



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 activityⁱ or roles working/having substantial contact with children and/or vulnerable adults. This includes all who are applying through the Benefice for a role that has been assessed as requiring an Enhanced Disclosure and Barring Service (DBS) (with or 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 or volunteer in such roles will be subject to a satisfactory Enhanced DBS (with or 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** spentⁱⁱ convictions and adult cautions that are not protectedⁱⁱⁱ (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 Unlock^{iv}, 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 place^v. A copy of our benefice policy can be found at <https://northwestmorland.church/resources/policies/>

The accompanying Privacy Notice 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).



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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:

Role Location:

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

☐



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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^{vi}?

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^{vii}: 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 ☐



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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^{viii}?

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^{ix}?

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^x? 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 |
| ☐ | ☐ |



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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 (number attached: __) is true, accurate and complete to the best of my knowledge. After I have been appointed and during my appointment, I agree to inform the responsible person immediately if my answers to any of the above questions change and provide the relevant details.

Signed:

Date:

Consent statement (this statement need 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 on paper to Sarah Banks, Sue Wigley or Stephen Tudway,
or via secure email to: safeguarding@northwestmorland.church



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NOTES

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

ⁱⁱ 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/>

ⁱⁱⁱ 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>

^{iv} <https://www.nacro.org.uk/> <https://unlock.org.uk/>

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

^{vi} [Home-based position definition and guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/home-based-position-definition-and-guidance)

^{vii} Please inform relevant members of your household that you have included their details on this form (if applicable) and give them a copy of the Privacy Notice.

^{viii} [Regulated Activity with Children in England](https://www.gov.uk/guidance/regulated-activity-with-children-in-england)

^{ix} [Regulated Activity with Adults in England](https://www.gov.uk/guidance/regulated-activity-with-adults-in-england)

^x 'harm' involves ill-treatment of any kind including neglect, physical, emotional, financial or sexual abuse, or impairment of physical or mental health development. It will also include matters such as a sexual relationship with a young person or adult for whom an individual had pastoral responsibility or was in a position of respect, responsibility or authority, where he/she was trusted by others. It also includes domestic abuse.



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Privacy Notice

This notice explains how the information you supply in your Church of England Confidential Declaration Form is used and your rights with respect to that data, as required by the UK GDPR and the Data Protection Act 2018, (the “DPA 2018”).

Data controller

The data controller is:

NAME: North Westmorland Benefice

ADDRESS: Morland Vicarage, Morland, Penrith, CA10 3AX

The data controller decides how your personal data is processed and for what purposes.

1. Why we collect and use your personal data

The overall purpose of the Confidential Declaration Form is to ensure that we take all reasonable steps to prevent those who might harm children, young people and/or vulnerable adults from taking up positions where they have substantial contact with children, young people and/or vulnerable adults in accordance with the Safer Recruitment and People Management Guidance (2021).

We use your data for the following purposes:

- Appointing individuals to positions that have substantial contact with children, young people and/or vulnerable adults.
- For the Diocesan Safeguarding Officer to conduct a risk assessment where an applicant discloses information on the form.
- To collect information about members of your household aged 16 and over (cf. Qs.6 & 7) if your role is deemed “home-based” as defined by the DBS.
- To undertake criminal records checks both in the United Kingdom and in non-UK countries where applicable.



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2. The categories of personal data we collect

The information we process for these purposes is:

Category	Applicant	Household
Name	✓	✓
Age	✓	✓
Gender	✓	✓
Contact Details	✓	X
Role	✓	X
Role Location	✓	X
Job Title	✓	X
Current and previous employment or volunteering (where applicable)	✓	X
Country of Residence	✓	X
Current or previous conduct allegations and/or investigations (where applicable)	✓	X
Social care information (where applicable)	✓	✓
Religious Belief (where applicable)	✓	✓
Health (where relevant)	✓	✓
Sex life (where relevant)	✓	✓
Sexual Orientation (where relevant)	✓	✓
Criminal allegations, proceedings or convictions (including DBS checks, barring status) (where applicable).	✓	✓

