

Section 5: Selecting, recruiting and supporting staff and volunteers

Selecting, recruiting and supporting staff

Selection of ordinands, clergy and licensed and commissioned lay ministers

Ordinands

The Diocesan process for discernment of those seeking ordination is administered in the Vocations Department by the Diocesan and Area Directors of Ordinands, on behalf of the Diocesan Bishop.

Clergy

The selection of all parish clergy and stipendiary lay ministers is ultimately the responsibility of the Bishop of Southwark.

Incumbents and Priests-in-Charge are recruited by the Area Bishop and the Archdeacon in co-operation with representatives from the parish appointed during the period of vacancy, and the licence is given by the Diocesan Bishop.

Assistant Curates and self-supporting ministers are selected by the Area Bishop and Archdeacon in co-operation with the Incumbent or Priest-in-Charge of the parish, and the licence is given by the Diocesan Bishop.

Permission to Officiate (PTO) for clergy, including retired clergy, is granted by the Diocesan Bishop. Arrangements for the safe recruitment of individuals through the granting of a PTO is set out within *Practice Guidance: Safer Recruitment – Permission to Officiate* (2019): <http://bit.ly/GuidancePTO>

Licensed and commissioned lay ministers

The selection of Readers and Southwark Pastoral Auxiliaries (SPAs) is co-ordinated through the Department of Discipleship and Ministry, the principles of the selection process being approved by the Lay Council. Once the required Diocesan training has been satisfactorily completed, the lay minister is licensed or commissioned by the Diocesan Bishop.

Disclosure and Barring Service

Enhanced Disclosure and Barring Service (DBS) disclosures are required for all of the above candidates at the point of selection for training, and clergy must apply for another DBS disclosure before commissioning or appointment if they do not hold a valid DBS disclosure for the Diocese.

Readers and Pastoral Auxiliaries require a second check (on commissioning or appointment) only if carrying out different/new duties that affect his/her eligibility for a criminal records check.

These checks will be requested by Bishop's Office (for all clergy) and the Discipleship and Ministry, Mission and Evangelism and Vocations departments (for Ordinands, Readers and SPAs) in collaboration with Diocesan DBS administrators. Similarly, when renewals of DBS disclosures for such appointments are required, the Diocese, via the relevant DBS administrator, will administer the process, not the parish.

No minister who is licensed or commissioned by the Diocesan Bishop, clergy or lay, or seeking to be such, should therefore be asked by anyone in their parish to apply for a DBS disclosure.

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Recruitment to Diocesan and parish paid and voluntary posts

Introduction

Working with children, young people and vulnerable adults is exciting, rewarding and challenging. It also demands that everyone working with these groups does so safely and keeps them safe from harm.

Safe recruitment and selection

All recruitment and selection relies on judgement, and there are always risks that the wrong person may be appointed to a job. We can, however, take steps (some of which are legal requirements) to minimise the risks, as well as ensure that we are recruiting fairly.

Stages of recruitment

The following stages in recruitment apply to all parish and Diocesan posts (paid and voluntary) and are recommended in sequence. They are taken from the House of Bishops' *Practice Guidance: Safer Recruitment* (<http://bit.ly/CoESaferRecruitment>) which is recommended reading for all involved in the recruitment process, whether clergy or laity.

1. Be clear about who is responsible for appointments

Responsibility for paid posts, in the Diocesan office, is usually with the Diocesan Secretary. In Cathedrals, the responsibility for appointments is governed by the Cathedrals Measure 1999 and/or the constitution of the relevant Cathedral. In the case of religious communities, appointments will be governed by their constitutions because they are independent charities. In local churches the responsibility for appointments and approval of paid officers and volunteers rests with the PCC.

Responsibility can be delegated but the person must have been safely recruited him/herself, be capable and competent in recruitment and able to keep personal matters confidential. You must seek advice if it is unclear who has the responsibility for appointments.

2. Ensure that there are safeguarding policies in place, including a policy statement on the recruitment of ex-offenders. The Church of England has a range of national safeguarding policies. The parish must have adopted the House of Bishops' Safeguarding Policies.

Promoting a Safer Church, the House of Bishops' safeguarding policy statement (<http://bit.ly/CoESaferChurch>), must be used in the recruitment process to ensure that the applicant is aware of the safeguarding approach of the Church of England.

