Section 9: Disclosure & Barring Service (DBS)

The table below categorises roles and their DBS eligibility. The lists are *indicative and not exhaustive* due to the complexity of the Church of England and local variations in approaches, titles and roles (e.g. different roles can be called the same thing and vice versa).

If Church bodies have a query on the eligibility for a particular role, then all formal legal advice on which they intend to rely should be sought from their diocesan registrar or their own lawyer.

If an umbrella body is used (e.g. 31:8), then they may able to assist with eligibility queries. The DBS's own eligibility guidance can be found here: https://www.gov.uk/government/collections/dbs-eligibility-guidance

The DBS also provides a customer service helpline, details of which can be found here: Disclosure and Barring Service - GOV.UK (www.gov.uk) and have a regional outreach service that Church bodies can access: The DBS Regional Outreach service - GOV.UK (www.gov.uk).

A. Clergy - All require an Enhanced DBS with both Barred Lists check

- All ordained clergy holding the bishop's licence, which, for the avoidance of doubt, includes those with Permission to Officiate, will be eligible for an Enhanced DBS Check with a check of both the Barred Lists because by virtue of that licence:-
  - They are engaging in "regulated activity"; or
  - There is a "reasonable expectation" that they may be called upon to engage in "regulated activity" at any time.

- All those going through the discernment or training process for ordination or licenced lay ministry will be eligible for an Enhanced DBS with a check of both the Barred Lists. This is because they will be working with/have substantial contact with children and vulnerable adults as part of their training.

B. **Individuals (other than Clergy) working/volunteering with children, young people and/or vulnerable adults.** This includes those in training and individuals on student placements.

- **Individuals working/volunteering with children/young people**

All will be eligible for an **Enhanced DBS with Children's Barred List check if they are undertaking regulated activity with children**.
Regulated activity with children includes certain activities undertaken as part of a person's work, this may include:

- Teaching, training or instructing children;
- Caring for or supervising children;
- Providing advice or guidance wholly or mainly to children relating to their physical, emotional or educational wellbeing;
- Driving a vehicle for children;
- Healthcare or personal care of children; and
- The regular day-to-day management of a person who is undertaking regulated activity with children.

Other activities and specified establishments may also fall within the definition of regulated activity with children. The full DBS definition should be used when determining whether a role will involve an individual engaging in regulated activity and therefore be eligible for an Enhanced DBS check with a Children's Barred List check.

From **1 September 2026, the supervision exemption for regulated activity with children has been removed**. This means that an individual may be undertaking regulated activity with children even where they are supervised

Supervision remains an important safeguarding measure. However, being supervised does not in itself mean that an activity falls outside the definition of regulated activity with children.

"Frequency Criteria" is defined as once a week or more than 3 days in any 30-day period, or once overnight between 2am and 6am where there is an opportunity for face-to-face contact with children.

Some activities, including healthcare or personal care, do not have a frequency requirement.

Where an individual carries out an activity that would otherwise constitute regulated activity with children but does not meet the relevant frequency criteria, they may still be eligible for an **Enhanced DBS check in the child workforce, but without a Children's Barred List check**.

- **<u>Individuals working/volunteering with vulnerable adults</u>**

Most will be eligible for an Enhanced DBS without Barred List check, provided they satisfy the Frequency Criteria .
Some may be eligible for an Enhanced DBS with Barred List check if, for example, they provide, personal care, assistance with cash, bills or shopping, conveying someone to or from healthcare, personal care or social care (but not to church activities), (i.e. where engaging in regulated activity with vulnerable adults). Please note that there is no frequency requirement in relation to regulated activity with vulnerable adults. A person just needs to carry out the relevant activity on one occasion.
Roles that may be eligible for an Enhanced DBS with or without a check of the Barred List/s include:

• Readers; Worship Leaders; Authorised Lay Ministers; Licensed Evangelists
• Lay people authorised to provide pastoral care, e.g. Parish Pastoral Assistant, Pastoral Home Visitor, Street Pastor, Authorised Listener, Pastoral Outreach Worker and equivalents in cathedrals e.g. Cathedral Verger who has pastoral care in job role
• Youth worker or leader; children's worker or leader
• Sunday school teacher or leader; family workers who work with children or their Leader
• Bell ringers who teach or train children plus the Tower Captains who manage those adults who teach or train
• Music leader where the choir or musical group includes children
• Head Server when the role includes supervision or training of children
• Parish volunteer driver for vulnerable groups (children or adults) for children's/adults' activities organised by the body*(NB: private/personal arrangements among parents/friends etc. are exempt)*
• Diocesan Safeguarding Advisers/Officers, Cathedral Safeguarding Advisers and Parish Safeguarding Officers who manage people engaged in activities with children, young people or vulnerable adults ("manage" here includes planning, organising, advising or directing)

• Members of National Safeguarding Team and other roles within Diocesan Safeguarding Teams where working with children, young people and/or vulnerable adults (or managing on a day-to-day basis individuals who are working with children/young people/vulnerable adults)
• Diocesan Board of Education staff who either have substantial contact with children or manage those who do
• Leader of Parent & Toddler Groups (but not parent helpers who supervise their own children or if a self-help group)
• Managers of individuals working with children, young people and vulnerable adults
• Those in religious communities (e.g. monks, nuns, brothers and sisters) who are in active ministry and work with children, young people or vulnerable adults.

