

Policy and Procedure for dealing with a ‘blemished’ safeguarding self-declaration (SSD) and/or ‘blemished’ DBS Disclosure certificate

Blemished safeguarding self-declaration (SSD)

Prior to submission of a DBS application, the applicant completes a safeguarding self-declaration form (SSD) which is submitted to the safeguarding office of the diocese or religious congregation as part of the application process.

Content voluntarily revealed by an individual on the safeguarding self-declaration form must be assessed in the same way as that contained within a DBS Disclosure Certificate and should be handled with sensitivity and consideration for the individual who made the voluntary disclosure.

In the case of clergy, religious, employees or parishioners who are already appointed or where the information provided in the self-declaration indicates risk to children or adults because of the person’s presence or role within the parish or organisation, the Safeguarding Coordinator, their delegate or the person with ultimate responsibility for the appointment will immediately communicate with the applicant to advise the need for safeguarding measures to be established in relation to their role and inform them about the process that will be followed and likely timescales.

The Safeguarding Commission or a sub-group of the Commission should be consulted with a view to recommending and implementing action to remove any perceived immediate risk and to assess future risk. This may include steps such as temporarily stepping the person down from an appointment pending risk assessment, referral to the statutory agencies in line with the national policy for the management of concerns and allegations and making arrangements to manage risk whilst supporting continued participation in worship.

For clergy, religious and employees, actions taken in relation to their role and the decision to proceed with the DBS application must be undertaken in full consultation with the person with ultimate responsibility for the appointment, and where relevant the HR Department.

Where the DBS Certificate applicant is not already appointed and there is no current risk to children or adults within the parish or organisation, the Safeguarding Coordinator and Commission, in consultation with the person with ultimate responsibility for the appointment and where appropriate HR, should consider whether it is appropriate to proceed with the Disclosure application

Where the Safeguarding Self Declaration form relates to somebody within a Catholic organisation for which DBS applications are processed under an ‘Umbrella Body Agreement’, the Safeguarding Coordinator will liaise with the Safeguarding Coordinator within that organisation and provide advice on risk and recommend how the organisation should proceed. The decision to proceed with the recruitment process and the appointment decision rests with the appointing organisation. However, if there are concerns about the decision taken being contrary to the advice and recommendations of the Safeguarding Coordinator, the matter should be referred to the Commission for advice and further recommendations should be made to the person with ultimate responsibility for the appointment decision.

In all cases, if there are concerns about the decision taken being contrary to the advice and recommendations of the Commission, the matter should be referred back to the Commission for further advice and further recommendations

The Catholic Safeguarding Advisory Service (CSAS) can be contacted for advice in the event there is uncertainty about how to proceed in light of information declared on a safeguarding self-declaration form.

DBS Disclosure Certificates

Disclosure results

Decisions regarding suitability to work with vulnerable groups are made at the diocesan safeguarding office or safeguarding commission level. This is to ensure that there is consistent assessment and decision making about suitability.

Once a Disclosure application has been processed by the DBS, a copy of the Disclosure will be sent to the applicant directly from the DBS. For paper applications the applicant must provide the original certificate to the safeguarding office.

E-bulk applications are notified electronically to the safeguarding office when they have been completed by the DBS and the Disclosure outcome will be made available electronically to the counter-signatory.

For e-bulk applications, if the electronic notification of the outcome advises that the original certificate must be seen then the applicant must submit the original certificate to the safeguarding office. If the electronic notification of the outcome is 'clear' then there is no need to see the original certificate.

Where it is necessary to see the DBS Disclosure Certificate, individuals must submit their original certificate to their safeguarding office within 28 days from the date of issue stated on the certificate and be asked to confirm the accuracy of the Disclosure information. Failure to submit the Disclosure to the counter-signatory within this timeframe will require that a new Disclosure application be completed because the accuracy of the former Disclosure will not be assured after 28 days.

The online DBS tracking service <https://www.gov.uk/disclosure-barring-service-check/tracking-application-getting-certificate> can be used to identify when DBS Disclosure Certificates have been returned to the applicant.

Individuals should not be appointed to a role until they receive notification to do so from the relevant safeguarding office.

If the DBS Disclosure Certificate is 'clear' (meaning it contains NO conviction information):

1. The safeguarding office or CSAS counter-signatory office notifies the relevant Safeguarding Representative, nominated religious or other relevant person of the clear Disclosure and records the Disclosure number and date of issue on the National Database¹
2. The Parish Representative, nominated religious person or other relevant person (for example Care Home Manager) must ensure that the individual who takes up the role is the same person who underwent the pre-appointment process.

