

FORM 5

Version 2



SELF DECLARATION FORM FOR A POSITION REQUIRING A DISCLOSURE

Strictly Confidential

As a church we undertake to meet the requirements of the Data Protection Act 1998 and all other relevant legislation, and the expectations of the Information Commissioners Office relating to the data protection of individuals. All applicants are asked to complete this form and return it in a separate sealed envelope to:

Elizabeth Hebson / Graham Hooke

(name of person in church [Recruiter] responsible for processing Criminal Records Disclosure checks)

Name: _____

Address: _____

Appointment applied for: _____

Have you ever been charged with, cautioned or convicted in relation to any criminal offence not subject to DBS filtering rules (see box below); or are you at present the subject of a criminal investigations/pending prosecution?

Yes No (please tick)

<p style="text-align: center;"><u>Filtering rules for criminal record check certificates</u></p> <p>For those 18 or over at the time of the offence: An adult conviction will be removed from a DBS criminal record certificate if:</p> <ul style="list-style-type: none">• 11 years have elapsed since the date of conviction; <u>and</u>• it is the person's only offence, <u>and</u>• it did not result in a custodial sentence. <p>Even then, it will only be removed if it does not appear on the list of offences relevant to safeguarding. If a person has more than one offence, then details of all their convictions will always be included. An adult caution will be removed after 6 years have elapsed since the date of the caution – and if it does not appear on the list of offences relevant to safeguarding.</p> <p>For those under 18 at the time of the offence:</p> <ul style="list-style-type: none">• The same rules apply as for adult convictions, except that the elapsed time period is 5.5 years• The same rules apply as for adult cautions, except that the elapsed time period is 2 years.
--

If yes, please give details including the nature of the offences and the dates. Please give details of the court(s) where your conviction (s) were heard, the type of offence and sentence(s) received. Could you also give details of the reasons and circumstances that led to the offence(s). Continue on a separate sheet if necessary.

Police Investigations

This should include relevant police non-conviction information. Please complete this section if the post you are applying for requires an Enhanced Disclosure check.

Have you ever been the subject of a police investigation that didn't lead to a criminal conviction?

Yes No (please tick)

If yes, please give details below, including the date of the investigation, the Police Force involved, details of the investigation and the reason for this, and disposal(s) if known.

To your knowledge have you ever had any allegation made against you, which has been reported to, and investigated by, Social Services/Social Work Department (Children's or Adult Social Care)?

Yes No (please tick)

If yes, please provide details, we will need to discuss this with you.

Has there ever been any cause for concern regarding your conduct with children, young people, vulnerable adults? Please include any disciplinary action taken by an employer in relation to your behaviour with adults.

Yes No (please tick)

If yes, please give details.

Declaration

To help us ensure that we are complying with all relevant safeguarding legislation, please read the accompanying notes and complete the following declaration.

I (full name) _____ of (address) _____

I consent to a criminal records check if appointed to the position for which I have applied. I am aware that details of pending prosecutions, previous convictions, cautions, or bindovers against me may be disclosed along with any other relevant information which may be known to the police.

I agree to inform the person within the place of worship/organisation* responsible for processing disclosure applications if I am convicted of an offence after I take up any post within the place of worship/organisation*. I understand that failure to do so may lead to the immediate suspension of my work with children or vulnerable adults and/or the termination of my employment.

I agree to inform the person within the place of worship/organisation* responsible for processing disclosure applications if I become the subject of a police and/or a social services/(Children's Social Care or Adult Social Services)/Social Work Department investigation. I understand that failure to do so may lead to the immediate suspension of my work with children or vulnerable adults and/or the termination of my employment.

Signed: _____ Date: _____

Those applying for work with children and/or vulnerable adults in positions which fall within the scope of regulated activity please confirm that you are not barred from working with children/vulnerable adults. I confirm that I am not barred from working with children / vulnerable adults.

Signed: _____ Date: _____

NB: Those applying for work with children and/or vulnerable adults in positions which fall outside the scope of regulated activity should not complete the last declaration above.

LEGALESE – ATTACHED NOTES

The Disclosure of any offence may not prohibit employment. Please refer to our Rehabilitation of Offenders Policy.

As this post involves substantial, unsupervised contact with children, young people and/or vulnerable adults all applicants who are offered an appointment will be asked to submit to a criminal records check before the position can be confirmed. You will be asked to apply for an Enhanced Disclosure through the Disclosure and Barring Service (DBS) (England & Wales), SCRO (Scotland), ACCESS NI (Northern Ireland).

