

Help guide

# **Access NI Recruiters Guide**

## **Everything you need to know to complete the AccessNI process**

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# Welcome

Welcome to the thirtyone:eight Disclosure Service. Many thanks for agreeing to fill the vital role of Recruiter for your organisation. By agreeing to become a Recruiter you will be playing an important part in the safer recruitment of workers. This process is crucial in preventing unsuitable or dangerous individuals gaining access to children and vulnerable adults. Operating a safer recruitment policy sends a powerful message to parents, children, visitors as well as those intent on harm, that safeguarding children and vulnerable people is taken seriously in your organisation.

An AccessNI (ANI) check is one part of safer recruitment. Taking up a criminal records check is the last stage of an appointment procedure. You will already have followed the safer recruitment process outlined within the members area of our website [thirtyoneeight.org/safe-manual](https://thirtyoneeight.org/safe-manual).


At thirtyone:eight, our dedicated team of disclosure specialists, who all have first-hand experience of working in churches and youth work, give advice daily to our members on the issue of eligibility. This can be a complex area, which is why getting the right help and advice is crucial for organisations. If anyone has any questions or concerns about ANI checks and the legal eligibility criteria our Disclosure Helpline team is at the end of the phone to help all our members.

**Barbara Ball,**  
**Head of Advisory Services at thirtyone:eight**

## Payments

Full details of our charges can be found at: <https://thirtyoneeight.org/dbs-service/register-with-us/northern-ireland/pricing/>

The charges thirtyone:eight makes may vary from time to time due to changes in charges made by ANI and other external factors. You will always be notified of any changes well in advance.


 **Thirtyone:eight seeks only to cover the costs of running its Disclosure Service and makes no additional charge for providing consultation on good working practice or individual appointments. Research suggests thirtyone:eight charges are significantly lower than the majority of other Registered Bodies and most of these do not provide the additional support thirtyone:eight offers.**

## Why Carry out an ANI Check?

The UK Government is committed to protecting vulnerable groups including children and wants to see a focused and effective safeguarding system, where harm or risk of harm is identified, acted upon effectively and ultimately prevented. The Government maintains that the State has a key role to play in, for example, barring unsuitable individuals from working with vulnerable groups including children, and in ensuring that organisations can access criminal record information on individuals when the role justifies it.

**Under the Protection of Freedoms Act - 2012, employers have certain responsibilities and the following regulations apply:**

- Employers, social services and professional regulators have a duty to refer to the Disclosure and Barring Service (DBS) any information about individuals for whom they are responsible who are believed to pose a risk to children or vulnerable adults (where they are working in Regulated Activity).
- If your organisation works with children or vulnerable adults and you dismiss a member of staff or a volunteer, who works in Regulated Activity, because they have harmed a child or vulnerable adult, or you would have done so if they had not left prior to your intended dismissal, you must tell the Disclosure and Barring Service. This also applies if a worker resigns before any action is taken; or if you remove them from Regulated Activity and place them in another role.
- A person who is barred from working with children or vulnerable adults will be breaking the law (and liable to prosecution incurring imprisonment and/or a fine) if they work or volunteer or try to work or volunteer in Regulated Activity. An organisation which knowingly employs someone who is barred to work with those groups will also be breaking the law (and liable to prosecution incurring imprisonment and/or a fine).

 **Full information on the procedure for referrals to the DBS can be found on the DBS website [www.gov.uk/dbs](http://www.gov.uk/dbs) or by phoning the Barring helpline on 01325 953795.**

## Eligibility for an ANI Check?

Unless a job is exempt under the provisions of the Rehabilitation of Offenders Act 1975 then a check is not legally possible. Put simply, this means that most people who regularly work with children in a church situation or perform personal care are eligible for an AccessNI Check. This meets expectations by most Christian denominations, insurance companies and The Charity Commission for Northern Ireland (where the charity works with children or vulnerable adults).

