

Scope of the Safer Recruitment and People Management Guidance

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Scope of this document

This guidance is intended to sit alongside and work in conjunction with Human Resources (HR) policies and procedures that may already be in place within the Church body, (whether at a parish, diocesan or NCI level). Bodies must be mindful of the fact that there are HR-related elements not addressed in this guidance as its focus is the safeguarding activity involved with recruitment and people management. Other aspects of HR practice that should be considered include, for example, Diversity, Equality, Data Protection, Employment Law.

The Requirements in this guidance must be followed for the appointment of all roles within a Church body that involve substantial¹ contact with children and/or vulnerable adults, for example, members of the clergy authorised to officiate, Readers/Licensed Lay Ministers (LLMs), lay workers, youth workers, employees and volunteers². The guidance also applies to relevant roles that are performed outside of England, for example where individuals belonging to a Church body participate in overseas/link work. It will also apply to those from other countries who are coming to work in a relevant role and includes exchange programmes.

Elected Roles

For those elected to an office, e.g. churchwarden, member of parochial church council (PCC), see the section on [Elected Roles](#) below.

Clergy Appointments

For the appointment of clergy, this document should be used in conjunction with [the Guidelines on Parochial Appointments 2015](#), as well as the Episcopal Reference and Clergy Current Status Letter Guidance Notes which can be obtained from [the National Church Institution's Clergy HR Team](#).

Some clergy may be employees of Diocesan Boards of Finance (DBF) or Theological Education Institutes (TEI). However, if the role is being carried out by someone who is ordained, then that person will need to be authorised by the Bishop in order to be able to exercise a ministry. This will be done by either providing them with an office (including the issuing of general licence) or granting Permission to Officiate (PTO), in which case this document should be used in conjunction with the House of Bishop's policy and procedures for issuing a licence or granting PTO.

Lay Ministers

For the appointment of lay ministers who are licensed (including Readers and LLMs) this document should be used in conjunction with any diocesan regulations that cover these roles.

Third-Party Suppliers

The Requirements must also be applied to engagement with third parties (for example, a partner organisation/charity, use of agency staff & contractors, ecumenical projects and/or in multi-denominational contexts). The values described in 'Promoting a Safer Church' must be reflected in any agreements or contracts made with third parties and Church bodies must assure themselves that safer recruitment processes and people management standards have and will be followed by the third party and are compliant with the Requirements detailed in this policy.

Terminology

It is recognised that the exact terminology used in respect of one type of role (e.g. "supervisor", "manager", "employer") will not be appropriate to another sort of role and different terminology might be needed. For example, to avoid over-complexity, this policy uses terminology such as "employer" and/or "volunteer" in order to explain what is required whilst recognising that for some roles other terms are required/more appropriate, (for instance it is recognised that clergy are not employees but "office holders").

Proportionate Processes

The Church of England is a complex collection of different organisations with many different roles, paid as well as voluntary. As such, specific appointment processes will vary depending on the exact scope and function of each role as they will need to be **proportionate** to the degree of safeguarding risk and responsibility. For example, the role description for some volunteer positions might be briefer than for an employed position; the range of questions in an interview for some volunteer positions might be more limited than for other volunteer positions with more complex safeguarding responsibilities (e.g. Support / Link Person roles). The "advertising" for a Diocesan Safeguarding Adviser (DSA) or National Safeguarding Team (NST) role will be more substantial than when a parish is seeking volunteers.

Key Principles and Practices

Nevertheless, the key principles and practices detailed in this guidance should be made to apply to all positions in the Church of England which involve substantial contact with children and/or vulnerable adults. Failure to apply these principles and practices exposes children and vulnerable adults to greater risk of abuse by people who will target and exploit inadequate safeguards. Church Officers³ must be vigilant to the nature and reality of grooming behaviour. It is recognised that this will pose challenges for some Church bodies but compromising the safety of children and vulnerable adults by not following these principles and practices is not an acceptable response if the Church wants safeguarding to be part of its DNA. Church Officers must not elevate the desire to undertake an activity above the need to do that activity safely.

Irrespective of the specific processes and terminology used for particular roles, the critical elements that must be present in arrangements for the appointment and subsequent continued oversight processes for all roles involving substantial contact with children, young people and vulnerable adults are set out below.

1. Assessment of the role by the Church body to establish and define the level and nature of contact with children, young people and vulnerable adults that the role has so that there is a clear understanding of the safeguarding dimensions, issues and risks
2. This assessment can then be used to:
 - confirm the level of DBS check required in compliance with the DBS eligibility criteria
 - decide what other pre-appointment checks are required before someone starts a role
 - inform the content of a role description and person specification
 - ensure safeguarding messages are present in any advertising/recruitment process
 - ensure the selection process does explicitly explore safeguarding issues with applicants to the role, including people's understanding and experience of safeguarding, and motivation for wanting a role involving contact with children, young people and vulnerable adults
 - determine the level of training requirement.
3. A selection process, which will include an interview as a minimum, with some roles requiring other assessment procedures
4. Written references are taken up
5. A Church of England Confidential Declaration form is completed by the applicant (where an enhanced/enhanced + barred list/s DBS is required)
6. Appointment decisions are informed by someone with the relevant level of safeguarding expertise for the role (i.e. they must have at least the same level of training – if the role needs Foundation level training, someone who has that level should be involved)
7. Once appointed:
 - it is clear to whom someone is accountable
 - there are arrangements in place for the continued support and oversight of that person which ensure the safeguarding dimensions of his/her role are kept in view and actively discussed
 - arrangements are made for the person to receive the level of safeguarding training relevant for the role.

