**[Prior to use, the Church Body should amend the highlighted fields and delete this note]**

**Confidential Declaration Form and Privacy Notice Guidance**

This form must be completed by all applicants for roles engaging in regulated activity[[1]](#endnote-1) or roles working/having substantial contact with children and/or vulnerable adults. This includes all Clergy[[2]](#endnote-2), as well as all Church Officers[[3]](#endnote-3) who are applying for a role that has been assessed as requiring an Enhanced Disclosure and Barring Service (DBS) (with/without Barred List) check. The nature of these roles means they are exempt from the provisions of Section 4(2) of the Rehabilitation of Offenders Act (1974 (ROA 1974) by virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013 and 2020) (the ROA Order 1975 (as amended)).

All individuals applying to work/volunteer in such roles will be subject to a satisfactory Enhanced DBS (with/without Barred List) check before the appointment is confirmed as well as a satisfactory Enhanced DBS (with/without Barred List) re-check every 3 years.

You are required to disclose **all** unspent convictions and conditional cautions and **all** spent[[4]](#endnote-4) convictions and adult cautions that are not protected[[5]](#endnote-5) (i.e. that are not filtered out) as defined by the ROA Order 1975 (as amended)). The ROA Order 1975 (as amended) provides that when applying for certain jobs and activities, certain convictions and cautions are considered ‘protected’. This means that they do not need to be disclosed to employers/voluntary organisations and, if they are disclosed, cannot be taken into account.

A criminal record will not necessarily exclude an individual from consideration for appointment. This will depend on the nature of the role applied for and the circumstances and background of the offences. All information declared on this form will be carefully assessed to decide whether it is relevant to the role applied for and will only be used for the purpose of safeguarding children and/or vulnerable adults. If you answer yes to any question, please provide details, on a separate sheet if necessary, giving the number of the question that you are answering.

If it is later discovered that any statement is false or misleading, then depending on the nature of your engagement, it may lead to disciplinary procedures, where appropriate, and/or dismissal from your post/role. If you are unsure of how to respond to any of the questions, please seek appropriate advice e.g. from the appointing organisation/responsible person/recruiter, an organisation such as NACRO or Unlock[[6]](#endnote-6), or a solicitor.

Registered Bodies and those in receipt of DBS Update Service information must fulfil the DBS Code of Practice requirement to have a written policy on the recruitment of ex-offenders in place[[7]](#endnote-7). Copies of these documents are available on request and the DBS Code of Practice is available from the DBS via [DBS code of practice - GOV.UK (www.gov.uk)](https://www.gov.uk/government/publications/dbs-code-of-practice)

The accompanying Privacy Notice explains how the information you supply on this form is used and your rights with respect to that data as required by the UK General Data Protection Regulation, (the “UK GDPR”), and the Data Protection Act 2018, (the “DPA 2018”). If applicable, please inform relevant members of your household that you have included their details on this form and give them a copy of the Privacy Notice (it will only be applicable if members of your household have been included in the response to a question on the form, e.g. Qs.6 & 7).

This Confidential Declaration Form and Privacy Notice must be used within the Diocese in Europe, the Channel Islands and Sodor & Man, subject to relevant legislative variations/modifications and/or unless there is specific local legislation in a jurisdiction that would prevent its use in its current format.

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| **Section A**  **PERSONAL DETAILS**  **This section must be completed by all applicants.** |

|  |  |
| --- | --- |
| **Title** (Mr/Mrs/Miss/Ms/Other): |  |
|  |  |
| **Surname:** |  |
|  |  |
| **Forename(s):** |  |
|  |  |
| **D.O.B.:** |  |
|  |  |
| **Home Address:** |  |
|  |  |
|  |  |
|  |  |
| **Telephone No.:** |  |
|  |  |
| **Role Applied for:** |  |
|  |  |
| **Role Location:** |  |

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| **Section B**  **Please fully complete all relevant sections.** |