3. The lawful basis for using your information

We collect and use personal data under the following lawful bases:

Personal data

- **Consent (Article 6(1)(a)).** You have consented to the transfer of your data to a non-UK country when applicable in order for us to undertake an overseas criminal records check.
- **Legal obligation (Article 6(1)(c)).** We are required by law to undertake the confidential declaration process in accordance with:
 - Section 5A(3) and (4) of the Safeguarding and Clergy Discipline Measure 2016, inserted by:



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- Safeguarding (Code of Practice) Measure 2021 (also see Safer Recruitment and People Management Guidance – Section 5 – Confidential Declarations - Requirements).

Special categories and criminal information

- **Explicit Consent (Article 9(2)(a)).** You have consented to the transfer of your data to a non-UK country when applicable in order for us to undertake an overseas criminal records check.
- **Substantial public interest (Article 9(2)(g) and Schedule 1, Part 2, paragraphs 10, 11 and 18 of the DPA 2018).** It is necessary for reasons of substantial public interest in order to prevent or detect unlawful acts and protect members of the public from harm, including dishonesty, malpractice and other seriously improper conduct or for the purposes of safeguarding children, young people and vulnerable adults.

4. Who we collect from or share your information with:

We collect your information from (where applicable or relevant):

- You
- Police
- Social Services in Local Authorities
- Current and previous employer/voluntary organisation
- Disclosure and Barring Service (UK)
- Criminal records organisations (non-UK)

Your personal data will be treated as strictly confidential and will only be shared with those involved in the recruitment/appointment process and, where appropriate, the Diocesan Safeguarding Adviser.

It may be shared outside the Church for the prevention or detection of an unlawful act; to protect members of the public from harm or safeguarding purposes with:

- Police
- Social Services in Local Authorities
- Statutory or regulatory agencies in the UK and in other countries (e.g. the Disclosure and Barring Service)

5. Your personal data will be sent to countries outside the UK

Your data may be transferred out of the UK in order for us to undertake overseas criminal records checks where the recipient organisation is located in a third country or territory where applicable. This transfer is protected by UK adequacy arrangements, or, where necessary, your consent.

6. How long do we keep your information?

We keep your personal data, if your application is successful, for no longer than reasonably necessary for the periods and purposes as set out in the retention table below at the following link:



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<https://www.churchofengland.org/sites/default/files/2017-10/Safeguarding%20Records-%20Retention%20Tool%20kit%20-Dec%202015.pdf>

If your application isn't successful, your data will be held for 6 months after the recruitment process ends, and then destroyed.

7. Your legal rights and complaints

Unless subject to an exemption under the UK GDPR or DPA 2018, you have the following rights with respect to your personal data:

- The right to be informed about any data we hold about you;
- The right to withdraw consent at any time, however, if you do so we may not be able continue with your application;
- The right to request a copy of your personal data which we hold about you;
- The right to request that we correct any personal data if it is found to be inaccurate or out of date;
- The right to request your personal data is erased where it is no longer necessary for us to retain such data;
- The right, where there is a dispute in relation to the accuracy or processing of your personal data, to request a restriction is placed on further processing;
- The right to object to the processing of your personal data (if applicable)
- The right to obtain and reuse your personal data to move, copy or transfer it from one IT system to another.

To exercise these rights, please contact Stephen Tudway, stephen@northwestmorland.church

8. Complaints or concerns

If you have any queries regarding this processing activity, please contact, in the first instance, our DBS Administrator, Sarah Banks, safeguarding@northwestmorland.church

If you have any complaint about how your data has been handled, please contact Stephen Tudway, stephen@northwestmorland.church

You have the right to make a complaint at any time to the Information Commissioner online at: [Your personal information concerns | ICO](#) or by phone on 0303 123 1113 (local rate).