Applicants for paid and volunteer positions must be clear about how they will be treated if they are ex-offenders. The DBS has published a sample policy statement on the recruitment of ex-offenders.

3. Job description

Have a clear job description or role, which sets out what tasks the applicant will do and what skills are required. The job description or job role will also say whether it is eligible for and requires a criminal records check, and if so the level of the check (see *Retention of recruitment records*, later in this section). If it is a paid role, this must be a formal job

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description/person specification. If it is a voluntary role, a simple job role may be used. A sample job description can be found at [A Safe Church, Section 10, Appendix 14](#).

4. Application form/references

An application form will always be necessary in a paid role to assess the person's suitability. An application form will also be good practice when recruiting for a voluntary role. An application form template can be found at [A Safe Church, Section 10, Appendix 15](#). Always ask for and take up references. Ask referees specifically about an individual's suitability to work with vulnerable people.

Ensure that you carefully examine application forms and references and make sure that the information that has been provided is consistent and the organisation is provided with a satisfactory explanation for any discrepancies and/or gaps in an applicant's personal history and/or career. If anything is unclear in the reference, contact the referee to clarify the position. A template reference request form can be found at [A Safe Church, Section 10, Appendix 17](#).

5. The Confidential Declaration

At the start of the process, where an individual is going to work or volunteer with vulnerable people, ask him/her to complete a 'Confidential Declaration' form which, in broad summary, asks if there is any reason why he/she should not be working with children and vulnerable adults. It can also help to identify any issues that might need resolving at an early stage.

If a person has disclosed information in the Confidential Declaration form, the applicant should put the details in writing in a sealed envelope marked 'Private and Confidential', and this should be sent to the Diocesan Safeguarding Adviser (DSA).

Having a criminal record may not necessarily be a bar to working with children or vulnerable adults. The Diocesan Safeguarding Team (DST) is there to provide advice to the person responsible for the appointment and must be contacted if an applicant discloses any information in the Confidential Declaration. A Confidential Declaration form template can be found at [A Safe Church, Section 10, Appendix 20](#). Should the applicant not wish to complete the Confidential Declaration form, which is entirely his/her choice, the application must not proceed further and must be terminated.

6. Interview/discussion

Have a face-to-face interview or discussion with pre-planned and clear questions to assess a person's suitability for a role. Check the Confidential Declaration form and references. In paid roles (and sometimes in volunteering roles), the candidate's identity will need to be checked by asking him/her to bring photographic ID as well as evidence of his/her relevant qualifications. Ensure that the candidate has the right to work in the UK.

Include questions about an applicant's values, attitude to working with children and vulnerable adults, and motives for wanting to engage in such work. Always ask if he/she knows of any reason why he/she should not be working with children or vulnerable adults or if there are any pending cases/issues which could affect him/her or his/her ability to carry out the role. If the applicant discloses any matter during the interview that relates to children and/or vulnerable adults and which may affect the applicant's suitability for the

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role, then this must be referred to the DSA for advice. A model interview/discussion form for a paid or voluntary post can be found at [A Safe Church, Section 10, Appendix 16](#).

7. Asking for a Criminal Record Check

In broad summary, it is the policy of the Church of England that all those who work regularly with children and/or vulnerable adults, including those on a rota, must have, where appropriate, an enhanced criminal record check (with/without a check of the barred list, as appropriate). In addition, those who work only occasionally with vulnerable groups will also be asked to apply for relevant checks, provided they are eligible.

If the person/chair of the interview panel conducting the interview/discussion is minded to recommend approval then the applicant must be asked to carry out an appropriate criminal record check. A list of roles which are eligible for enhanced criminal record checks are outlined in the annexes to this section, see pages 5-15 to 5-19. Special arrangements apply to overseas applicants (see Point 8, *Overseas Applicants*, below).

Applicants should be told of the conditional nature of their appointment, whether or not there is an application form or any formal correspondence. **THE START DATE OR APPOINTMENT CANNOT BE CONFIRMED UNTIL THE RELEVANT CRIMINAL RECORD CHECK IS RECEIVED AND EXAMINED.**

Provided they are eligible, an enhanced criminal record check must always be required in relation to people sent abroad to work with vulnerable groups as part of the UK recruitment process.