¹ The National DBS Database records every DBS application submitted for processing within the Catholic Church in England and Wales. Records are input and maintained by safeguarding personnel in dioceses and religious congregations where access to the database is a requirement of their role.

If the DBS Disclosure Certificate is ‘blemished’ (meaning it contains conviction information):

Where there are offences that are not considered to be relevant to the role or to pose a risk in this particular appointment, the Safeguarding Coordinator or their delegate can advise the relevant person to proceed with the appointment.

Where there are relevant offences in relation to the person’s role, the person responsible for the appointment should be notified not to proceed with the appointment until they are advised that it is appropriate to do so. The Disclosure should be recorded on the National Database as ‘risk assessment pending’.

Where the disclosure content is similar to the self-declaration the applicant should be notified that the safeguarding measures already put in place are to be maintained until the disclosure has been further assessed and reviewed and a final appointment decision reached.

Where the disclosure certificate provides information that is different to or was not included on the self-declaration and indicates risk to children or adults because of the person’s presence or role within the parish or organisation, the Safeguarding Coordinator, their delegate or the person with ultimate responsibility for the appointment will immediately communicate with the applicant to discuss the need for safeguarding measures to be established at local level and inform them about the process that will be followed and likely timescales. The need for a Safeguarding Plan must be considered by the Safeguarding Coordinator if there is risk to children or adults arising from worship within the parish.

In order to risk assess the conviction information, clarification of certain issues might need to be sought from the applicant e.g. context of the offence or discrepancies between information provided on the SSD and the Disclosure Certificate. The Safeguarding Coordinator should arrange to meet the individual in person (or if that is not feasible arrange a discussion) within 14 days and at that face to face meeting revalidate their identity against the identification documents presented at the time the Disclosure application was verified. If minor clarifications are required, a telephone call, letter or email exchange can replace the face to face meeting. The information discussed at the face-to-face meeting or telephone discussion should be recorded in writing and a copy submitted to the applicant for them to confirm its accuracy before it is submitted to the Safeguarding Commission or a sub-group of the Commission for consideration.

Having clarified any discrepancies and gathered any additional, explanatory or contextual information, the Safeguarding Coordinator will refer the matter to the Safeguarding Commission, or its sub-group, which will, within 28 working days, review the information and assess risk. This process will be undertaken on an anonymised basis. The National Database must be updated with the date of the risk assessment.

In the event that the Commission or its sub-group is uncertain about making a recommendation and/or the person with ultimate responsibility for the appointment is uncertain about the recommendation made to them, CSAS can be consulted for advice.

The decision to appoint volunteers generally rests with the parish priest. The role of the Safeguarding Commission and/or the Safeguarding Coordinator is to recommend whether or not an

appointment should go ahead or whether an appointment should go ahead but with certain provisions or restrictions.

Once the recommendation has been made by the Commission and/or the Safeguarding Coordinator, the Safeguarding Office will notify the Safeguarding Representative or other relevant person as to whether the individual can be appointed or not and record the appointment decision on the National Database.

The Safeguarding Coordinator and person with local responsibility (e.g. parish priest or safeguarding representative) for the appointment decision will decide who is responsible for informing the person of the outcome.

If the person can be appointed, as recommended by the safeguarding office, local arrangements must be made to ensure that the individual who takes up the role is the same person who underwent the pre-appointment process.

The decision in relation to clergy, religious and employees rests with the person ultimately responsible for the appointment e.g. Bishops and religious leaders for clergy and religious and HR for employees. For clergy, religious and employees, the Commission or its sub-group will present a written recommendation, with reasons for the recommendation, to the person with ultimate responsibility for the appointment who will take the final decision. The person with ultimate responsibility for the appointment should be apprised of the content of the Disclosure which they must handle in line with the DBS code of practice and not disclose it to anybody else.

Once the Commission has made recommendations to the Bishop, Congregation Leader or other relevant person, the decision made should be reported back to the Safeguarding Office who will update the National Database. The person with ultimate responsibility for the appointment decision, in consultation with HR, will decide who is responsible for informing the person of the outcome.