Please see our Interactive Eligibility Guide at [thirtyoneeight.org/eligibility-guide](https://thirtyoneeight.org/eligibility-guide) - this will enable you to determine whether your workers are entitled to a Check and if so what level of check they require. Please note you will need to enter the username and password in order to access this guide. For details of this please email [disclosure@thirtyoneeight.org](mailto:disclosure@thirtyoneeight.org). (The full, legal definition of Regulated Activity is set out in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006, as amended (in particular; by the Protection of Freedoms Act 2012).



**Please call the Disclosure Helpline Team if you need further help or advice on eligibility requirements.**

Any person who is working in Regulated Activity must apply for an Enhanced ANI in order to obtain a Barred Lists check.

### **Being clear about the definition of Regulated Activity matters because:**

- An organisation which knowingly allows a barred person to work in Regulated Activity will be breaking the law.
- If you dismiss or remove someone from Regulated Activity (or you would have done if they had not already left) because they harmed or posed a risk of harm to vulnerable groups including children, you are legally required to forward information about that person to the DBS. It is a criminal offence not to do so.

## Appointing additional recruiters

In addition to the Lead Recruiter, it is advisable that there is at least one other Recruiter appointed within the church/organisation to handle Disclosures. This is so that we always have a point of contact if the Lead Recruiter is unavailable; or if they or a relative of theirs needs checking. To do this you will need to complete a 'New Recruiter Appointment Form'. Which can be downloaded from the Recruiters Information Section of our website.

## Completing the AccessNI Disclosure Application Form

### IMPORTANT

**Before you give the applicant access to an online application form, they must have completed and returned to you a Self-Declaration Form. This includes their consent for An ANI check. A model Self-Declaration Form is found at the back of this guide although some organisations may have their own declaration form for applicants to complete.**



### The ID Checking Process

When the applicant has completed the online Disclosure Application Form they must then show you their original identification (not copies). Full details of acceptable documents can be found within the supporting information section of this guide.

The correct identification and verification of names and addresses is crucial to the effectiveness of the disclosure process. When identity is verified beyond doubt, names can be matched with criminal records and checked against DBS barred lists. Failure to do this may compromise the integrity of the check. If you are unsure about any part of the ID checking process, please contact us.

#### You Must:

- Cross match the identity documents with the personal information provided on the validation form (name, previous names, date and place of birth, address etc.).
- Only accept valid original documentation.
- Where possible, ask for photographic identity (e.g. passport, new style driving licence, etc.) and compare this against the applicant's likeness.
- Ensure that you see the relevant documentation to validate a name change (for example a marriage certificate/deed poll/civil partnership certificate/divorce decree absolute or civil partnership dissolution certificate).
- See at least one document in the applicant's current name.
- See at least one document which confirms the applicant's date of birth. See at least one document to confirm the applicant's current address.
- Cross match the applicant's address history with any other information you have been provided with as part of the recruitment, such as their CV. (This can highlight if an address has not been given e.g. if the applicant's CV shows that they have worked in Belfast in the last 5 years, but the application form only shows London addresses, you may wish to question the applicant further about this.)
- If an identity document is provided in a foreign language, you must obtain a translation of that document. Either you or your employee should obtain a certified translation. This can be obtained using the services of a translation company or the Embassy of the country. The Embassy should also be able to confirm the validity of the document.

#### You Must Not:

- Check ID for yourself or an applicant related to you – you must ask another recruiter for your organisation to do this.
- Accept photocopies of any identification documents.
- Accept documentation printed from the internet e.g. internet bank statements.
- Accept the foreign equivalent of an identity document if that document is listed as '(UK)' on the list of valid identity documents.

## What Identity documents can be used?

Access NI has produced guidance on the type and range of identity documents that must be used by the recruiter to validate the applicants identity. These documents are divided into two groups:

Group 1 and Group 2 For the full list of the documents in each group please see <https://thirtyoneeight.org/NI-links>

## What if the applicant has been adopted?

If an applicant has been adopted before the age of 10, they do not need to provide their surname at birth because there is no possibility that an individual could have a criminal record in a name that was used until the age of 10.

## How do I check for indicators of fraud?

Always check for signs of tampering when checking identity documents. Documents should be queried if they display any signs of damage, especially in the areas of personal details such as the name and the photograph. Follow the link guidelines which should help you look out for any suspicious signs when authenticating documents.