Should the applicant not wish to apply for a criminal record check, which is entirely his/her choice, the application must not proceed further and must be terminated.

Those who manage or supervise those who work with vulnerable groups and those in a leadership capacity who carry responsibility for safeguarding will also be required to obtain a check, provided they are eligible. For more details please refer to Annexes 1 and 2 in this section.

8. Overseas applicants

If a candidate/applicant for a position that is eligible for a DBS check is coming from overseas and has either never lived in the UK or spent a period of time (in other words, lived) abroad, the person making the appointment should request an additional check and ask the applicant to obtain criminality information (also known as a certificate of good conduct/character) from his/her relevant embassy/high commission (or police force).

This means that, in addition to the DBS check, the candidate/applicant must seek this additional check to cover the time he/she spent abroad. (Further advice can be found on the Home Office website at <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>).

If such information is not available from the embassy/high commission, or if there are concerns about the reliability of the information provided, the person(s) making the appointment should take extra care when taking up references and checking any previous

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employment record. In such cases, additional references should be sought and at least one reference from a previous employer should be contacted by telephone as well as by letter.

9. Approval

The decision to appoint to voluntary or paid work must be made only by those who have that responsibility (see Point 1, above). The start date or appointment must not be confirmed until the relevant criminal record check is received and examined.

Criminal record checks that are not clear (in other words, ones which contain information of, for instance, criminal convictions or cautions or additional information such as arrests) must always be copied to the DSA for their attention. The check will be reviewed and assessed by a member of the DST in relation to the job description and the nature of the convictions/cautions. The recruiting body will then be informed of the conclusions of the risk assessment conducted by the DST and advised accordingly (see *Information on blemished checks* later in this section on page 5-9, under *Retention of recruitment records*).

All paid posts should receive a letter of appointment. It is also good practice for volunteers to receive a letter of appointment, which can set out both an organisation's commitment to its volunteers and what it expects from them. A model template can be found at [A Safe Church, Section 10, Appendix 18](#). Included with the appointment letter should be a copy of [Promoting a Safer Church](#), the House of Bishops' safeguarding policy statement (2017).

10. Induction

Employees or volunteers whose roles involve working with children and adults experiencing, or at risk of, abuse or neglect must receive relevant safeguarding training from the Diocese after starting their role, regardless of previous experience. They must also attend regular updates every three years. See the Church of England's *Practice Guidance: Safeguarding Training and Development* (2019): <http://bit.ly/SafeguardingTraining>

All new postholders should receive a local induction which includes what to do if a safeguarding concern arises and arrangements for supervision and support. They should be given and asked to sign a copy of the Code of Safer Working Practice (see [A Safe Church, Section 10, Appendix 19](#)).

11. Probationary/Settling-in Period

It is good practice to have a period of probation (for instance, six months) for any paid role or a settling-in period for volunteers when the volunteer and the organisation can see whether the volunteer is suited to the particular role. During these periods, relevant training can be planned and support can be arranged. In addition, regular meetings with the supervisor can be organised to discuss any issues that arise. For paid roles, at the end of the probationary period a person must be confirmed in his/her role in writing.

12. Supervision and regular review

All paid posts will be subject to management, supervision and appraisal. For all volunteer posts working with children and adults experiencing, or at risk of, abuse or neglect, it is good practice to ensure regular supervision and conduct a review regularly, as the role requires (for example, annually), so that volunteers feel supported and issues can be discussed and/or resolved.

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Retention of recruitment records

As a general guideline

- Personnel records relating to the period when someone was employed by the church where the role involves contact with children and vulnerable adults should be kept for 75 years after the employment has ceased. This includes recruitment papers (application forms, references and so on). For further reference, see <http://bit.ly/RetentionRecruitmentRecords>
- The DBS does not permit certificates to be retained for longer than six months after a recruitment or other relevant decision is made, unless there are exceptional circumstances and the DBS has been consulted. However, a record should be kept of the following:
 - the date of issue of a certificate
 - the name of the subject
 - the type of certificate requested
 - the position for which the certificate was requested
 - the unique reference number of the certificate
 - details of the recruitment decision taken, including a brief précis of the information provided.
- If this information is kept in a consolidated list for the Diocese rather than on each personal file, there should be a clear cross-reference on the personal file indicating where the individual's criminal record check history can be found. Any police information should be held on the personal file. Currently under House of Bishops' policy DBS checks are renewed every five years.
- Parish Safeguarding Officers (PSOs) should retain securely and permanently the Confidential Declaration form for each person for whom a DBS disclosure has been obtained.

