|  |  |
| --- | --- |
| Open | Confidential Declaration Form for Church Officers |

This Confidential Declaration Form must be completed by all those wishing to work with children or vulnerable adults. This form is strictly confidential and, except under compulsion of law, will be seen only by those involved in the recruitment/appointment process and, when appropriate, the Diocesan Safeguarding Adviser. The Privacy Notice attached to this form explains how the information you supply in your Confidential Declaration is used and your rights with respect to that data as required by the General Data Protection Regulation 2016/679 (the “GDPR”) and the Data Protection Act 2018, (the “DPA 2018”).

If you do not complete this form, or if you do not give true, accurate and complete information in response to the questions it contains, this may result in you being suspended or banned from your role/s within the parish. It could also lead to statutory agencies being informed.

|  |  |  |
| --- | --- | --- |
|  | **If you answer ‘Yes’ to any question, please give details on the next page.** *Some questions have explanatory notes which accompany this form.* | Please tick |
| 1 | Have you ever been convicted of or charged with a criminal offence or been bound over to keep the peace that has not been filtered in accordance with the DBS filtering rules? *See note* | □ Yes □ No |
| 2 | Have you ever received a caution, reprimand or warning from the police that has not been filtered in accordance with the DBS filtering rules? *See note* | □ Yes □ No |
| 3 | Are you at present (or have you ever been) under investigation by the police or an employer or Church or other organisation for which you worked for any offence/misconduct? | □ Yes □ No |
| 4 | Are you or have you ever been prohibited and/or barred from work with children and/or vulnerable adults? | □ Yes □ No |
| 5 | Has a court ever made a finding of fact in relation to you, that you have ill-treated, neglected or otherwise caused harm to a child and / or vulnerable adult, or has any court made an order against you on the basis of any finding or allegation that any child and / or vulnerable adult was at risk of ill-treatment, neglect or other significant harm from you? *See note* | □ Yes □ No |
| 6 | Has your conduct ever caused or been likely to cause ill-treatment, neglect or other harm to a child and /or vulnerable adult, and/or put a child or vulnerable adult at risk of ill-treatment, neglect or other harm? *See note* | □ Yes □ No |
| 7 | To your knowledge, has there ever been an allegation made against you (whether substantiated or not) that your conduct has amounted to or resulted in ill-treatment, neglect or other harm to a child and/or vulnerable adult, or putting a child or vulnerable adult at risk of ill-treatment, neglect or other harm? *See note* | □ Yes □ No |
| 8 | Have you ever had any allegation made against you, which has been reported/referred to, and investigated by the Police/Social Services/Social Work Department (Children or Adult’s Social Care)? *See note* | □ Yes □ No |
| 9 | Has a child in your care or for whom you have or had parental responsibility ever been removed from your care, placed by you in care, subject to child protection planning, subject to a care order, a supervision order, a child assessment order or an emergency protection order under the Children Act 1989, or a similar order under any other legislation? | □ Yes □ No |
| 10 | Has a child in your care or for whom you have or had parental responsibility ever been in the care of the local authority, or been accommodated by the local authority? | □ Yes □ No |
| 11 | 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 ever been charged with, cautioned or convicted in relation to any criminal offence not subject to DBS filtering rules[[1]](#footnote-1); or is that person at present the subject of a criminal investigation/pending prosecution? *See note* | □ Yes □ No  □ N/A |

Declaration

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

I declare that I have disclosed on a separate sheet any additional information I have which could be considered relevant to the questions in this Confidential Declaration.

After I have been appointed, I agree to inform my Incumbent or the Area Dean (if there is no current incumbent and the parish is in vacancy) if I am charged, cautioned or convicted of any offence or if I become subject to a Police/Social Services/Social Work Department (Children or Adult’s Social Care) investigation.

|  |  |  |
| --- | --- | --- |
| Signed | Print full name | Address |
| Date | Date of Birth |  |

*Please return this form in a sealed envelope to:*

*Before an appointment can be made applicants who will have substantial contact with children and / or adults experiencing, or at risk of abuse or neglect in their roles will be required to obtain an enhanced criminal record check (with or without a barred list check (as appropriate)) from the Disclosure and Barring Service.*

*All information declared on this form will be carefully assessed to decide whether it is relevant to the post applied for and will only be used for the purpose of safeguarding children, young people and / or adults experiencing, or at risk of abuse or neglect.*

*Please note that the existence of a criminal record will not necessarily prevent a person from being appointed, it is only if the nature of any matters revealed may be considered to place a child and / or an adult experiencing, or at risk of abuse or neglect at risk.*

Form updated on 03/03/2020

Continuation Sheet

**If you answered ‘Yes’ to any question on the previous page, please give details below.**Please mention the question number to which the details apply.