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| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 1. | Do you have any unspent conditional cautions or convictions under the Rehabilitation of Offenders Act 1974? If yes, please provide details: | | | | | | Yes | No |
|  |  | | | | | |  | |
|  |  | | | | | | | |
|  |  | | | | | |  | |
| 2. | Do you have any adult cautions (simple or conditional) or spent convictions that are not protected as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013 and 2020)?  If yes, please provide details: | | | | | | Yes | No |
|  |  | | | | | |  | |
|  |  | | | | | | | |
|  |  | | | | | |  | |
| 3. | Are you aware of any criminal/police enquiries/investigations undertaken following allegations made against you which may have a bearing on your suitability for the post? If yes, please provide details: | | | | | | Yes | No |
|  |  | | | | | |  | |
|  |  | | | | | | | |
|  |  | | | | | |  | |
| 4. | Are you at present the subject of any criminal/police enquiry/investigation/pending prosecution which may have a bearing on your suitability for the post? If yes, please provide details: | | | | | | Yes | No |
|  |  | | | | | |  | |
|  |  | | | | | | | |
|  |  | | | | | |  | |
| 5. | Is your role deemed “home based”, as per the DBS definition[[8]](#endnote-8)? | | | | | | | |
|  | Yes  (proceed to Question 6.) | | | | No  (proceed to Question 8.) | | | |
|  |  | | | | | |  | |
| 6. | If you are working from home with children, is there anyone who is 16 years of age or over living or employed in your household who has any unspent conditional cautions or convictions under the Rehabilitation of Offenders Act 1974 and/or any adult cautions (simple or conditional) or spent convictions that are not protected as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013 and 2020)? If yes, please provide details[[9]](#endnote-9): | | | | | | Yes | No |
|  |  | | | | | |  | |
|  |  | | | | | | | |
|  |  | | | | | |  | |
| 7. | If you are working from home with children, is there anyone who is 16 years of age or over living or employed in your household who is at present the subject of a criminal/police enquiry investigation/pending prosecution? If yes, please provide details: | | | | | | Yes | No |
|  |  | | | | | |  | |
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|  |  | | | | | |  | |
| 8. | Have you lived, worked or volunteered outside the United Kingdom for a continuous period of six months or more at any point within the previous 10 years? If yes, please provide details, including the name of the country/countries: | | | | | | Yes | No |
|  |  | | | | | |  | |
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| 9. | Does your role involve engaging in regulated activity with children[[10]](#endnote-10)? | | | | | | | |
|  |  | | | | | |  | |
|  | Yes  (proceed to Question 10.) | | | | No  (proceed to Question 11.) | | | |
|  |  | | | | | |  | |
| 10. | Are you or have you ever been barred from work with children? | | | | | | Yes | No |
|  |  | | | | | |  | |
| 11. | Does your role involve regulated activity with vulnerable adults[[11]](#endnote-11)? | | | | | | | |
|  |  | | | | | |  | |
|  | Yes  (proceed to Question 12.) | | | No  (proceed to Question 13.) | | | | |
|  |  | | | | | |  | |
| 12. | Are you or have you ever been barred from work with vulnerable adults? | | | | | | Yes | No |
|  |  | | | | | |  | |
| 13. | Are you currently or have you ever been subject to any formal action as a result of an allegation that your conduct has amounted to, resulted in or put a child and/or vulnerable adult at risk of harm[[12]](#endnote-12)? If yes, please provide details: | | | | | | Yes | No |
|  |  | | | | | |  | |
|  |  | | | | | | | |
|  |  | | | | | |  | |
| 14. | Are you currently or have you ever been subject to a court order either made against you or in relation to you that you have caused harm to a child and/or vulnerable adult, or that a child and/or vulnerable adult was at risk of harm from you? If yes, please provide details and a copy of the court order: | | | | | | Yes | No |
|  |  | | | | | |  | |
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| 15. | This question must be answered in relation to circumstances that have arisen from a child/ren being in your care. If you are an adoptive and/or foster parent and the circumstances either relate to the child/ren’s previous situation, or to the removal/placement/child protection or child in need plan, which formed part of the planned management or transition of the child/ren into your care, then you do not need to answer yes to this question. | | | | | | | |
|  |  | | | | | |  | |
|  | Has a child/ren in your care or for whom you have or had parental responsibility ever been removed from your care, placed by you in care and/or been made subject to a child protection or child in need plan as a result of a safeguarding concern that has arisen whilst the child/ren has been in your care and/or in relation to your provision of their care? If yes, please provide details: | | | | | | Yes | No |
|  |  | | | | | |  | |
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| 16. | Is there any other information that may be considered relevant to the questions in this Confidential Declaration Form, and which may have a bearing on your suitability for the post you are applying for, (i.e. working with children and/or vulnerable adults)? If yes, please provide details: | | | | | | Yes | No |
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| **Declaration**  I declare the above information and that on any additional sheets (number attached: \_\_) is true, accurate and complete to the best of my knowledge. After I have been appointed and during my appointment, I agree to inform the responsible person immediately if my answers to any of the above questions change and provide the relevant details. | | | | | | | | |
|  |  | | | | | |  | |
| Signed: | |  | Date: | | |  | | |
|  |  | | | | | |  | |
| Consent statement (this statement should only be signed if the answer to Question 8. is Yes)  I consent to my details being transferred outside the UK for the purposes of an overseas criminal records check. | | | | | | | | |
|  |  | | | | | |  | |
| Signed: | |  | Date: | | |  | | |
|  |  | | | | | |  | |
| Please return the completed form in a separate, sealed envelope, marked private & confidential to: **[Church Body to complete]** or via secure email to: **[Church Body to complete]** | | | | | | | | |

