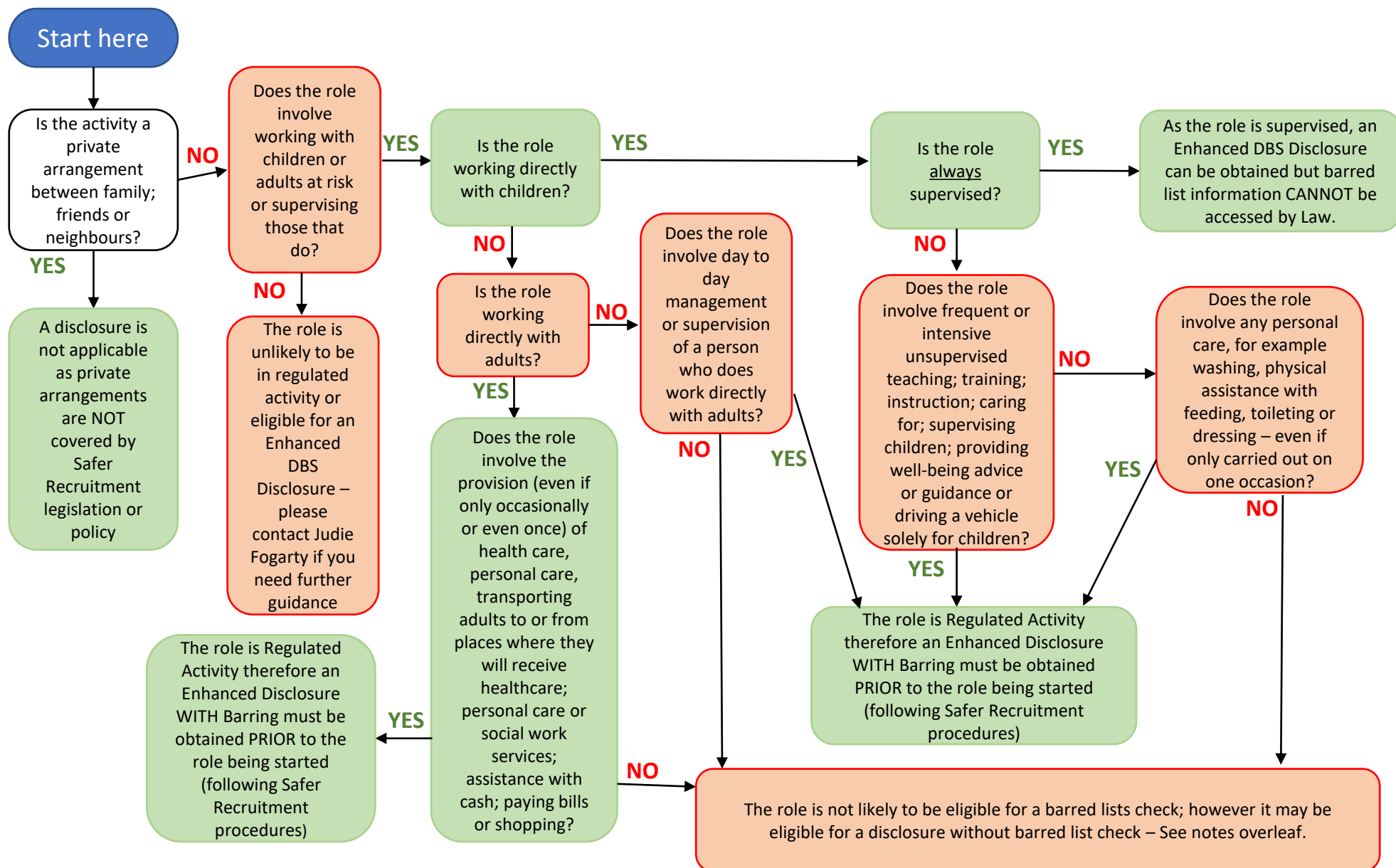


# Regulated Activity Decision Making Flowchart and Notes Derby Diocese Updated 11<sup>th</sup> February 2021



## **These notes should be used in conjunction with the most recent Church of England Guide Practice Guidance on Safer Recruitment, with attention being drawn to appendices 7 and 8.**