The decision in relation to organisations with Umbrella Body Agreements rests with the appointing organisation. Where the blemished Disclosure Certificate relates to somebody within a Catholic organisation for which DBS applications are processed under an 'Umbrella Body Agreement', the Safeguarding Coordinator will liaise with the safeguarding lead within that organisation and provide advice on how the organisation should proceed.

Appointment decisions in relation to individuals in Catholic organisations must also be updated on the National Database.

If the person can be appointed, the person responsible for the appointment must ensure that the individual who takes up the role is the same person who underwent the pre-appointment process.

In all cases, if there are concerns about the decision taken being contrary to the advice of the safeguarding coordinator, the matter should be referred to the Commission for further advice and a recommendation to the person with ultimate responsibility for the appointment decision.

If concerns remain about the appointment decision the matter should be referred to the Bishop who has ultimate responsibility for agreeing who undertakes ministry in his diocese.

Assessing relevancy of conviction information and risk

Safeguarding Coordinators will undertake the risk assessment process only where the information contained in the Disclosure relates to the safety of children or adults. Where other information regarding convictions etc. is given on the DBS Disclosure Certificate, the Safeguarding Coordinator will inform the person with ultimate responsibility for the appointment within the diocese or the religious congregation who will take a decision on whether to appoint.

If it is the case that the information provided in the DBS Disclosure Certificate contradicts information provided by the applicant on the safeguarding self-declaration form, this should be discussed during the meeting with the Safeguarding Coordinator. This may have happened for a variety of reasons e.g. the information is inaccurate, it relates to someone of the same name, the applicant may simply not have understood the nature of their conviction or they may have tried to hide their convictions as a means of increasing their chances of employment.

An applicant's criminal record should be assessed in relation to the tasks he or she will be required to perform and the circumstances in which the work will be carried out. A role description should be requested from person seeking to make the appointment for this purpose. The following should be considered when deciding on the relevance of offences to particular posts:

- The seriousness of the offence and its relevance to the safety of others that the applicant will come into contact with (e.g., children, adults, public, employees, volunteers);
- Whether the post involves one to one contact with children and/or adults;
- The level of supervision the post holder will receive;
- Whether the post involves any direct responsibility for finance or items of value;
- Whether the nature of the post presents any opportunities for the post holder to re-offend in the place of work.

In some cases, the relationship between the offence and the post holder will be clear enough for the organisation to decide easily on the suitability of the applicant for the job. In other cases, it will not be so clear-cut. It should be remembered that no two offences are exactly alike. Wherever possible if felt to be prudent and applicable, check the original information at source and to obtain written permission from the applicant to do so.

In addition and where known, the following matters should be taken into consideration:

- Whether the applicant pleaded guilty or not guilty;
- The length of time since the offence occurred;
- Any relevant information offered by the applicant about the circumstances which led to the offence being committed, for example the influence of domestic or financial difficulties;
- Whether the offence was a one-off, or part of a history of offending;
- Whether the applicant's circumstances have changed since the offence was committed, making re-offending less likely;
- The country in which the offence was committed; some activities are offences in Scotland and not in England and Wales and vice versa;

- Whether the offence has been decriminalised by Parliament;
- The degree of remorse or otherwise, expressed by the applicant and their motivation to change.

It may be appropriate in such cases to appoint with written limitations or to put in place a specific condition within the probationary period.

Returning the original DBS Disclosure Certificate to the applicant

The safeguarding office will return the original certificate to the applicant by 'signed for' post or alternatively where a number of applications have been submitted via the same parish or establishment (i.e. a Care Home), the certificates can be placed inside separate, addressed and sealed envelopes and sent via secure post to the Parish Representative or relevant person/recruiting person who will then pass the sealed envelopes onto each individual.

Requests to reveal disclosure information to a third party

Recipients of disclosure information, through electronic means or via the applicant's copy of the Disclosure, must note that it is an offence to disclose information contained within a DBS certificate to any person who is not a member, officer or employee of the Registered Body or their client, unless a relevant legal exception applies². Safeguarding Coordinators should anonymise information shared with Safeguarding Commissions for the purposes of decision making.

There may be circumstances where a recipient of disclosure information is asked to reveal details of a Disclosure to a third party in connection with legal proceedings i.e. in a case submitted to an Employment Tribunal. In such instances, the recipient of disclosure information should inform the Disclosure & Barring Service (DBS) of any such request immediately and prior to the release of any information.

² These are not defined by the DBS