**References[[13]](#footnote-1)**

Please give the names of **two** people who would be able to provide a reference. They should be people who have known you at least two years, and who are not in your family. If you are employed, one of the referees should be your current employer.

|  |
| --- |
| **Referee 1:** |
| Name |
|  |
| Address |
|  |
| Tel: e-mail address |
| How does this person know you? |
| **Referee 2:** |
| Name |
|  |
| Address |
|  |
| Tel: e-mail address |
| How does this person know you? |

*Before an appointment can be made applicants, who will have substantial contact with children and / or adults experiencing, or at risk of abuse or neglect in their roles will be required to obtain an enhanced criminal record check (with or without a barred list check (as appropriate)) from the Disclosure and Barring Service.*

*All information declared on this form will be carefully assessed to decide whether it is relevant to the post applied for and will only be used for the purpose of safeguarding children, young people and / or adults experiencing, or at risk of abuse or neglect.*

**If a Confidential Declaration form contains information relevant to safeguarding the parish must notify the Safeguarding Team who will risk assess that information and make a recommendation to the parish concerning the suitability of the applicant. The appointment must not go ahead until this is completed. The Risk Assessment in the above circumstances is always the responsibility of the Safeguarding Team Should the applicant not wish the confidential declaration and / or the criminal record disclosure to be seen, which is entirely his / her choice, the application must not proceed further and must be terminated.**

*Please note that the existence of a criminal record will not necessarily prevent a person from being appointed, it is only if the nature of any matters revealed may be considered to place a child and / or an adult experiencing, or at risk of abuse or neglect at risk.*

1. [Eligibility guidance for enhanced DBS checks - GOV.UK (www.gov.uk)](https://www.gov.uk/government/publications/dbs-workforce-guidance) [↑](#endnote-ref-1)
2. Applies to 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’ (PTO), and those seeking ordination training or ordination. [↑](#endnote-ref-2)
3. A Church Officer is anyone appointed/elected by or on behalf of the Church to a post or role, whether they are ordained or lay, paid or voluntary. [↑](#endnote-ref-3)
4. Please note that the ‘rehabilitation periods’ (i.e. the amount of time which has to pass before a conviction etc. can become ‘spent’) have been amended by the Legal Aid, Sentencing and Punishment of Offenders Act 2012. Since 10 March 2014, custodial sentences greater than 4 years are never ‘spent’. For further guidance in relation to the ‘rehabilitation periods’, please see <http://hub.unlock.org.uk/knowledgebase/spent-now-brief-guide-changes-roa/> [↑](#endnote-ref-4)
5. The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013 and 2020) provides that when applying for certain jobs and activities, certain convictions and cautions are considered ‘protected’. This means that they do not need to be disclosed to employers, and if they are disclosed, employers cannot take them into account.

