**This document contains guidance and our privacy notice for those filling in a CONFIDENTIAL DECLARATION as part of the recruitment process.**

**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 below) 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.

**Guidance**

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**Question 1:**

DBS filtering rules.[[1]](#footnote-1)

‘Spent[[2]](#footnote-2)’ and ‘unspent’ convictions.

**Question 2:**

DBS filtering rules[[3]](#footnote-3)

*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 (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.*

**Question 4**

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| *Notes applicable to question 4: 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.* |

**Question 5**

Definition of ‘harm’[[4]](#footnote-4)

**Question 11**

DBS filtering rules[[5]](#footnote-5)

*Note applicable to question 11: 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). [[6]](#footnote-6)*

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.

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

*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.*

**Privacy Notice**

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**1. Who I/we are**

St Francis PCC, (Beatrice Road, Salisbury SP1 3PN) is the data controller. This means 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 St Francis 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**

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| 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.

The Operations Manager

St Francis Church

Beatrice Road,

Salisbury SP1 3PN

If you do not feel that your complaint has been dealt with appropriately, please contact Miriam Longfoot, Governance and Pastoral Planning Officer, Salisbury Diocese at Church House, 99 Crane Street, Salisbury SP1 2QB / 01722 411922

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. 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 did not result in a prison sentence or suspended prison sentence (or detention order) and (c) it does not appear on the DBS’s 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) and (c) in order to be filtered**. Further guidance is provided by the DBS and can be found at https://www.gov.uk/government/publications/dbs-filtering-guidance/dbs-filtering-guide [↑](#footnote-ref-1)
2. 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 4 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/> [↑](#footnote-ref-2)
3. You do not have to declare any adult caution where: (a) 6 years have passed since the date of the caution etc. and (b) it does not appear on the DBS’s list of specified offences referred to in footnote 1 above. As of 28 November 2020, youth reprimands, warnings and cautions, are automatically filtered. **Please note that a caution etc. must comply with (a) and (b) in order to be filtered** [↑](#footnote-ref-3)
4. ‘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. [↑](#footnote-ref-4)
5. <https://www.gov.uk/government/collections/dbs-filtering-guidance> [↑](#footnote-ref-5)
6. https://www.gov.uk/government/publications/dbs-home-based-positions-guide/home-based-position-definition-and-guidance [↑](#footnote-ref-6)