The Disclosure and Barring Service

Before recruiting or appointing someone to do certain kinds of paid or voluntary work, the parish or Diocese must use the DBS as part of the overall recruitment procedure.

The DBS is an executive non-departmental public body, sponsored by the Home Office. It replaced the Criminal Records Bureau (CRB) and the Independent Safeguarding Authority.

The DBS aims to ensure that anyone who presents a known risk to vulnerable people is prevented from working with them.

What is a DBS disclosure?

A DBS disclosure is a check of criminal records for spent and unspent convictions. An enhanced check includes any additional information held by local police and an enhanced check with barred list disclosure also checks the lists of persons barred from working with children and adults at risk.

No one should be appointed to work with children or adults at risk without having a satisfactory enhanced disclosure. Some regulated roles require enhanced disclosure with a check of the DBS barred list (described below as **enhanced with barred list check**).

It is a criminal offence for an individual who is barred from working with vulnerable people to apply for a regulated activity role, and it is a criminal offence for an organisation to appoint a barred person to a regulated activity role.

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The applicant should apply for a disclosure **after** all other aspects of the recruitment process are completed (application, interview, satisfactory references obtained, completion of confidential declaration form).

Who is eligible? Levels of eligibility

There are four types of criminal record checks:

- **basic** – this checks for unspent criminal conviction information only
- **standard** – this checks for spent and unspent convictions, cautions, reprimands and final warnings
- **enhanced** – this includes the same as the standard check plus any additional information held by local police that is reasonably considered relevant to the role being applied for
- **enhanced with barred list check** – this is like the enhanced check, but includes a check of the DBS barred lists.

Good safeguarding practice requires those who work closely with children and/or vulnerable adults to have an enhanced criminal record check.

The eligibility criteria for enhanced criminal record checks are complicated but, put simply, one can ask: “are you over 16 and does the role include activities that allow regular/substantial contact with children or vulnerable adults?” If the answer is yes then you may be eligible for an enhanced criminal record check.

APCS (Access Personal Checking Services), the online service provider for DBS checks across the Diocese, provides an eligibility tool to help determine which level of check is required for a certain role.

Information on eligibility for enhanced criminal record checks can be found in Annex 1 of this section. Information on how this relates to church roles can be found in Annex 2. Those in self-help groups or family and friends arrangements are not eligible for an enhanced criminal record check.

What does it cost?

DBS but not basic criminal record checks are free to volunteers. There is also a cost for checks on those in employment or those training for a role where they could be paid, such as all clergy. The cost for those in employment is £40 and there is also a fee at present of £23 per application for all basic-level checks. Where payment is required for a DBS check, the Safeguarding Administrator (SA) will invoice the parish for the cost of the check.

The DBS update service, which ensures that DBS checks are up to date, attracts an additional annual fee for those who subscribe to it.

How long do criminal record checks last in the Church context?

The House of Bishops has decided that within the Church of England, criminal record checks must be renewed every five years. (Should there ever be a delay in obtaining the criminal record check, the person is not approved by the Church to act and must stand down pending completion of the process.)

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Criminal record checks outcome

Only a single paper disclosure certificate is sent to the applicant as individuals have ownership over their own information. They can choose when they want to share and with whom. Employing and volunteering organisations will not receive a copy of the certificate unless the applicant is in the update service and certain conditions apply. They will need to ask to see the applicant's copy if this is required. Where a DBS check contains information relevant to the application, in other words a blemished check, the DSA will automatically be notified by the online DBS check provider (APCS).

In terms of copying the certificate and retaining copies of certificates, the DBS has stated that where an applicant provides a copy of his/her DBS certificate to the employing or volunteering organisation, that organisation must comply with its obligations under the Data Protection Act 2018.

DBS online applications with Access Personal Checking Services (APCS)

Parishes within the Diocese of Southwark are registered with APCS to complete their DBS applications online. The benefits of this system are that DBS applications can be processed more quickly, efficiently and safely than with the previous paper system.