### **Note 1: DBS Checks for those not in Regulated Activities**

If an applicant is not in Regulated Activity (as per the chart) but works with children and/or vulnerable adults then it is possible they are still eligible for an enhanced DBS check but without a check of the barred lists. It is the Charity Commission's expectation (and many insurance companies) that you apply for a DBS check where the applicant's role is legally eligible for one.

**For vulnerable adults** - If a worker is not in regulated activity with adults then they may still be able to have an enhanced check (without a check of the barred list). This would be applicable if they are a Trustee of a charity that works with adults at risk or are working weekly, or 4 or more days in a 30-day period, or overnight with those who are receiving health or social care and they are giving teaching, advice, guidance, assistance etc. in a group aimed at adults who need help because of their age, illness, disability or live in certain types of accommodation such as a prison, remand centre, residential care home etc. A recent example of workers not eligible for any check is a church group for adults with learning disabilities where no personal care is undertaken nor any other roles in regulated activity. They do teach those adults but as the group meets twice a month it is not frequent enough to be legally eligible for a check.

**Eligibility is different with children** - if the worker is not in regulated activity then as long as they are a Trustee of a charity that works with children or the applicant works with children more than occasionally e.g. on a rota or intensively (over-night or 4 or more days in a 30 day period e.g. a holiday club) then they would still be eligible for an enhanced disclosure but without a check of the barred list. Please contact the diocesan safeguarding administrator if you need further clarification.

### **Note 2: Definitions:**

\*Health Care: is defined as health care provided by a health care professional (meaning a person regulated by bodies like General Medical Council; Nursing & Midwifery council for example). Health care means all forms of health care provided for adults for physical or mental health needs and includes palliative care. Psychotherapy and counselling are included when provided by or referred by a health care professional. Services not provided by a health care professional are not covered by Regulated Activity i.e. life coaching; pastoral counselling etc; although if these are performed at least once a week, or four or more days in a 30 day period, or overnight they would be eligible for an enhanced DBS check without a check of the barred list/s.

\*\*Personal Care: is defined as those who provide or prompt an adult with physical assistance with eating; drinking; toileting; washing or bathing; dressing; oral care or care of skin, hair or nails due to the adult's age, illness or disability, these would all be in Regulated Activity (except in circumstances where a hairdresser or a person cuts the hair of an adult).

\*\*\*'Frequently' for the purpose of Regulated Activity **only** is once a week or more; 'intensively' is four or more days in a 30-day period or overnight.

### Note 3: Scenarios of Roles and their eligibility basis:

- A creche worker who physically assists young children with going to the toilet (on one occasion or more) would be in Regulated Activity.
- A Sunday School worker on a rota would only be in a Regulated Activity if they work unsupervised every week or more; or if they are providing personal care to the children e.g. toileting. If this does not apply they would still be eligible for an enhanced DBS check without a check of the barred lists whether or not they are always supervised.
- Purely administrative roles i.e. Church Administrator or treasurer are NOT eligible for a Disclosure (unless they are a Trustee) as they do not work directly with vulnerable groups. Additionally Disclosures cannot be accessed for those who handle sensitive or confidential information (unless they are supervising those working in Regulated Activity).
- A church worker who visits housebound people and on occasions is asked by the homeowner to do some shopping or pay a bill on their behalf is engaging in Regulated Activity.
- A church worker who is part of a group of volunteers that drive church members to their GP surgery or hospital appointments is working in Regulated Activity.
- A luncheon club/foodbank or street outreach (e.g. Street Pastors) whose workers just serve food, drinks, or have a friendly chat with those they work with will not be in a Regulated Activity with adults unless they are giving professional counselling/health care or personal care to adults. They will qualify for Regulated Activity with children if they are advising/supervising/caring etc. for children frequently or intensively on an unsupervised basis. If they are not in Regulated Activity but they do care for/supervise/give guidance/mentor children or vulnerable adults then they are likely to be eligible for an enhanced DBS check without a check of the barred lists - see note 1 above.
- Prayer teams whose members pray with/for adults and children in a public area/town centre type setting are not in Regulated Activity nor do they qualify for an enhanced DBS check. If however, their job role includes praying with a child/children frequently or intensively in an unsupervised setting, this would be Regulated Activity.

