

Confidential Declaration Form

for roles meeting the criteria for an enhanced Disclosure & Barring Service check

Confidential Declaration Form and [Privacy Notice](#) Guidance

This form must be completed by all applicants for roles engaging in regulated activity¹ or roles working/ having substantial contact with children and/or vulnerable adults. This includes all Clergy², as well as all Church Officers³ 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** spent⁴ convictions and adult cautions that are not protected⁵ (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 Unlock⁶, 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 place⁷. 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 \(www.gov.uk\)](#)

The Privacy Notice can be found [HERE](#) and 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).

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:

Section B

Please fully complete all relevant sections.

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)?
- Yes ☐ No ☐
- If yes, please provide details:

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?
- 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:
- 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 ☐

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 |
| ☐ | ☐ |

9. Does your role involve engaging in regulated activity with children?

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?

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? 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 |
| ☐ | ☐ |

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

☐

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

☐

Declaration

I declare the above information and that on any additional sheets is true, accurate and complete to the best of my knowledge.

After I have been appointed and during my appointment, I agree to inform my Bishop/ Archdeacon / Incumbent (Clergy) or Line Manager (employees) or responsible person (volunteers) 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 via the secure email to parish.office@stclements.org.uk

¹ [Eligibility guidance for enhanced DBS checks - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/eligibility-guidance-for-enhanced-dbs-checks)

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.

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.

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/>

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>

⁶ <https://www.nacro.org.uk/> <https://unlock.org.uk/>

⁷ [DBS sample policy on the recruitment of ex-offenders - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/db-s-sample-policy-on-the-recruitment-of-ex-offenders)