C. Charity Trustees of children's, young people or vulnerable adult's charities

- The Charity Commission recommends that trustees always obtain a DBS check when eligible to do so as it an important tool in ensuring that the person is suitable to act as such.

- If a governing body is registered as a charity and provided it sponsors and approves, in its own name, children's, young people or vulnerable adult's work then the members of the governing body will be eligible for an **Enhanced DBS without Barred List check.** This **may** relate to PCCs, Cathedrals Chapters, Religious Communities, NCI Pension Board etc. **In such cases all members of the governing body will be eligible.**

PCC members, although charity trustees, are not by virtue of their membership of the PCC engaging in 'regulated activity' with children or vulnerable adults and are therefore not eligible for an Enhanced DBS (with Barred List checks). Charity trustees are eligible for an Enhanced DBS (without Barred List checks) if the charity qualifies as a "children's charity[1]" or a "vulnerable adults' charity[2]".
Provision of a Sunday School would not generally satisfy this requirement because the teaching of children in church on Sundays is, as a matter of law, an activity carried out in furtherance of the incumbent's duty (under Canon C 24.4) to "instruct the parishioners of the benefice, or cause them to be instructed, in the Christian faith". PCCs have no specific duties in relation to providing instruction in the Christian faith. A careful analysis will be required to see whether the PCC does qualify, there can be no blanket approach.
For example, if a PCC is a charity and it sponsors and approves, in its own name, work with children, young people or vulnerable adults, by entering into an employment contract with a youth worker to run a youth club or other children's activities or entering into a contractual arrangement with a worker to provide a regular care service to adults who receive a health or social care service, then the PCC may qualify as a children's or vulnerable adults' charity (as the case may be) and in such circumstances PCC members would be eligible for an Enhanced DBS check. PCCs, however, may not meet the definition of a "children's charity" or "vulnerable adults' charity". You are advised to seek advice from the registrar in relation to such matters.

[1] (4)A charity is a children's charity if the individuals who are workers for the charity normally include individuals engaging in regulated activity relating to children
(5)An individual is a worker for a charity if he does work under arrangements made by the charity; but the arrangements referred to in this sub-paragraph do not include any arrangements made for purposes which are merely incidental to the purposes for which the charity is established.*(Part 1, Schedule 4, para 4, Safeguarding and Vulnerable Groups Act 2006 – now repealed but having continuing effect by virtue of regulation 5C(1) of the Police Act 1997 (Criminal Records) Regulations 2002.).*

[2] (5B) Work with adults: (1)(g)(ix) a charity trustee of a charity whose workers normally engage in any activity which is work with adults.
(5) In paragraph (1)(g)(ix) an individual is a worker for a charity if he does work under arrangements made by the charity; but the arrangements referred to in this paragraph do not include any arrangements made for purposes which are merely incidental to the purposes for which the charity is established. (*Police Act 1997 (Criminal Records) Regulations 2002 (as amended)).*

D. Roles that are not eligible for an Enhanced DBS with/without Barred List check (unless undertaking any role in A, B or C above) but remain eligible for a Basis DBS check

- There is no eligibility requirement for a Basic DBS Check and both individuals and bodies (the latter with appropriate consent) can apply for one. Currently there is a cost for a Basic DBS, including volunteers. Individuals can apply for their own whilst bodies have to use a 'responsible organisation'. Whilst a Basic DBS provides minimal information (unspent conviction information only), where a role does not meet the criteria for any other level of DBS it can send out a certain message in respect of the body's commitment to safeguarding. Further detail on Responsible Organisations can be found here – https://www.gov.uk/guidance/responsible-organisations

Examples of roles that this may apply to:

- Parish Verger; Server; Caretaker; Refreshment helper
- Shop Staff; Flower arranger; Sidesperson
- PCC members (including church wardens) where the PCC does not qualify as a children's/young people's/vulnerable adult's charity
- Bell ringers (rank and file); Choir leader or musical director for adult choir; Organist unless also directing a choir which contains children/young people
- Choir members/music group members (unless the role includes responsibility for teaching, training, caring for or supervising vulnerable groups (children, young people or adults).