[thirtyoneeight.org/NI-links](https://thirtyoneeight.org/NI-links)

## Completing the AccessNI Disclosure Application Form

### Stage One

Print off the AccessNI ID Validation Form and give it to the applicant to follow the instructions in part A. Please note that all names, including middle and known as must be included. Once they have completed their online application they should enter the details in Part A and return the form to you along with their original ID documents as detailed in Part C of the form.

### Stage Two

The Recruiter carefully checks the applicant's original identification (photos/ signatures etc), photocopies the ID and staples the photocopies to the back of the Disclosure Application Validation Form. The Recruiter must thoroughly complete the remainder of the form and post it to thirtyone:eight at the address at the bottom. (If the Disclosure Application Validation Form and ID documents are not received by thirtyone:eight within 90 days of the applicant submitting their online form it will be automatically removed by AccessNI and will need to be restarted.)

### Stage Three

thirtyone:eight will check the Disclosure Application Validation Form and access the online disclosure application to update it with the information provided by the Recruiter. We will then countersign the form and transmit it to AccessNI.

## On Receipt of the AccessNI Certificate

- If there is no information to disclose, AccessNI will issue a digital certificate to the applicant through their NIDA account
- If information is disclosed, AccessNI will issue the applicant a paper certificate in the post
- If the applicant lives in the UK and still wants to receive a paper certificate this can be requested on the application form
- An applicant has the option to share their online certificate with an email address of their choosing from their NIDA account. It should be noted that when an applicant shares a link to their digital certification, the token will only be available for three days for the recipient to view it. It will then be blocked. Applicants can still reshare their certificate if required

ANI only issue a certificate to the applicant. You therefore **MUST** ask the applicant to show you their copy of the disclosure certificate **BEFORE** they start work in their role. This is a vital part of the process. The Recruiter should also check the certificate for accuracy (current/previous names, date of birth and address). In thirtyone:eight' experience, even an error of a single letter in a name has meant the wrong person being checked and conviction information not contained in the certificate sent out by ANI.

The paper AccessNI uses for their certificates incorporates a number of security features aimed at making it difficult to be reproduced. These features include: - - Grey - Red - Grey "split duct" colouration on face and reverse that will display the wording 'NOT AN ORIGINAL' at regular and repeating intervals, if photocopied. - A watermark incorporating the wording 'DOCUCHECK'. - The wording 'Access Nothern Ireland' imprinted repeatedly and running vertically along the length of each sheet. Further 'security' checks that can verify the bona fides of a Disclosure Certificate can be undertaken by contacting AccessNI include:- - A check with AccessNI against the name / Disclosure reference number / Date of issue – A check against the Unique Audit Reference (printed along the top of each certificate) If you are concerned about the authenticity of a Disclosure Certificate you should immediately contact AccessNI.

Once you have seen and verified the certificate you should record the certificate number and date of issue and ensure that this information is kept in a secure place. You could keep this information on a spreadsheet or database. You may not keep a record of the result of the disclosure but could keep a note of the date they were appointed. In the unlikely event of a future enquiry, it may be necessary for you to provide this information to thirtyone:eight or ANI direct. Once a recruitment decision (or other relevant decision – eg for regulatory or licensing purposes) has been made, a Recruiter must not retain it, or any associated correspondence, for longer than is necessary for the particular purpose. In general, this should be for a maximum of 90 days.



## Can I Accept a Disclosure from Another Organisation?

### Portability

Sometimes applicants may seek to re-use their Disclosure Certificate. The value of a disclosure is directly linked to the date it was issued and the re-use of a Disclosure Certificate should only be considered in very limited circumstances.

- There is no formal period of validity. Disclosures are designed to be used immediately. The information provided on a Certificate is valid only on the date of issue and information may have changed since then
- Legislation. The employer may be under a legal obligation to obtain a fresh disclosure.
- The Certificate is genuine. It is the employer's responsibility to satisfy him/herself that the certificate is an original and has not been tampered with in any way
- The level of Certificate available. If a post requires an Enhanced or Standard Certificate, then basic should not be considered.