   Convictions:- You do not have to declare any adult conviction where: (a) 11 years (or 5.5 years if under 18 at the time of the conviction) have passed since the date of the conviction; (b) it did not result in a prison sentence or suspended prison sentence (or detention order) and (c) it does not appear on the DBS’s list of specified offences relevant to safeguarding (broadly violent, drug related and/or sexual in nature). **Please note that a conviction must comply with (a), (b) and (c) in order to be filtered**.

   Cautions:- You do not have to declare any adult caution where: (a) 6 years have passed since the date of the caution etc. and (b) it does not appear on the DBS’s list of specified offences. As of 28 November 2020, reprimands, warnings and youth cautions, are automatically filtered. **Please note that a caution etc. must comply with (a) and (b) in order to be filtered.**

   Further guidance is provided by the DBS and can be found at <https://www.gov.uk/government/publications/dbs-filtering-guidance/dbs-filtering-guide> [↑](#endnote-ref-5)
6. <https://www.nacro.org.uk/> <https://unlock.org.uk/> [↑](#endnote-ref-6)
7. [DBS sample policy on the recruitment of ex-offenders - GOV.UK (www.gov.uk)](https://www.gov.uk/government/publications/dbs-sample-policy-on-the-recruitment-of-ex-offenders) [↑](#endnote-ref-7)
8. [Home-based position definition and guidance - GOV.UK (www.gov.uk)](https://www.gov.uk/government/publications/dbs-home-based-positions-guide/home-based-position-definition-and-guidance) [↑](#endnote-ref-8)
9. Please inform relevant members of your household that you have included their details on this form (if applicable) and give them a copy of the Privacy Notice. [↑](#endnote-ref-9)
10. [Keeping children safe in education - GOV.UK (www.gov.uk)](https://www.gov.uk/government/publications/keeping-children-safe-in-education--2) [↑](#endnote-ref-10)
11. [New disclosure and barring services - GOV.UK (www.gov.uk)](https://www.gov.uk/government/publications/new-disclosure-and-barring-services) [↑](#endnote-ref-11)
12. ‘harm’ involves ill-treatment of any kind including neglect, physical, emotional, financial or sexual abuse, or impairment of physical or mental health development. It will also include matters such as a sexual relationship with a young person or adult for whom an individual had pastoral responsibility or was in a position of respect, responsibility or authority, where he/she was trusted by others. It also includes domestic abuse.

    **Privacy Notice**

    This notice explains how the information you supply in your Confidential Declaration is used and your rights with respect to that data as required by the General Data Protection Regulation 2016/679 (the “GDPR”) and the Data Protection Act 2018, (the “DPA 2018”).

    [Prior to use, the diocese/PCC/Church Body should amend as appropriate the areas highlighted. If you are unsure, please seek advice from your Data Protection Officer as appropriate]

    **1. Who I/we are**

    [*Insert name and address of data controller – this is the person/body who decides the purposes for which and the manner in which personal data will be processed. In the case of the Confidential Declaration, the data controller will depend on the nature of the position/role applied for, for instance, it could be the diocesan bishop, if clergy; or it could be a diocesan body, if a diocesan volunteer or employee; or it could be the PCC, if a parish volunteer. You should take advice from the lead contact in the diocesan office if you are unsure*] am/are the data controller (contact details below). This means I/we decide how your personal data is processed and for what purposes.

    **2. The data [*we/I*] collect about you**

    I/we collect your name and address as provided by you in the Confidential Declaration Form, and where applicable, relevant conduct data and/or criminal offence data (including allegations); barring data; court findings or orders.

    We also collect the following information about other individuals living or employed in your household who are over 16 years old, where applicable (see section 3, headed “Purposes and lawful bases for using your personal data” paragraph 3):

    * criminal offence data (including allegations); barring data; court findings or orders.

    It is our expectation that you will inform these individuals that you have put their details on the CD form, and that you explain the reason for this.

    3. Purposes and lawful bases for using your personal data

    The overall purpose of the confidential declaration is to ensure that I/we take all reasonable steps to prevent those who might harm children or adults from taking up positions of respect, responsibility or authority where they are trusted by others in accordance with the Safer Recruitment: Practice Guidance (2016).