## DBS Eligibility for Church Workers and Volunteers

Please note this list is not prescriptive – eligibility decisions should always be made on the specific and individual duties within a role.

Role – may differ from Position applied for – see right	Eligibility Criteria	Level of Check & Advisory Notes	Position Applied for to be Entered on verification (if different from 'Role')
BAPs/Ordination training candidate ***	Eligible	RA** with children and adults	Going to BAP / Ordinand in Training then refer to Diocesan Safeguarding Administrator
Bellringer	Not Eligible	Unless in a supervisory/teaching role with junior bellringers	Bellringer supervising Children
CAP Befriender	Eligible	Usually Enhanced, possibly RA** see Flowchart and notes	
CAP Centre Manager	Eligible	RA** with adults	
CAP Debt Counsellor	Eligible	Enhanced – RA** with adults if dealing with money on behalf of client	
Caretaker/Premises Manager	<i>Not Eligible UNLESS</i>	Unless they work in a school or their responsibilities include supervising children. You may choose to apply for a Basic Check	Caretaker supervising children
Chalice Bearer	Not Eligible		
Chaplain / Community Chaplain / Workplace Chaplain	Eligible	Enhanced, possibly RA** see Flowchart and notes	
Children's worker	Eligible	Enhanced If working regularly on a rota – but RA** if role includes taking children to the toilet or they work frequently or intensively unsupervised	Children's Worker / Helper / Leader ****
Choir Chaperone	Eligible	Enhanced or RA** with children - see Flowchart and notes	Choir Chaperone with Children
Choir Master	Eligible	Eligible only if supervising/teaching children or supervising those who do – then usually Enhanced and RA** with children	Choir Master with Children
Choir member	<i>Not Eligible UNLESS</i>	Unless also has chaperone/teaching role with junior choir members	Choir Supervising Children
Churchwarden	Eligible	Enhanced (if a Trustee of a charity that works with children or adults at risk) or RA** depending on their role	Churchwarden/Trustee
Coffee/tea servers	Not Eligible		

Role – may differ from Position applied for – see right	Eligibility Criteria	Level of Check & Advisory Notes	Position Applied for to be Entered on verification (if different from 'Role')
Counsellor	Eligible	Enhanced if carried out frequently or intensively with adults or regularly with children* and RA** if receiving referrals from healthcare professionals and/or if unsupervised with children.	Either Counsellor or Counsellor in RA**
Creche Worker	Eligible	Enhanced – with RA** if changing nappies/toileting children and/or not super-vised.	
Debt Advisor	Eligible	Enhanced If working frequently or intensively* with adults at risk – RA** if dealing with money on behalf of client	
Director of Music	Eligible	Eligible only if supervising/teaching children or supervising those who do – then usually Enhanced and RA** with children	Leader of Music Supervising Children
Driver of Adults at Risk	Eligible	Enhanced if carried out frequently or intensively* RA** if taking adults to or from a place where they receive health care i.e. hospital, GP surgery, nursing home (not residential home) etc. on one occasion or more	Parish Approved Driver - Adults
Driver of Children	Eligible	RA** with children if frequently or intensively. Enhanced if regularly	Parish Approved Driver - Children
Elder	<i>Not Eligible UNLESS</i>	Unless a Trustee and/or responsibilities include supervising the work of children or adults at risk	Trustee/Church Leader supervising children/adults at risk
Evangelist ***	Eligible	Enhanced if a C of E commissioned Evangelist	Please refer to Diocesan Safeguarding Administrator
Family Worker	Eligible	Usually Enhanced with adults & children but see Flowchart and notes	
Flower Arranger	Not Eligible		
Foodbank Worker	Not Eligible	Generally not eligible but see Flowchart and notes	
Head Server	<i>ONLY Eligible IF</i>	Only eligible if regularly supervising/teaching children – then Enhanced and RA** with children	Head Server supervising children
Home Visitor	Eligible	Enhanced if frequently or intensively with adults	Parish Visitor
Homeless Shelter Worker	Eligible	Enhanced and possibly RA** - see Flowchart and notes – unless only serving food/refreshments or having a supervised 'friendly chat' in which case not eligible	Vulnerable Adult Worker / Leader / Helper
Hospital Chaplain	Eligible	Enhanced usually RA** with adults and/or children	
Incumbent/Clergy/Church Leader***	Eligible	RA** with children and adults	Please refer to Diocesan Safeguarding Administrator