Elected Roles

There are a number of roles where individuals are elected to various positions within the Church of England, this includes Parochial Church Council (PCC) members and churchwardens. Even if an individual, as part of their elected role, will be working with children and/or vulnerable adults, the appointment to an elected office is not conditional upon the receipt of satisfactory criminal record checks or references and once elected, the person concerned is validly elected to his/her office⁴.

Prior to the election, a declaration must be made by the candidate that he/she is not disqualified⁵. This declaration must be properly scrutinised by the responsible person (see [Section 1: Responsibilities](#)).

Following the election, consideration should be given as to whether the individual, as part of their elected role, will be working with children and/or vulnerable adults. If yes, then the Requirements should be followed and such work not undertaken until all appropriate checks have been completed. If the DBS certificate gives a blemished result or a reference contains information that indicates that an individual may be a risk to children and/or vulnerable adults, then consideration will need to be given to the action that must be taken as a consequence. This may include whether or not the relevant individual is disqualified (see below). In any event, advice must be sought from the Diocesan Registrar and the Diocesan Safeguarding Adviser (DSA) as to what action would be appropriate.

The [Safeguarding & Clergy Discipline Measure 2016](#) amended the relevant current legislation (i.e. the [Churchwardens Measure 2001](#) and the [Church Representation Rules](#), which form part of the [Synodical Government Measure 1969](#)) so that an individual is disqualified from being chosen for the office of churchwarden or “nominated, chosen or elected or from serving as a member of a parochial church council, a district church council or any synod” or from acting as “secretary or treasurer of a parochial church council” if an individual is found to be on any DBS barred list. In addition, there are further provisions that disqualify individuals from the aforementioned roles if found to be convicted of an offence contained in [Schedule 1 of the Children and Young Persons Act 1933](#). This particular disqualification can be waived by the bishop.

In the vast majority of cases, it will not be possible to check whether a PCC member or churchwarden is on the DBS barred lists. This is because a body can only carry out an Enhanced DBS with barred list check, if an individual is/will be engaging in “regulated activity”. “Regulated activity” is narrowly defined in the [Safeguarding Vulnerable Groups Act 2006](#) (as amended) and generally neither churchwardens nor PCC members will be engaging in such activity. It is, therefore, recognised that the current legislation relies on self-disclosure by an individual and is thus limited in its effectiveness at preventing individuals on any barred list from becoming PCC members and/or churchwardens etc.

Definitions

For Definitions, please refer to the main [Safeguarding Children, Young People and Vulnerable Adults Policy](#).

Data Protection

It is each Church body's responsibility to ensure that their entire safer recruitment and people management process is compliant with current data protection legislation. This begins from the point at which personal data belonging to a candidate is collected, through to how this is disposed of, deleted or erased.

Any personal data processed during the recruitment and selection process will need to be covered in a privacy notice, which must be supplied to applicants at the start of the process so they know exactly what data will be processed and why, (i.e. for what purpose(s)) and related matters, such as the lawful basis/bases for processing such data, who it will be shared with, how long it will be retained and a person's rights in relation to such data. If this information is to be retained once a person is appointed, this will either need to be included in the same privacy notice or a further privacy notice given to appointed candidates when they commence in a role.

Whilst this Guidance signposts where data protection considerations should be incorporated into practice at appropriate points, it is not a data protection policy and bodies must refer to local data protection policies and procedures, seeking guidance and advice from those responsible for data protection for the given body.

1 In practical terms, what is trying to be established here is a difference from “casual contact” of the type a shopkeeper would have with children and vulnerable adults. Shopkeepers are likely to come across all types of people whilst working in their shop. The fact that they might come into contact with the vulnerable would not be enough for them to be eligible for an enhanced check and the same principle should be applied to all roles. An enhanced check cannot be carried out just because a role might come into contact with a vulnerable person, (i.e. children or vulnerable adult). In the past, this has been referred to by Government officials in relation to eligibility as the “shopkeeper test”.

2 There is no legal definition of a volunteer ([How to ensure that volunteers and interns do not acquire employment rights \(pinsentmasons.com\)](#)), however, the NCVO defines volunteering as “any activity that involves spending time, unpaid, doing something that aims to benefit the environment or someone (individuals or groups) other than, or in addition to, close relatives. Central to this definition is the fact that volunteering must be a choice freely made by each individual.” [NCVO – Volunteering](#)

3 “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 unpaid.

4 In practical terms, if it is discovered after the election that the person is barred or have committed a relevant offence, consideration can then be given to what action to take in consequence. That might be that the person is disqualified so his/her seat will be vacated but it could also mean that the Bishop considers using his/her waiver, if not barred but has committed an offence contained in Schedule 1 Children and Young Persons Act 1933.

5 In accordance with the [Church Representation Rules](#) or [Churchwardens Measure 2001](#) (as amended), whichever the case may be.

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