    We use your data for the following purposes and lawful bases:

    1. Appointing individuals to positions of respect, responsibility or authority where they are trusted by others.
    2. For the Diocesan Safeguarding Adviser to conduct a risk assessment where applicant discloses information on the form.
    3. Collect information about members of your household for the purpose of undertaking a Disclosure and Barring Service check on them if you have applied for a role where you work from home with children.

    It is the legitimate interest of [*insert name of the data controller*] to ensure that only appropriate individuals are appointed to certain positions, as established by the Promoting a Safer Church - House of Bishops Policy Statement (2017). We also need to be assured that no member of your household poses any risk.

    It is also necessary for reasons of substantial public interest in order to prevent or detect unlawful act and protect members of the public from harm, including dishonesty, malpractice and other seriously improper conduct or for the purposes of safeguarding children and adults at risk. (Safer Recruitment Practice Guidance (2016)).

    **Legitimate Interest Assessment**

    |  |  |
    | --- | --- |
    | [*I/we*] have a specific purpose with a defined benefit | The processing is an essential part of safer recruitment, to ensure that individuals appointed to positions of respect, responsibility or authority where they are trusted by others are properly vetted and pose no risk to children, vulnerable adults or the wider public. |
    | The processing is necessary to achieve the defined benefit. | Without processing this data, there would be no assurance that suitable individuals are being appointed. |
    | The purpose is balanced against, and does not override, the interests, rights and freedoms of data subjects. | The risk of significant harm to others if inappropriate appointments are made outweighs the low risk to individuals of disclosing the data to us. |

    For a copy of the full Legitimate Interest Assessment, please contact us on the details included in section 7 headed “Complaints”.

    **4. Sharing your data**

    Your personal data will be treated as strictly confidential and will only be shared with those involved in the recruitment/appointment process and, where appropriate, the Diocesan Safeguarding Adviser. It may be shared outside the Church for the prevention or detection of an unlawful act; to protect members of the public from harm or safeguarding purposes, or as required by law, under Schedule 1, Part 1, Part 2 or Part 3 (as appropriate) of the Data Protection Act 2018, with the following:

    * Police
    * Children’s or Adults Social services in Local Authorities
    * Statutory or regulatory agencies, (e.g. the DBS)

    **5. Data Retention**

    [I/we] keep your personal data, if your application is successful, for no longer than reasonably necessary for the periods and purposes as set out in the retention table below at the following link:

    <https://www.churchofengland.org/sites/default/files/2017-10/safeguarding_records-_retention_tool_kit_-dec_15_002_0.pdf>

    If your application isn’t successful, your data will be held for 6 months after the recruitment process ends, and then destroyed.

    **6. Your Legal Rights and Complaints**

    Unless subject to an exemption under the GDPR or DPA 2018, you have the following rights with respect to your personal data: -

    * The right to be informed about any data we hold about you;
    * The right to request a copy of your personal data which we hold about you;
    * The right to request that we correct any personal data if it is found to be inaccurate or out of date;
    * The right to request your personal data is erased where it is no longer necessary for us to retain such data;
    * The right, where there is a dispute in relation to the accuracy or processing of your personal data, to request a restriction is placed on further processing;
    * The right to object to the processing of your personal data
    * The right to obtain and reuse your personal data to move, copy or transfer it from one IT system to another. [*only applicable for data held online*]

    7. Complaints

    If you have any questions about this privacy policy, including any requests to exercise your legal rights, please contact us using the details set out below.

    [*insert contact details*]

    If you do not feel that your complaint has been dealt with appropriately, please contact [*Insert contact details of Data Protection Officer or equivalent position in the NCI/Diocese*].

    You also have the right to lodge a complaint with the Information Commissioners Office. You can contact the Information Commissioners Office on 0303 123 1113 or via email [*https://ico.org.uk/global/contact-us/email/*](https://ico.org.uk/global/contact-us/email/) or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire. SK9 5AF. [↑](#endnote-ref-12)
13. 7 Referees contact details should be provided and references applied for when a person first applies for a position in the parish. Although completion of the confidential declaration form is repeated every 3 years the references do not need to be – **Unless there has been a break in service or a change in a person’s role and responsibilities.** [↑](#footnote-ref-1)