The registration process for parishes is managed by the SA, who registers the parish with APCS. The process thereafter is parish-led. Full details from the assessment of the activity to the provision of the disclosure to the applicant are provided in the flow chart at the end of this section.

At the end of the process, the DBS sends the disclosure certificate to the applicant at their home address, and an electronic outcome notification is sent to the SA and the PSO or DBS Parish Administrator who initiated the check.

The DBS disclosure will also include a check of the barred lists where the role is eligible for this check.

If the DBS disclosure is unblemished

This means that the DBS has no relevant information to disclose on the person. The appointment can then be made. The parish is not sent a copy of the disclosure certificate but receives an electronic notification of whether the disclosure is blemished or unblemished.

If the applicant is on the Children's Barred List or Vulnerable Adults' Barred List

Certain convictions result in an automatic bar on the individual working with children and/or vulnerable adults. In most cases the individual will be entitled to make representations to the DBS before the final decision to bar is made. An individual engaging in a regulated activity while barred may receive a sentence of imprisonment or fine.

If the Diocese receives notification that someone is barred, the application and notification of barring is passed to the DSA. The DSA will immediately contact the parish seeking the application, to inform it that the person should not work with children and/or adults at risk in any regulated activity. This notification will be confirmed in writing.

A risk assessment may need to be carried out in relation to any existing roles the person holds within the congregation (see process below for blemished DBS disclosures).

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If the DBS disclosure is blemished (information is disclosed)

APCS will notify the DST who will carry out a risk assessment and advise accordingly whether the details on the disclosure affect the person's suitability for working with children or vulnerable adults.

The application form, the job description and the disclosure details are passed to the DST for assessment. The disclosure is also cross-referenced with the Confidential Declaration.

The DSA/Assistant Diocesan Safeguarding Adviser (ADSA) contacts the applicant and arranges an interview with him or her, and may also contact the person named on the application form, usually the Incumbent or Priest-in-Charge, for further details of the post, in order to assess whether and to what extent the information revealed is relevant to the post. Full details on the assessment of positive disclosures is available from the DSA.

If the information revealed is not considered relevant to the post, the DSA/ADSA informs the applicant and the SA that there is no reason why the applicant cannot take up the post. The SA then writes to the PSO in the parish to confirm this. If the relevance of the information revealed is less categorical, the DSA makes a recommendation concerning the appropriateness of the appointment, and any safeguarding precautions. The DSA informs the Incumbent and the PSO of the recommendation, copied to the SA.

Whatever the advice to the parish, the final decision about whether to make or continue the appointment or not, or to manage participation in the church community, remains the PCC's, as the appointing body. If the decision is not to appoint or to discontinue employment, or to set a formal agreement regarding limits on participation, the Incumbent and PSO will need to discuss this with the applicant; the DSA will offer assistance with this process, and advice or support will also be available from the Archdeacon if necessary.

Implications of recommendations not followed by a parish

Any decision by a PCC to disregard the advice of the DSA should be a formal decision of the PCC, recorded as such in the minutes. The DSA will inform the PCC that if advice is disregarded they may be putting at risk their insurance cover; he/she will notify the Archdeacon, Area Bishop and Diocesan Bishop that safeguarding recommendations have not been followed.

Appeals

An appeal cannot be made against the assessment conclusions and recommendations as such, but if, at the end of this assessment process, an applicant feels that the decisions involving disclosure information regarding his/her appointment have not been made fairly (in other words, the process was flawed), he or she may appeal against the decision. Appeals should be made in writing to the Diocesan Secretary within a six-month period of the decision having been made.

The applicant should state his/her name and address, the nature of the appeal, the date of the disclosure document, the identity of the person or appointing body responsible for making the appointment to the post and any other relevant information.

If the Diocesan recommendation was made solely by the DSA, the appeal will be considered by a risk assessment panel drawn from the Diocesan Safeguarding Advisory Panel (DSAP). This internal appeal panel will be given all the documentation relevant to the recommendation.

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The DSA will inform the applicant and the Incumbent of the parish of the outcome of the appeal in writing, within a month of the appeal being made.

The DBS online update service

For an annual subscription to the DBS update service, applicants can have their criminal record certificate kept up to date and take it with them from role to role. (However, if the certificate relates to work with children and an individual's role changes to working with vulnerable adults, or vice versa, then a new criminal record application must be made as the basis on which the original certificate was issued has changed.) To apply for the update service, an applicant must apply within 19 days of the criminal record certificate being issued. The DBS update service is very useful to those who have multiple roles where a criminal record certificate is required.

