents from group 2 and a check on their identity by an external agency. The diocese will apply for this check on behalf of parishes. Parishes must obtain the written consent of the applicant for this check to be carried out.
Eligibility for an Enhanced or Enhanced Plus CRB Disclosure

Community
Not eligible for a CRB check

Congregation
Not eligible for a CRB check

Church workers/volunteers who have no contact with children & young people and adults in need or at risk due to age, illness or disability - Not eligible for a CRB check

Church workers/volunteers who have limited contact with children & young people and adults in need or at risk due to age, illness or disability - Not eligible for a CRB check

Church workers/volunteers who have significant or regular contact with children & young people and adults in need or at risk due to age, illness or disability but whose role is not regulated activity
May be eligible for an Enhanced CRB check

Church workers/volunteers engaged in regulated activity with children & young people and adults in need or at risk due to age, illness or disability
MUST have an Enhanced Plus CRB check BEFORE they begin their role

Youth, children or family worker/volunteer/manager, bell ringers, music leaders, choir leaders, servers, tower captains, drivers, parent & toddler group leaders, musical directors, worship leaders, pastoral team members whose role involves training/teaching/advising/ supervising/caring for/driving children & young people.

Frequently & unsupervised – Enhanced Plus check.
Regularly and/or supervised – Enhanced check.

Gardener, shop staff, flower arranger, church tour guide, caretaker, church welcome team, refreshment servers, parish administrator, sides-person, verger, sacristan, choir member, organist, server, bell ringer, occasional children’s & youth helpers

PCC member, treasurer, secretary

Worship leaders, commissioned and non-commissioned pastoral team members, home and care home visitors, drivers, managers, who have significant contact with adults who are in need or at risk due to age, illness or disability – Enhanced check.
Anyone who provides personal care or helps someone with their affairs due to their age, illness or disability as part of a service offered by the church – Enhanced Plus check

Clergy, Readers, people licenced to distribute Holy Communion in church, in homes and in care homes
• **Q1** Does the role involve contact with children, young people or adults in need or at risk because of their age, illness or disability?

Yes - go to Q2
No - go to Q8

• **Q2** Does the role involve teaching, training, caring for, supervising, providing advice or guidance on well-being, or driving a vehicle with children & young people? OR

• Does the role involve working in a specified place - school, children’s home, child care premises?

Yes - go to Q3
No - go to Q5

• **Q3** Does the role involve unsupervised contact - working all the time or some of the time where a supervisor cannot see or hear the worker's / volunteer's actions - with children & young people?

Yes - go to Q4
No - go to Q5

• **Q4** Does the role involve contact with children & young people once a week or 4 days in a 30 day period or between 2am & 6am?

Yes - E+ check*
No - go to Q5

• **Q5** Does the role involve providing personal care - assistance with washing, dressing, eating, drinking, health care, toileting - with children, young people or adults because of their age, illness or disability?

Yes - E+ check*
No - go to Q6

• **Q6** Does the role involve social work, helping with cash, bills, shopping conduct of a person's affairs or driving to/from places to receive personal, health or social care for an adult because of their age, illness or disability?

Yes - E+ check*
No - go to Q7

• **Q7** Does the role involve regular, significant contact with children, young people or adults in need or at risk because of their age, illness or disability?

Yes - E check**
No - go to Q8

• **Q8** Does the role involve managing or being responsible for regulated activity (i.e. activity mentioned in Q2, Q3, Q4, Q5, Q6) and those who carry it out?

Yes - E+ check*
No - no CRB check

*E+ check - the role is eligible for an Enhanced Criminal Record Plus Barred List Check
**E check - the role may be eligible for an Enhanced Criminal Record Check