



# Church of England Confidential Declaration form

## Church of England Confidential Declaration guidance and privacy notice

The Confidential Declaration must be completed by all those wishing to work with children and/or adults experiencing, or at risk of, abuse or neglect. It applies to all roles, including clergy, employees, ordinands and volunteers who are to be in substantial contact with children and/or adults experiencing, or at risk of, abuse or neglect.

If you answer yes to any question, please give details, on a separate sheet if necessary, giving the number of the question that you are answering.

The Privacy Notice attached to this form (see page 6 onwards) 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 amount to misconduct under the Clergy Discipline Measure 2003 and your appointment will not proceed.

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 <sup>1</sup> ? (Include both 'spent' <sup>2</sup> and 'unspent' convictions.)	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 <sup>3</sup> ?	YES / NO*

\*Delete as appropriate.

<sup>1</sup>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 is your only offence; (c) it did not result in a prison sentence or suspended prison sentence (or detention order); and (d) it does not appear on the DBS' 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), (c) and (d) in order to be filtered.** Further 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)

<sup>2</sup>Please note that the 'rehabilitation periods' (i.e. the amount of time which has to pass before a conviction etc can become 'spent') have recently been amended by the Legal Aid, Sentencing and Punishment of Offenders Act 2012. Since 10 March 2014, custodial sentences greater than four 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>

<sup>3</sup>You do not have to declare any adult caution where: (a) six years (or two years if under 18 at the time of the caution, reprimand or warning) have passed since the date of the caution etc, and (b) it does not appear on the DBS' list of specified offences referred to in footnote 1 above. **Please note that a caution etc must comply with (a) and (b) in order to be filtered.**



**Notes applicable to questions 1 and 2:** 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).

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.

Convictions, cautions etc and the equivalent obtained abroad must be declared as well as those received in the UK.

If you are unsure of how to respond to any of the above, please seek advice from an appropriate independent representative (for example, 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.

3.	Are you at present (or have you ever been) under investigation by the police or an employer or the 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*

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.

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 <sup>4</sup> ?	YES / NO*
----	---	-----------

\*Delete as appropriate.

*“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.*



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?	YES / NO*
----	---	-----------

**Note:** if you have answered 'yes' to any of the questions above, please give details here:

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?	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's or adult social care)?	YES / NO*

If you reply yes to questions 7 and/or 8, please give details, which may include the date(s) and nature of the allegation, and whether you were dismissed, disciplined, moved to other work or resigned from any paid or voluntary work as a result.

**Note: declare any complaints or allegations made against you, however long ago (including domestic abuse). Checks will be made with the relevant authorities.**

\*Delete as appropriate.



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 <sup>5</sup> ; or is that person at present the subject of a criminal investigation/pending prosecution?	YES / NO / NOT APPLICABLE*

If you reply yes to questions 9, 10 and/or 11, please give details including the nature of the offence(s) and the dates. Please give any further details, such as the reasons or circumstances which led to the offence(s).

**Note applicable to question 11: you are only required to answer this if you work from home with children. The DBS defines 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)<sup>6</sup>.**

**Note: all these matters shall be checked with the relevant authorities.**

\*Delete as appropriate.

<sup>5</sup><https://www.gov.uk/government/collections/dbs-filtering-guidance>

<sup>6</sup><https://www.gov.uk/government/publications/dbs-home-based-positions-guide/home-based-position-definition-and-guidance>



**Declaration:**

I declare that the above information (and that on my 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 Bishop/Archbishop if I am charged, cautioned or convicted of any offence or if I become subject to a police/social services/social work department (children’s or adult social care) investigation.

Signed: .....

Full name: ..... Date of birth: .....

Address: .....

.....

.....

Date: .....

Please return the completed form 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 for which you are applying 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.**



## 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’).

*Prior to use, the Diocese/PCC/church body should insert the name of the data controller where indicated. This is the person/body who decides the purposes for which and the manner in which personal data will be processed. In the case of the Confidential Declaration, the data controller will depend on the nature of the position/role applied for.*

*For instance, for a clergy role, the data controller could be the Diocesan Bishop; for a Diocesan volunteer or employee position, the data controller could be a Diocesan body; or for a parish volunteer role, the data controller could be the PCC.*

*You should take advice from your Data Protection Officer or the lead contact in the Diocesan office if you are unsure.*

### 1. The data controller

Name: .....

E-mail address: .....

Phone number: .....

Address: .....

.....

.....

### 2. The data collected about you

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

The data controller also collects 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):

- name, address and date of birth
- criminal offence data (including allegations); barring data; and court findings or orders.

It is our expectation that you will inform these individuals that you have put their details on the Confidential Declaration form, and that you will 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 the employer takes 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 *Practice Guidance: Safer Recruitment* (2016): <http://bit.ly/CoESaferRecruitment>

The data controller uses your data for the following purposes and lawful bases:

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

It is the legitimate interest of *[insert name of the data controller]* 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): <http://bit.ly/CoESaferChurch>. 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 acts and to 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 (*Practice Guidance: Safer Recruitment*, 2016).

<b>Legitimate Interest Assessment</b>	
The data controller has 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 DSA. 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 adult social services in local authorities
- statutory or regulatory agencies (for example, the DBS).

#### 5. Data retention

The data controller keeps 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 at the following link: <http://bit.ly/RetentionRecruitmentRecords>

If your application is not successful, your data will be held for six 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 the personal data that 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 that your personal data be 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 that a restriction be 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.

#### 7. Complaints

If you have any questions about this privacy policy, including any requests to exercise your legal rights, please use these contact details: ***[Insert name and contact details of data controller]***

If you do not feel that your complaint has been dealt with appropriately, please contact ***[insert details of Data Protection Officer or equivalent position in the NCI/Diocese]***.

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