Please use further continuation sheets if necessary.

Notes for the Confidential Disclosure Form

Before an appointment can be made, applicants who will have substantial contact in their roles with children or vulnerable adults will be required to obtain an enhanced criminal record check from the Disclosure and Barring Service (with a barred list check if appropriate).

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 or vulnerable adults.

Please note that the existence of a criminal record will not necessarily prevent a person from being appointed, it is only if the nature of any matters revealed may be considered to place a child or adult at risk.

Notes for Questions 1 and 2

You must declare all convictions, cautions, warnings, and reprimands etc. that are not subject to the DBS filtering rules. Please also provide details of the circumstances and/or reasons that led to the offence(s). Guidance is provided by the DBS and can be found at [www.gov.uk/government/publications/filtering-rules-for-criminal-record-check-certificates](http://www.gov.uk/government/publications/filtering-rules-for-criminal-record-check-certificates) and [www.gov.uk/government/publications/dbs-filtering-guidance](http://www.gov.uk/government/publications/dbs-filtering-guidance)

Broadly, where your position / role involves substantial contact with children and / or adults experiencing, or at risk of abuse or neglect (i.e. where you are eligible for an enhanced criminal records check) you will be expected to declare all convictions and / or cautions etc, even if they are ‘spent’ provided they have not been filtered by the DBS filtering rules. If it does not involve substantial contact, only declare ‘unspent’ and ‘unfiltered’ convictions, cautions, etc. Please click here for guidance on spent/unspent convictions. Convictions, cautions etc. and the equivalent obtained abroad must be declared as well as those received in the UK. For more information on spent/unspent convictions please go to this web address <http://hub.unlock.org.uk/knowledgebase/spent-now-brief-guide-changes-roa/>

If you are unsure of how to respond to any of the above please seek advice from an appropriate independent representative (e.g. your solicitor) because any failure to disclose relevant convictions, cautions etc. could result in the withdrawal of approval to work with children and / or adults experiencing, or at risk of abuse or neglect. Although it is important to note that the existence of a conviction, caution etc. will not necessarily bar you from working with vulnerable groups unless it will place such groups at risk.

Note for Question 4

Please note that you only need to mention if you have been placed on the DBS Barred List with regard to children and/or vulnerable adults if you will be taking up a position that involves engaging in “regulated activity” with children and/or vulnerable adults. If you are unsure whether the position involves “regulated activity” please contact the appointing organisation/person.

Note for Question 5

‘Harm’ involves ill-treatment of any kind including neglect, physical, emotional 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

Note for Question 6

If ‘Yes’, please make a statement regarding any such incidents on the Continuation Sheet.

Note for Question 7 and 8

If ‘Yes’, please give details, including the date(s) and nature of the conduct (or alleged conduct) and whether you were dismissed, disciplined, moved to other work or resigned from any paid or voluntary work as a result.

Please declare any complaints or allegations made against you, however long ago, that you have harmed a child, young person or adult who is vulnerable (Including Domestic Abuse). Any allegation or complaint investigated by the police, Children’s Services, an employer, voluntary body or other body for which you worked must be declared. Checks will be made with the relevant authorities.

Note for Question 11

If yes, please give details including the nature of the offence(s) and the dates on the Continuation form. Please give any further details, such as the reasons or circumstances, which led to the offence(s)

You are only required to answer this if you work from home with children. The DBS define home based working as where the applicant for the DBS check carries out some or all of his or her work with children or adults from the place where the applicant lives (this will include all clergy). [[2]](#footnote-2)

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.

For further guidance on the definition of working from home, please go to: <https://www.gov.uk/government/publications/dbs-home-based-positions-guide/home-based-position-definition-and-guidance>

**Privacy Notice**

This notice explains how the information you supply in your Confidential Declaration is used and your rights with respect to that data as required by the General Data Protection Regulation 2016/679 (the “GDPR”) and the Data Protection Act 2018, (the “DPA 2018”).

