

Basic Disclosure Guidance

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.

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 Safeguarding Handbook 2 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 Safeguarding Handbook 2, appendix 1 and 2 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 job description, the workers 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.

Are there other roles which will always require a Basic Disclosure check?

Yes, the role of Safeguarding Panel member will always require a Basic Disclosure check.

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?

This guidance should be read in consultation with our handbook regarding safe recruitment http://www.churchofscotland.org.uk/__data/assets/pdf_file/0018/13338/Safeguarding_handbook_2.pdf

The applicant will 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-Declaration 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).

It is recommended as good practice for the applicant to forward overseas police checks to the Safeguarding Coordinator if they were born and have lived overseas until adulthood or if they have spent three months or more (in a single period) in a non-UK Country in the last 5 years.

We would advise including the individual's name and note that the Basic Disclosure check has been undertaken on the Congregational Register. A record of the Disclosure number is not required.

The appointment should be noted in the Kirk Session minutes once an individual has been recruited into a new role and the Basic Disclosure is complete.

Is safeguarding training required?

Attending a safeguarding training course is not mandatory for those undertaking roles which require a Basic Disclosure check to be completed. However, a worker is welcome to attend a safeguarding training course.

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 £23 which is payable by the applicant. However, the congregation may decide to reimburse the applicant. The process will usually take two weeks.

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

No, an applicant should apply for a new Basic Disclosure check at the time of recruitment.

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

An applicant can show their PVG Certificate to their Safeguarding Coordinator instead of applying for a Basic Disclosure check if their PVG Certificate is for work with **both** children and protected adults in a Church of Scotland congregation.

If an applicant has a DBS Certificate for work in a Church of Scotland congregation they are unable to show this to the Safeguarding Coordinator and should apply for a Basic Disclosure check.

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

* Disclosure and Barring Service (DBS) is relevant to the Presbytery of England.