The DBS update service can be very useful for organisations to check someone's criminal record certificate status online and receive a result straight away. There is no registration process or fee for organisations to check a certificate online, but organisations must:

- be legally entitled to carry out a check (for example, the role must be eligible for an enhanced/standard (as appropriate) criminal record check)
- have the individual's permission.

Applying for the DBS update service, which carries with it a number of benefits for the individual and the organisation, is a matter of individual choice for the applicant. The Diocese is not able to contribute towards an individual's annual subscription.

DBS Portability

Portability is the term employed for using a criminal record check obtained in one role for a new role.

Portability within the Church of England.

Anyone applying for a new role in a Church of England organisation within the Diocese where he/she currently works, or applying for a new role in the Cathedral where he/she currently works, does not require a second criminal record check (in other words, his/her current check will be portable), provided the result of the criminal record check has been seen, does not need renewing and:

- the new role is with the same 'workforce' (in other words, either working with children or working with vulnerable adults)
- the new role is eligible for the same/lower level of criminal record check as the previous role
- the person is registered with the DBS update service and criteria are met (see above).

When will portability not apply within the Church of England?

Portability will not apply and a new criminal record check will always be required where:

- a person is moving into a role in the Church of England from an external organisation. For example, a volunteer with Scope (the disability charity) wants to volunteer in a church; or a youth worker, working in a local authority, applies for a role in the church
- an individual is seeking ordination, Reader or lay ministry training
- a person moves to a new job or role in a new Diocese or Cathedral
- a person moves roles to work with a different workforce, for example from working

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- with children to working with adults experiencing, or at risk of, abuse or neglect and vice versa
- the level of check required changes to a higher level (for example, in his/her new role a person is eligible for an enhanced plus barred list check, but in his/her previous role he/she was only eligible for an enhanced check without a check of the barred list).

Referral to the Disclosure and Barring Service

The Safeguarding Vulnerable Groups Act 2006 (SVGA) places a duty on organisations where people work or volunteer with children or vulnerable adults in a regulated activity to make a referral to the DBS in certain circumstances to protect vulnerable people from harm. This is when an organisation has dismissed or removed a person from working/volunteering with children or vulnerable adults in a regulated activity (or would or may have removed such a person if the person had not left or resigned) because the person has:

- been cautioned or convicted of a relevant offence (for example, a serious sexual or violent offence)
- engaged in relevant conduct in relation to children and/or vulnerable adults (in other words, an action or inaction (neglect) that has harmed a child or vulnerable adult or put them at risk of harm as defined under the SVGA)
- satisfied the harm test in relation to children and/or vulnerable adults (in other words, there has been no relevant conduct (no action or inaction) but a risk of harm to a child or vulnerable adult still exists as defined under the SVGA).

Details about how to refer can be obtained from the DBS and advice must always be obtained from the DSA.

DBS Online Applications Process in the Diocese of Southwark

1. The Parish/Diocesan DBS registered administrator gives the applicant a unique user ID number and guidelines to complete the application, directing them to the following APCS website: www.onlinecrbcheck.co.uk.
2. The applicant should also be given a Confidential Declaration form and ID checking guidance.
3. The applicant creates and fills in the application, completing the declaration at the end.
4. The Parish/Diocesan DBS administrator receives an e-mail notification to conduct an ID check. They request an appointment with the applicant and verify their original ID documents, ensuring that application details are accurate. They select the appropriate level of check and workforce(s), and then submit the application to APCS.
5. APCS servers download the information.
6. An APCS counter-signatory reviews the application and then submits it to the DBS (currently via the eBulk service but this will be changing at some point to a newer service).
7. The DBS conducts the checks. At the end of the checking process, the DBS dispatches a paper disclosure certificate to the applicant's home address and issues an electronic disclosure notification to APCS.
8. APCS forwards the electronic disclosure notification by e-mail to the nominated Disclosure Manager at the parish. DBS@southwark.anglican.org is copied into the e-mail.
9. In cases where the disclosure check is unclear (blemished), the DSA is also copied into the electronic disclosure notification (see previous section on blemished checks).

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Flow chart: the DBS disclosure process