Role – may differ from Position applied for – see right	Eligibility Criteria	Level of Check & Advisory Notes	Position Applied for to be Entered on verification (if different from 'Role')
Junior Church Helper/Leader	Eligible	Enhanced If working regularly on a rota – but RA** if role includes taking children to the toilet or they work frequently or intensively unsupervised	Childrens Leader / Helper
Lay Clerk	Eligible	Enhanced and Possibly RA** if role includes supervising or training children	Lay Clerk / Lay Clerk with Children
Licensed Lay Minister (LLM)	Eligible	Enhanced but see Flowchart and notes	
Lay Minister of Communion	Not eligible		
Minister / Vicar / Rector/ Priest / Bishop / Dean ***	Eligible	RA** with children and adults	
Nightshelter Worker	Eligible	Enhanced and possibly RA** - see Flowchart and notes – unless only serving food/refreshments or having a supervised 'friendly chat' in which case not eligible	Vulnerable Adult Worker / Leader / Helper
Nursery Manager/Worker	Eligible	RA**	
Organist	<i>ONLY Eligible if</i>	Please contact the Diocesan Safeguarding Administrator before making the application	Organist
Parent and Toddler Group helper	<i>Not Eligible UNLESS</i>	Unless they supervise activities with children in which case normally Enhanced – see Flowchart and notes	
Parent and Toddler Group Leader	Eligible	Group leader is usually eligible for Enhanced Check in RA** if the role includes supervising/caring for/toileting children away from the parent/carer	Child and Adult Leader
Parish Administrator/Secretary	Not Eligible	You may apply for a Basic Check	
Pastor ***	<i>ONLY Eligible if</i>	RA** with children and adults	Please refer to Diocesan Safeguarding Administrator
Pastoral Assistant	Eligible	Enhanced If carried out frequently or intensively* RA** if doing shopping and therefore taking money	Pastoral Worker / Leader / Helper / Parish Visitor
Pastoral Team Member	Eligible	Enhanced If carried out frequently or intensively* RA** if doing shopping and therefore taking money	Pastoral Worker / Leader / Helper / Parish Visitor
Pastoral Visitor	Eligible	Enhanced If carried out frequently or intensively* RA** if doing shopping and therefore taking money	Pastoral Worker / Leader / Helper / Parish Visitor
Pastoral Worker	Eligible	Enhanced If carried out frequently or intensively*. Not usually RA** unless specific duties –see Flowchart and notes (i.e. doing shopping and therefore taking money)	Pastoral Worker / Leader / Helper / Parish Visitor