As the position is exempted under the Rehabilitation of Offenders Act this check will reveal any details of cautions, reprimands or final warnings, as well as formal convictions. Because of the nature of the work for which you are applying, this position is exempt from the provision of section 4(ii) of the Rehabilitation of Offenders Act 1974 (Exemptions Orders as applicable within the UK), and you are not entitled to withhold information about convictions which for other purposes are 'spent' under the provisions of the Act. You must therefore declare all convictions whenever they occurred. In the event of appointment, any failure to disclose such convictions could result in the withdrawal of approval to work with children or vulnerable adults within the church/organisation.

This process is subject to a strict code to ensure confidentiality, fair practice and security of any information disclosed. The DBS/SCRO/PVA (NI) Service Code of Practice and our own procedures are available on request for you to read. It is stressed that a criminal record will not necessarily be a bar to appointment, only if the nature of any matters revealed

could be considered to place children or vulnerable adults at risk. As a place of worship/organisation we agree to abide by the Code of Practice on the use of personal data in employee/employer relationships under the Data Protection Act 1998 as well as the expectations of the DBS/SCRO/ACCESS NI Service.

As a condition of employment we ask that you keep us informed of any other work (either paid or voluntary) which you are undertaking which involved working with children or vulnerable adults. Should ever we need to refer an individual to any of the lists of people deemed unsuitable for working with children or vulnerable adults then we would also inform them of any knowledge we have of that individual working in any other capacity with children/vulnerable adults.

* delete where appropriate

Notes for England, Wales & Northern Ireland Only - Children and Young People

Under the Protection of Freedoms Act 2012 it is an offence for any organisation to offer employment to anyone who has been convicted of certain specific offences, or included on either of the two barred lists held by the Disclosure and Barring Service.

Where the post falls within the scope of regulated activity (as defined by the DBS, under the Safeguarding Vulnerable Groups Act 2006 and the Protection of Freedoms Act 2012) an enhanced with barred list check will be completed. Those working with children and / or vulnerable adults in posts which fall outside the scope of regulated activity may still be eligible for an enhanced disclosure WITHOUT a barred list check.

The DBS was established under the Protection of Freedoms Act 2012 and merges the functions previously carried out by the Disclosure and Barring Service (CRB) and Independent Safeguarding Authority (ISA). The DBS came into existence on 1st December 2012. The DBS offers both an enhanced check and for those engaged in regulated activity an enhanced with a barred list check.

DBS Eligibility from: <http://www.homeoffice.gov.uk/publications/agencies-public-bodies/dbs/dbs-checkingservice-guidance/eligibility-guidance>

© CCPAS 2013. For use by CCPAS member organisations only - not for reproduction outside.

Notes for Scotland Only - Children and Young People

Under the Protection of Children (Scotland) Act 2003 it is an offence for any organisation to offer employment to anyone who has been convicted of certain specific offences, or included on the List (outlined in Section 1 of the Act) or:

- Those included (other than provisionally) in the Disqualified from Working with Children List established under Section 1 (1) of the Protection of Children (Scotland) Act 2003;
- Individuals considered unsuitable to work with children in the List kept under the Protection of Children Act 1999; [Now DBS List]
- Individuals prohibited from teaching under Section 142 of the Education Act 2002, held on the DfE List 99.[Now DBS List]
- Individuals subject to a Disqualification Order within the meaning of the Criminal Justice and Court Services Act 2000.

Under the Protection of Children (Scotland) Act 2003 (Section 11) it is an offence for an individual who is disqualified from working with children (as outlined above) from applying for, offering to do, or accepting any work in a child care position.

The Protecting Vulnerable Groups Scheme (PVG Scheme), which is administered by Disclosure Scotland delivers on the provisions outlined in the Protection of Vulnerable Groups (PVG) (Scotland) Act 2007 by:

- help to ensure that those who have regular contact with children and protected adults through paid and unpaid work do not have a known history of harmful behaviour,
- be quick and easy to use, reducing the need for PVG Scheme members to complete a detailed application form every time a disclosure check is required,
- strike a balance between proportionate protection and robust regulation and make it easier for employers to determine who they should check to protect their client group.

Ref: <http://www.disclosurescotland.co.uk/>