**1. Who we are**

[Parish to *Insert name and address of your PCC prior to sending to the individual to complete*]

are the data controller (contact details below). This means I/we decide how your personal data is processed and for what purposes.

**2. The data *we* collect about you**

We collect your name and address as provided by you in the Confidential Declaration Form, and where applicable, relevant conduct data and/or criminal offence data (including allegations); barring data; court findings or orders.

We also collect the following information about other individuals living or employed in your household who are over 16 years old, where applicable (see section 3, headed “Purposes and lawful bases for using your personal data” paragraph 3):

* criminal offence data (including allegations); barring data; court findings or orders.

It is our expectation that you will inform these individuals that you have put their details on the CD form, and that you explain the reason for this.

3. Purposes and lawful bases for using your personal data

The overall purpose of the confidential declaration is to ensure that I/we take all reasonable steps to prevent those who might harm children or adults from taking up positions of respect, responsibility or authority where they are trusted by others in accordance with the Safer Recruitment: Practice Guidance (2016).

We use your data for the following purposes and lawful bases:

1. Appointing individuals to positions of respect, responsibility or authority where they are trusted by others.
2. For the Diocesan Safeguarding Adviser to conduct a risk assessment where applicant discloses information on the form.
3. Collect information about members of your household for the purpose of undertaking a Disclosure and Barring Service check on them if you have applied for a role where you work from home with children.

It is the legitimate interest of the PCC to ensure that only appropriate individuals are appointed to certain positions, as established by the Promoting a Safer Church - House of Bishops Policy Statement (2017). We also need to be assured that no member of your household poses any risk.

It is also necessary for reasons of substantial public interest in order to prevent or detect unlawful act and protect members of the public from harm, including dishonesty, malpractice and other seriously improper conduct or for the purposes of safeguarding children and adults at risk. (Safer Recruitment Practice Guidance (2016)).

**Legitimate Interest Assessment**

|  |  |
| --- | --- |
| We have a specific purpose with a defined benefit | The processing is an essential part of safer recruitment, to ensure that individuals appointed to positions of respect, responsibility or authority where they are trusted by others are properly vetted and pose no risk to children, vulnerable adults or the wider public. |
| The processing is necessary to achieve the defined benefit. | Without processing this data, there would be no assurance that suitable individuals are being appointed. |
| The purpose is balanced against, and does not override, the interests, rights and freedoms of data subjects. | The risk of significant harm to others if inappropriate appointments are made outweighs the low risk to individuals of disclosing the data to us. |

For a copy of the full Legitimate Interest Assessment, please contact us on the details included in section 7 headed “Complaints”.

**4. Sharing your data**

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, or as required by law, under Schedule 1, Part 1, Part 2 or Part 3 (as appropriate) of the Data Protection Act 2018, with the following:

* Police
* Children’s or Adults Social services in Local Authorities
* Statutory or regulatory agencies, (e.g. the DBS)

**5. Data Retention**

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:

<https://www.churchofengland.org/sites/default/files/2017-10/Safeguarding%20Records-%20Retention%20Tool%20kit%20-Dec%2015.pdf>

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

**6. Your Legal Rights and Complaints**

Unless subject to an exemption under the 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 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
* The right to obtain and reuse your personal data to move, copy or transfer it from one IT system to another. [*only applicable for data held online*]

7. Complaints

If you have any questions about this privacy policy, including any requests to exercise your legal rights, please contact us using the details set out below.

[Parish to *Insert contact details of the PCC* prior to sending to the individual to complete

If you do not feel that your complaint has been dealt with appropriately, please contact:

Mr Stephen Davenport

Diocesan and Cathedral Offices

1 Hilltop

Coventry

CV1 5AB

[stephen.davenport@coventry.anglican.org](mailto:stephen.davenport@coventry.anglican.org)

You also have the right to lodge a complaint with the Information Commissioners Office. You can contact the Information Commissioners Office on 0303 123 1113 or via email [*https://ico.org.uk/global/contact-us/email/*](https://ico.org.uk/global/contact-us/email/) or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire. SK9 5AF.

1. [↑](#footnote-ref-1)
2. [↑](#footnote-ref-2)