



The Safeguarding Committee Report to the General Assembly 2019 included the following deliverance:

*Instruct Kirk Sessions to conduct Basic Disclosure checks on all individuals (regardless of their employment status) in their congregation in leadership roles and/or positions of trust, including but not limited to organists, church officers/caretakers and café workers, where their duties may involve contact with vulnerable groups as referred to in the Protection of Vulnerable Groups (Scotland) Act 2007.*

This deliverance is also applicable to posts in the Presbytery of England. References to the Disclosure and Barring Service (DBS) are relevant to the Presbytery of England.

There is a group of people within congregations who do not require PVG Scheme Membership because they do not do regulated work with vulnerable groups.

Often such roles are leadership roles, or roles which involve significant perceived levels of trust and responsibility and interaction with children and other vulnerable people. This provides a context where harm can occur.

It is the long experience of the Safeguarding Committee that posts such as Organists, Church Officers/Caretakers and Café Workers are perceived as having positions of leadership or trust.

As such they should have the added protection of a Basic Disclosure Check. This is in the best interests both of the people they come into contact with in the course of their work and of themselves.

### What is a Basic Disclosure check?

Anyone can apply for a Basic Disclosure check. A Basic Disclosure Certificate will show any unspent criminal convictions an applicant may have.

### What is the difference between a Basic Disclosure check and Protection of Vulnerable Groups (PVG) check/Disclosure and Barring Service (DBS) check?

A Basic Disclosure check is for roles that **do not** involve regulated work/regulated activity.

An applicant applies for a PVG check if the role involves regulated work with children and/or protected adults. Please refer to the Safeguarding Handbook and the tables 'Determining PVG Scheme membership' for more information.

An applicant applies for a DBS check if the role falls within the definition of regulated activity. Please refer to the Safeguarding Handbook for more information.

### Which roles require a Basic Disclosure check?

A Basic Disclosure check can be carried out for paid and voluntary roles. Including the roles in the deliverance, other roles such as administrator, cleaner, beadle etc. will also require a Basic Disclosure check where the duties may involve contact with/access to children and/or protected adults. The roles of church officer/caretaker also include the role of hall keeper.

A congregation can use the following two step process to determine if an applicant in a leadership role and/or position of trust requires to apply for a Basic Disclosure check in the Church of Scotland –

- The role may involve contact with or access to children and/or protected adults.
- Is applying for a Basic Disclosure check for this role proportionate?

Safeguarding Panels/Kirk Sessions should use their discretion in relation to which roles require a Basic Disclosure check as they are able to look at the role/job description, the duties, the type of contact with vulnerable groups, the amount of access to vulnerable groups and the location/layout of the building.

## Case Studies

### Church Officer

A church officer has access to the building/rooms where groups are being held. The church officer will also be in the church when children and protected adults are in the corridors, maybe on their way to the group or the toilet. A Basic Disclosure check is required.

### Café Workers

A café worker who prepares food in the kitchen and they have no contact with vulnerable groups. A Basic Disclosure check is not required.

A café worker serves food to everyone in the café. A group for those with dementia and a parent and toddler group eat in the café. The café worker is working when these groups attend the café; they serve their food and are well known by those in the groups. The worker is not doing regulated work with the protected adults or children as they are not teaching, instructing or training and the workers/parents are present. However, the café worker has regular contact with and could have access to vulnerable groups due to the layout of the café/corridors/toilets. A Basic Disclosure check is required.

### Do Safeguarding Panel members require a Basic Disclosure check?

The Safeguarding Panel member role does not require an assessment to determine if a Basic Disclosure check is required as the role always requires a check. However, if the applicant already has PVG Scheme membership for at least one workforce through the Church of Scotland they do not need to apply for a Basic Disclosure check. Further information is included at the end of this document.

A Safeguarding Panel member who didn't apply for a Basic Disclosure check because they had a PVG with the Church of Scotland will require to apply for a Basic Disclosure check if they stop undertaking regulated work. The Basic Disclosure check should be carried out after two years of stopping regulated work.

### Is retrospective checking being carried out?

Retrospective Basic Disclosure checking is not being carried out. However, Kirk Sessions can ask a worker in post to undertake a Basic Disclosure check.

### What is the recruitment process for those applying for a Basic Disclosure check?

Please refer to the safe recruitment section in the Safeguarding Handbook. The applicant should be recruited for the role and will complete the Basic Disclosure Certificate Undertaking form (SG23).

The SG23 will be retained by the Safeguarding Coordinator and the Safeguarding Service may ask for a copy. If the SG23 relates to an unsuccessful candidate, it should be retained for 6 months then disposed of in a secure/confidential manner. If the SG23 relates to a successful candidate, it should be retained for the duration of employment + 6 years.