Role – may differ from Position applied for – see right	Eligibility Criteria	Level of Check & Advisory Notes	Position Applied for to be Entered on verification (if different from 'Role')
PCC Member (only for churches who are a charity that work with children or adults at risk)	Eligible	Enhanced particularly when specific duties make them eligible. Those who do not take an active role in the church would not necessarily need a check.	Church Warden/PCC Member (Trustee)
Prayer Team Member	<i>Not Eligible UNLESS</i>	Unless regularly*praying unsupervised with children	Prayer Team with Children
Reader	Eligible	Often RA** with children/Enhanced Adults (but can differ according to core responsibilities and role) Post-licensing renewals subject to diocesan policy	Licensed Lay Reader
Sacristan	Not Eligible	May qualify if also a Server – follow guidance for that role	
Parish Safeguarding Officer	Not Eligible	Unless supervising those engaged in regulated activity or they are regularly involved in the children's work. C of E guidance suggests the Safeguarding Lead should be on the PCC and checked in that capacity as a Trustee	Parish Safeguarding Officer Supervising RA**
Server	<i>Not Eligible UNLESS</i>	Unless in a supervisory/teaching role with junior servers	Server Supervising Children
Steward/Sidesperson	<i>Not Eligible UNLESS</i>	Unless specifically designated to supervise/toilet children, otherwise you may apply for a basic check	Sidesperson Supervising Children
Street Pastor / Street Angel	Eligible	Only eligible for Enhanced with children	
Sunday School Helper/Assistant	Eligible	Enhanced If working regularly on a rota – but RA** if role includes taking children to the toilet or they work frequently or intensively unsupervised	Children's Helper
Sunday School Teacher/Leader	Eligible	Enhanced If working regularly on a rota – but RA** if role includes taking children to the toilet or they work frequently or intensively* unsupervised	Children's Leader
Support Worker	Eligible	Usually Enhanced, possibly RA** see Flowchart and notes	
Tower Captain	<i>ONLY Eligible IF</i>	Eligible if supervising/teaching children or supervising those who do – then Enhanced and RA** with children	Tower Captain or Bellringer Ldr Supervising Children
Treasurer	<i>Not Eligible UNLESS</i>	Unless they are also a Trustee of a charity / member of PCC that works with children or adults at risk – see notes under 'Trustee'	Trustee of Charity

Role – may differ from Position applied for – see right	Eligibility Criteria	Level of Check & Advisory Notes	Position Applied for to be Entered on verification (if different from 'Role')
Trustee	Eligible	Only eligible for Enhanced Check if Trustee for a charity that works with children or adults at risk, and that Charity is directly administered by the PCC	Trustee of charity
Verger	Not Eligible	See notes under 'Caretaker'	
Welcomer	<i>Not Eligible UNLESS</i>	Unless specifically designated to supervise/toilet children otherwise you may apply for a basic check.	Welcomer supervising Children
Worship Leader	<i>ONLY Eligible IF</i>	Has chaperone/teaching role with child members in which case 'children's worship leader' should be the position applied for. Otherwise Not Eligible	Children's Worship Leader
Youth Camp Worker*****	Eligible	Usually in RA**	Youth Leader / Helper / Worker
Youth worker *****	Eligible	Enhanced if working regularly on a rota and often RA** if working weekly, intensively or overnight not supervised	Youth Leader / Worker / Helper

\* **Frequently or intensively** means carried out by the same person frequently (once a week or more often), or on 4 or more days in a 30 day period (or in some cases overnight between 2am and 6am, where there is opportunity for face-to-face contact). **Regularly** is the dictionary definition.

\*\* **RA is Regulated Activity** which means the applicant has an Enhanced disclosure plus a check of the appropriate barred list/s.

\*\*\* **Not to be applied for at Parish Level** this must be sent to the Diocesan Safeguarding Administrator for processing.

\*\*\*\* **Use Worker for all Paid Employees**, Leader where a person is the leader of the activity and helper for all others.

\*\*\*\*\* **Youth can include** anyone up to the age of 25.