

APPENDIX 7

What activities make a person eligible for an enhanced criminal record check?

An individual will be eligible for an enhanced criminal record check, if he / she engages in work which is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended) and is 'work with children' and / or 'work with adults' as defined in the Police Act 1997 (Criminal Records) Regulations 2002 (as amended). Such work includes the following:

CHILDREN	
COLUMN A	COLUMN B
<p>An enhanced criminal record check with barring information</p> <p>Frequency Criteria:</p> <p>(i) <i>once a week or more;</i></p> <p>(ii) <i>four days or more in any 30 day period;</i></p> <p>(iii) <i>overnight between the hours of 02:00 & 06:00. ((iii) only applies to work of a 'Specified Nature' (see below))</i></p> <p><u>Children – Regulated Activity</u>²⁶</p> <p>Each of the following situations MUST also satisfy one of the Frequency Criteria:</p> <p>1. Specified Nature: Teach, train, instruct, care for or supervise children (unsupervised – where supervised see Column B); or provide advice / guidance on physical, emotional or educational well-being.</p> <p>2. Specified Establishment Work in a 'specified establishment' where there is opportunity for contact with children,</p>	<p>An enhanced criminal record check without barring information</p> <ol style="list-style-type: none"> 1. Work of a 'Specified Nature' (as defined in Column A) where that work is supervised²⁸. 2. Work of a supervised volunteer (or occasional or temporary contract work) in a 'Specified Establishment' (as defined in Column A). 3. Any activity that involves people in certain defined positions of responsibility (e.g. trustees of a children's charity or school governors). 4. Work done infrequently which if done frequently would be regulated activity relating to children (either as defined now or as defined prior to 10 September 2012). 5. Obtaining information in respect of any person who is aged 16 or over and who lives in the same household as an individual who is engaged in activity which used to be regulated activity as defined prior to 10 September 2012, where the activity normally takes place on the premises

²⁶ Full details relating to Regulated Activity concerning children can be found [here](#)

²⁸ Supervision - Where the supervisor - who has him / herself been safely recruited - is always able to see the supervised worker's actions during his / her work

(e.g. a nursery school, school, Further Education Establishment, children's homes, childcare premises) - *but not work by supervised volunteers or occasional or temporary contract work that is not of a 'Specified Nature', (e.g. maintenance contractors).*

3. Moderating an online forum for children

used wholly or mainly by children and must be carried out by the same person.

4. Driving a vehicle used to convey children and any person supervising or caring for the children under arrangements made by a third party.

Each of the following situations DOES NOT have to satisfy the Frequency Criteria:

5. Healthcare (e.g. doctor or nurse etc.) or personal care

Personal care includes assistance with toileting, washing, bathing and dressing for reasons of age, illness or disability (and prompting and supervision of the same) or teaching a child for reasons of age, illness or disability to do any of these tasks. Assistance with eating, drinking for reasons of illness or disability (and prompting and supervision of the same) or teaching a child for reasons of illness or disability to do these tasks.

6. Child-minding or fostering a child.

7. Day to day management on a regular basis of a person who is **providing a regulated activity** in relation to **children**. *Please note this includes a supervisor of a person who would be in regulated activity if not under*

where the relevant individuals live.

<p><i>regular supervision.</i></p> <p>8. Assessing the suitability of any person who is aged 16 or over to have regular contact with children and who lives in the same household as an individual who is engaged in regulated activity, where the activity normally takes place on the premises where the relevant individuals live.²⁷</p>	
ADULTS	
<p>COLUMN A An enhanced criminal record check with barring information</p>	<p>COLUMN B An enhanced criminal record check without barring information</p>
<p><u>Adults - Regulated Activity</u>²⁹</p> <p>Frequency Criteria: <i>There is no longer a requirement for a person to carry out activities over a certain period. Any time a person engages in an activity set out below, he / she is engaging in regulated activity, (i.e. includes one off events)</i></p> <ol style="list-style-type: none"> 1. Healthcare (by a healthcare professional). 2. Personal Care. Personal care includes assistance with eating, drinking, toileting, washing or bathing, dressing, oral care or care of skin, hair or nails due to age, illness or disability (and prompting and supervision of the same) or teaching someone to do one of these tasks. 3. Social Work by a Social Worker. 4. Assistance with a person’s cash, bills or shopping because of their age, illness or disability. 	<p>Frequency Criteria:</p> <ol style="list-style-type: none"> (i) once a week or more; (ii) four days or more in any 30 day period; (iii) overnight between the hours of 02:00 & 06:00. ((iii) only applies to work of a ‘Specified Nature’ (see below)) <p>1. Provision of any activity listed below to an adult who receives a health or social care service (e.g. includes adults in care homes; sheltered housing or receiving any form of care or assistance due to age, illness or disability) or a “specified activity” (e.g. in prison).</p> <p>Please note that you MUST also satisfy the Frequency Criteria in relation to any such activity listed below.</p> <p>The activities will include:</p>

