

## DBS eligibility checklist

DBS checks (Criminal Records checks) are only available for those who are eligible for them. Eligibility was reduced by the coalition Government which wished to scale them back to what they described as 'common sense levels' (Notes 1 and 2). They are only available for those doing 'Regulated Activity'. Regulated Activity is different for work with children and adults (Note 5, Note 9).

There are two kinds of Enhanced Criminal Records check. An *Enhanced Criminal Record plus Barred List Check* discloses whether the individual is barred (Note 4) from Regulated Activity with children or vulnerable adults, as well as the convictions, cautions and other relevant information. This is referred to as *Enhanced Plus* in the table below. The second type of *Enhanced Criminal Record Check* provides information about convictions, cautions and other relevant information but NOT whether a person is barred from Regulated Activity, (although the decision which led to a bar may be provided by the police if the police deem it relevant for the role in question). This is referred to as *Enhanced* in the table below (Note 3).

In summary many church roles that work closely with vulnerable groups (including children) require a Criminal Records check of some sort. These are shown in 1 – 3 of the table below. Some church roles have been identified where a check is not required and these are set out in 4 below. Charity Trustees are covered in 5. Criminal record checks complement but are not a substitute for [safer recruitment](#). Detailed explanatory notes are underneath.

**This list is not exhaustive but indicative. Unless the role also involves duties under 1 – 3, it will not attract a Criminal Record check.**

<b>1. Clergy.</b> All will require an Enhanced Plus Criminal Record check (including barring information).	
This also includes those seeking ordination training or Ordinands in training. Their applications are made through the office of the area bishop.	
<b>2. Those employees and volunteers working with children and young people aged under 18</b>	
Some will qualify for an Enhanced Criminal Record check (with barring information) if they satisfy the frequency test for Regulated Activity (Note 6). Others will qualify only for an Enhanced Criminal Record check (without barring information) (Note 8). Those who work only under immediate supervision will not qualify for any Criminal Records Check (Note 7).	
Youth workers or leaders	Bell ringers who teach or train children plus the Tower Captains who manage those adults
Children's workers or leaders	Organists or music leaders where the choir or musical group includes children or young people
Sunday school teachers	Head Servers – only when the role includes supervision or training of children
Family workers - with an assumption that work is also done separately with children	Leaders of Parent & Toddler Groups (but not parents attending)
Managers of youth, children's, family workers	Drivers for young people or children's activities organised by the church – private arrangements among parents are exempt
<b>3. Those employees or volunteers working with adults (aged 18+) in need of care because of age, disability, illness</b>	
A small number will need Enhanced Plus Criminal Record check (including barring information) if they provide health care, personal care, social work, assistance with cash, bills or shopping, assistance in the conduct of a person's own affairs, conveying someone to healthcare, personal care or social care (but not to church	

activities) (Note 9). Others may be eligible for an enhanced criminal record check without barring information provided the activity satisfies the Frequency test (Note 6). Otherwise the only available check is a basic criminal conviction check (Note 2)	
Licensed Lay Ministers (Readers) Pastoral assistants Drivers for adult activities organised by the church – private arrangements are exempt	Licensed evangelists Home or Pastoral visitors Managers of individuals working with adults who are vulnerable Authorized listeners
<b>4. Roles that do not require a Criminal Record check (unless regularly undertaking any role in 1-3 above)</b>	
Vergers Servers Caretakers Refreshment servers Shop staff Flower arrangers Church tour guides	Choir leaders or musical directors for adult choir Sidesmen or women Churchwardens Organists unless also directing a choir which may contain children Choir members, Music group members, Bell ringers (rank and file) Church welcome team
<b>5. Charity Trustees where regulated activity is conducted (Notes 4 and 9)</b>	
A PCC is a charity as explained <a href="#">here</a> . If it provides children’s work or work with vulnerable adults which qualifies as regulated activity all members of the PCC will be eligible for DBS checks. However, which members of the PCC should be checked will be a matter for local determination.	

**Explanatory Notes**

- 1. Introduction.** Eligibility is governed by the Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012 with subsequent changes to regulations under the Police Act 1997.
- 2. Changes.** Those who undertake Regulated Activity attract an Enhanced Criminal Record check *plus* barring information. However those who work with children and who do not meet the Regulated Activity definition because they fail the Frequency test (Note 6) (e.g. they are on a rota (see below)) or because they are supervised may still be eligible for an Enhanced Criminal Record Check but *without* barring information. This is the **not** the same for adults who are vulnerable. Individuals who work with adults who are vulnerable and who do not meet the Regulated Activity definition will only be eligible for an enhanced check without barring information where they satisfy the Frequency test. If they do not satisfy the Frequency test then the only check that will be available is a basic criminal conviction check via Disclosure Scotland, (this will reveal “unspent” conviction information only).
- 3. An Enhanced Criminal Record check** will include convictions, cautions, warnings and reprimands as well as relevant police information. It includes spent as well as recent offences.
- 4. Barring information** is information that an individual is on one of the statutory lists of those barred from working with vulnerable groups including children. It is an offence to work in Regulated Activity while barred.
- 5. Regulated Activity (Children).** You are in Regulated Activity if, unsupervised (see Note 7), you teach, train, instruct, care for or supervise children, or provide advice or guidance on well-being, or drive a vehicle only for children; or work in a school, children’s home or childcare and satisfy the Frequency test. For children’s workers who work less frequently see Note 8.
- 6. The Frequency test.** Frequently (once a week or more often); or on 4 or more days in a 30-day period, or overnight (between the hours of 2 am and 6 am).

7. **Supervision test (Children);** in most church situations, one worker will *not* be acting as the formal supervisor of another worker but will co-work. The church defines supervision *for this purpose* as “Activity where the supervisor - who has him/herself been safely recruited, is always able to see the supervised worker at his/her work”. Consequently most workers will count as unsupervised. This is different from a discussion with a leader off-site and away from the work which may also be called supervision.
8. **Frequency test (Children):** Those who work with children, but who do not meet the Frequency test for Regulated Activity in Note 5, are only eligible for an Enhanced Criminal Records check without barring information. This will include most children’s workers on a rota.
9. **Regulated activity (Adults).** You are in Regulated Activity if you provide health care, personal care, social work, assistance with cash, bills or shopping, assistance in the conduct of a person’s own affairs, conveying someone to healthcare, personal care or social care. Few church workers with adults are in this group.
10. **Portability of DBS checks.** There are two ways of accepting DBS checks which have been provided by another organisation:
  - i. For those who have subscribed to the government’s Update service see [here](#).
  - ii. For volunteers only who already have a DBS check from another employer or voluntary body see [here](#).

For those who already have DBS checks through Diocesan arrangements who move to another role within the Diocese, see [here](#).

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