Please note that a Self-Disclosure form is not required.

The applicant will apply for a Basic Disclosure check, see information below. When the applicant receives their Basic Disclosure Certificate, they will follow the process on the Basic Disclosure Certificate Undertaking form (SG23).

The Church of Scotland requires applicants to provide a criminal record certificate, where available, from their government or an appropriate government/police agency of any country (excluding the UK) where they have lived for 12 months or more (whether continuous or in total), in the 10 years before their application, while aged 18 or over.

If either or both of these statements applies to the applicant, they must obtain an official statement from the country(ies) concerned. The police check should cover the entire country, not just one state or province. For example, an FBI clearance is required for the USA and RCMP clearance is required for Canada. If available, an enhanced police check should be applied for.

The overseas police check(s) should be forwarded (with the SG25) to the Safeguarding Service. Paper copies of the overseas police check(s) will be returned to the applicant.

The Safeguarding Service will risk assess any conviction information contained on an overseas police check or a Basic Disclosure Certificate. Please refer to the Basic Disclosure Certificate Undertaking form (SG23).

For cases where overseas police check(s) are required or conviction information is contained on an overseas police check or Basic Disclosure Certificate, an applicant must not be put in to post until the Safeguarding Coordinator receives a clearance email from the Safeguarding Service.

If no police check is required and the Basic Disclosure is clear, an applicant must not be put in to post until the Basic Disclosure Certificate has been received and viewed/checked by the Safeguarding Coordinator.

The Basic Disclosure Record Form (SG25) is completed by the applicant and the Safeguarding Coordinator. The Safeguarding Coordinator will send the form to the Safeguarding Service by email. The Safeguarding Service will add a record to the safeguarding database and email the Safeguarding Coordinator with confirmation.

A Basic Disclosure check is recorded on the Congregational Register. The Disclosure number is not required.

The appointment is noted in the Kirk Session minutes once an individual has been recruited and the Basic Disclosure is complete.

### Is safeguarding training required?

Safeguarding training is mandatory for those undertaking regulated work and in certain other roles, for example Safeguarding Panel Member. For full details refer to the Training Pathways laid out in the [2022 Safeguarding Deliverance to the General Assembly](#).

All workers in the Church of Scotland are encouraged to attend a safeguarding training course. If an applicant wishes to attend, they can speak to their local safeguarding coordinator who can liaise with the presbytery or Safeguarding Service about upcoming training dates.

### How do I apply for a Basic Disclosure check and what identification information is required?

Work in Scotland: <https://www.mygov.scot/basic-disclosure/overview/>

Work in England: <https://www.gov.uk/request-copy-criminal-record>

### How much does it cost and how long will it take?

The cost of the Basic Disclosure check in Scotland is £25 and in England it is £18 which is payable by the applicant. However, the congregation may decide to reimburse the applicant. The process will usually take two weeks.

### Will an applicant require to complete another Basic Disclosure Certificate?

A Basic Disclosure check should be completed every **two years**. The Safeguarding Coordinator will be able to use the information on the Congregational Register to monitor when another Basic Disclosure check is required.

### An applicant already has a Basic Disclosure check; can this be used by the applicant for the new role?

An applicant will usually be required to apply for a new Basic Disclosure check at the time of recruitment for the new role. However, the applicant can contact the Safeguarding Service for specific advice on their circumstances.

### An applicant has a PVG Certificate; can this be provided to the Safeguarding Coordinator instead of applying for a Basic Disclosure check?

If an applicant already has PVG Scheme membership because they are currently undertaking regulated work within the Church of Scotland for either children or protected adults, they do not require any additional criminal record checks when considering another role that usually requires a Basic Disclosure check.

This is because any information that Disclosure Scotland provide on a Basic Disclosure certificate would also have been included in a PVG certificate for either protected groups.

However, the Safeguarding Coordinator must confirm the PVG status of the individual with the Safeguarding Service before they take on the new role even if the individual is able to show them their PVG certificate.

In addition, there is no requirement to subject the individual to a formal interview or request references as their good character has already been determined through the recruitment process for regulated work.

However, the Safeguarding Coordinator must provide the individual with a role description and meet with them to discuss the expectations of the role and decide together if the individual is capable of carrying out the task required.

Applicants who are carrying out regulated work within a Church of Scotland Presbytery outwith Scotland, and have undergone the required alternative checks i.e. DBS or government agency criminal record checks, do not have to undertake a re-check for another role. They should continue to apply for the recheck in line with the normal timescales. They should also meet with the Safeguarding Coordinator before taking up the new role as described above.

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*If you have any further questions on this guidance, please contact the Church of Scotland Safeguarding Service.*

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