²⁷ Although this is not ‘regulated activity’ the Police Act 1997 (Criminal Records) (No 2) Regulations 2009 (as amended) allows a barred list check in such circumstances.

²⁹ Full details in relation to regulated activity and adults experiencing, or at risk of abuse or neglect can be found here - https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/216900/Regulated-Activity-Adults-Dec-2012.pdf

<p>5. Assistance with the conduct of an adult’s own affairs, for example, lasting or enduring powers of attorney, or deputies appointed under the Mental Capacity Act 2005.</p> <p>6. Conveying: conveying adults for reasons of age, illness or disability to, from or between places where they receive healthcare, personal care or social work. This would not include friends or family or taxi drivers.</p> <p>7. A person whose role includes the day to day management or supervision of any person who is engaging in regulated activity.</p>	<p>a. Any form of care or supervision;</p> <p>b. Any form of treatment or therapy;</p> <p>c. Any form of training, teaching, instruction, assistance, advice or guidance</p> <p>d. Moderating a public electronic interactive communication service,</p> <p>e. Any form of work carried on in a care home, ;</p> <p>f. Advocacy services ;</p> <p>g. Transportation of an adult who receives a health or social care service etc., (whether or not the adult is accompanied by a carer) (except where already included in Column A – Adults – No. 6 “Conveying”).</p> <p>2. Individuals who are trustees of a vulnerable adult’s charity.</p>
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APPENDIX 8

Church of England roles³⁰ where the activity is seen to be eligible for a criminal record check.

A. Clergy.

All will require an enhanced criminal record check with barring information

All Church of England ordained and licensed Clergy including Archbishops, Bishops, Archdeacons, Deans, stipendiary parish Clergy, self-supporting Minister / non stipendiary Ministers, Chaplains, locally ordained Clergy, Clergy with 'permission to officiate', and those seeking ordination training or ordination.

B. Those Church Officers³¹ other than clergy (see A above) working with children and/or working with adults experiencing, or at risk of abuse or neglect. This includes those in training and individuals on student placements.

Those working with children. Most **will** require an enhanced³² criminal record check **with barring information** unless they are supervised³³ or do not fulfill the frequency criteria (i.e. on a rota)³⁴.

Those working with adults experiencing, or at risk of abuse or neglect. Most **will** require an enhanced criminal record check **without barring information**, provided they satisfy the frequency criteria. Some may require an enhanced criminal record check with barring information if, for example, they provide, personal care, assistance with cash, bills or shopping, conveying someone to or from healthcare, personal care or social care (but not to Church activities).

³⁰ This list is indicative and not exhaustive as there will be local variations in approaches, titles and roles

³¹ A "Church Officer" is anyone appointed by or on behalf of the Church to a post or role, whether they are ordained or lay, paid or unpaid

³² An Enhanced criminal record check from the DBS shows details of all spent and unspent convictions, cautions, reprimands, final warnings (unless filtered, (please see the DBS filtering guidance at <https://www.gov.uk/government/publications/dbs-filtering-guidance>)), local police records (if appropriate) and indicates if the person is on a barred list. The barred list is maintained by the DBS and lists individuals who are barred from working with children or vulnerable adults as defined under the SVGA.

³³ The Church of England defines supervised activity as:

Activity where the supervisor - who has him / herself been safely recruited - is always able to see the supervised worker's actions during his / her work. Where you are uncertain whether this level of monitoring can be maintained continuously – for example, ensuring cover for all holidays and sickness absence by the supervisor - then the role is not a supervised position

³⁴ Frequent – Once a week or more; Intensive – 4 days or more in a 30 period and overnight – Between the hours of 0200 and 0600.

Examples of roles that this would apply to:

- Readers
- Worship Leaders
- Authorised Lay Ministers
- Licensed Evangelists
- Lay people authorised to provide pastoral care. For example Parish Pastoral Assistant, Pastoral Home Visitor, Street Pastor, Authorised Listener, Pastoral Outreach Worker and equivalents in Cathedrals e.g. Cathedral Verger who has pastoral care in job role
- Youth worker or Leader
- Children's worker or Leader
- Sunday school teacher or Leader
- Family workers who work with children or their Leader
- Bell ringers who teach or train children plus the Tower Captains who manage those adults who teach or train.
- Music leader where the choir or musical group includes children
- Head Server– only when the role includes supervision or training of children.
- Parish volunteer driver for vulnerable groups (children or adults) for children's / adults' activities organised by the Church – (Please note – private / personal arrangements among parents / friends etc. are exempt)
- Diocesan Safeguarding Advisers, Cathedral Safeguarding Advisers and Parish Safeguarding Officers who manage³⁵ people engaged in activities with vulnerable groups (children or adults).
- Members of National Safeguarding Team and other roles within Diocesan Safeguarding Teams where working with children and/or vulnerable adults (or managing on a day to day basis individuals who are working with children/vulnerable adults)
- Diocesan Education staff who either have substantial contact with children or manage those who do.
- Leader of Parent & Toddler Groups (but not parent helpers who supervise their own children or if a self –help group.
- Managers of individuals working with vulnerable groups (children and adults)
- Those in religious communities (e.g. monks, nuns, brothers and sisters) who are in active ministry and work with vulnerable groups (children or adults).

C. Charity Trustees of children's or vulnerable adult's charities³⁶. The Charity Commission recommends that trustees always obtain a criminal record check when eligible to do so as it an important tool in ensuring that the person is suitable to act³⁷

³⁵ Management in this context includes planning, organising, advising or directing

³⁶ A children's charity and a vulnerable adult's charity were defined in the Safeguarding Vulnerable Groups Act 2006 in Schedule 4. The relevant provisions have now been repealed but retain their relevance in relation to eligibility for checks. Broadly, a charity is a children's charity or vulnerable adult's charity if the individuals who are workers for the charity normally include individuals engaging in regulated activity.

If a governing body is registered as a charity and provided it sponsors and approves, in its own name, children's work or work with adults experiencing, or at risk of abuse or neglect then the members of the governing body will be eligible for an enhanced criminal record check without barring information. This may relate to PCCs, Cathedrals Chapters, Religious Communities, NCI Pension Board etc. **In such cases all members of the governing body will be eligible.**

For example

A PCC is a charity³⁸ **and** provided it sponsors and approves, in its own name, children's work or work with vulnerable adults (e.g. a Youth Club, Sunday School, home visiting scheme for the housebound or a luncheon club for adults with special needs who require assistance with feeding or toileting) then this recommendation applies. It does not apply to all PCCs only those that sponsor and approve children's work and work with vulnerable adults

D. Roles that are not eligible for an enhanced criminal record check (unless undertaking any role in A or B or C) but remain eligible for a basic criminal conviction check through Disclosure Scotland

Examples include:

- Parish Verger
- Server
- Caretaker
- Refreshment helper
- Shop Staff
- Flower arranger
- Sidesperson
- PCC members (including Church wardens where the PCC does not qualify as a children's/vulnerable adult's charity)
- Bell ringers (rank and file).
- Choir leader or musical director for adult choir
- Organist unless also directing a choir which contains children
- Choir members / music group members (unless the role includes responsibility for teaching, training, caring for or supervising vulnerable groups (children or adults).

³⁷ [Charities: how to protect vulnerable groups including children](#) – "...In the case of trustees, because of their position within the charity, we take the view that whenever there is a legal entitlement to obtain a DBS check in respect of such a trustee, a check should be carried out. This goes beyond circumstances where the trustee comes into contact with children..." – Charity Commission policy paper – 14 July 2014

³⁸ [A PCC is a charity](#)