Standard or Enhanced Certificate should not be re-used because every application to see spent convictions or approved information should be countersigned by a registered person based on a specific role or position.

Only the employer can decide whether to accept the Certificate. Any organisation that chooses to accept a previously issued Disclosure Certificate, does so at their own risk.

### Limitations

- An Access NI check carries no formal period of validity and the older a check the less reliable the information, as the information the check contains may not be up to date. The date of the issue (on the individual's copy) should be used as a guide as to when to request a new check.
- Information revealed through an Access NI check only reflects the information that was available at the time of its issue.
- Using a previously issued Access NI check does not constitute a fresh check – the person's criminal record or other relevant information may have changed since its issue.
- Registered Bodies are responsible for the accuracy of the information provided to Access NI and on which it carries out its checks. By accepting a previously issued Access NI check you are accepting the risk that the previous Registered Body provided Access NI with a fully validated applicant's identity on which to carry out its checks.

## Is it Possible to Check Workers from Overseas?

If you are recruiting people from overseas and wish to check their overseas criminal record, an ANI check may not provide a complete picture of their criminal record. This is because ANI cannot currently access most criminal records held overseas with the exception of several EU countries.

For details of the procedure can be viewed at <https://thirtyoneeight.org/dbs-service/overseas-workers/>

ANI is not involved in the processing of applications made by individuals to overseas authorities and therefore will not be responsible for the contents or the length of time taken for information to be returned.

# Supporting documents

# Self-declaration Form For a Position Requiring; An Enhanced Level Check

## Strictly confidential

**As a place of worship/organisation we undertake to meet the requirements of the General Data Protection Regulations made effective from May 25th 2018 and all other relevant legislation, and the expectations of the Information Commissioners Office relating to the data privacy of individuals.**

**All applicants that require an Enhanced Disclosure are asked to complete this form, detach it from the Application Form and return it, to the Lead Recruiter detailed below, in a separate sealed envelope**

To: \_\_\_\_\_  
(Name of Recruiter/responsible person in place of worship/organisation processing Criminal Records Disclosure checks)

Address: \_\_\_\_\_

Appointment applied for: \_\_\_\_\_

## Conviction history

If you have never been convicted of a criminal offence or never received a caution, reprimand or warning then please select 'No' below. If you have been convicted of a criminal offence, or received a caution, reprimand or warning that is now spent according to AccessNI filtering rules\*, then please select 'No' below.

If you have an unspent criminal offence, caution, reprimand or warning (according to AccessNI filtering rules\*), please select 'Yes' below.

For exceptions to this legislation or for more information please refer to the Rehabilitation of Offenders (Northern Ireland) Order 1978\*\* and the AccessNI filtering guidance\*.

## Having read the above, do you have any unspent convictions; or are you at present the subject of a criminal investigation/pending prosecution?

Yes ☐ No ☐ (please tick)

If yes, please give details including the nature of the offences and the dates. Please give details of the court(s) where your conviction (s) were heard, the type of offence and sentence(s) received. Could you also give details of the reasons and circumstances that led to the offence(s). Continue on a separate sheet if necessary.

For notes marked with an asterisk, please see links on page 12.

## Police investigations

Have you ever been the subject of a police investigation that didn't lead to a criminal conviction?

Yes ☐ No ☐ (please tick)

If yes, please give details below, including the date of the investigation, the Police Force involved, details of the investigation and the reason for this, and disposal(s) if known.

To your knowledge have you ever had any allegation made against you, which has been reported to, and investigated by, Social Services/Social Work Department (Children's or Adult Social Care)?

Yes ☐ No ☐ (please tick)

If yes, please provide details, we will need to discuss this with you.

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Has there ever been any cause for concern regarding your conduct with children, young people, vulnerable adults?

Please include any disciplinary action taken by an employer in relation to your behaviour with adults.

Yes ☐ No ☐ (please tick)

If yes, please give details.

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## Declaration

To help us ensure that we are complying with all relevant safeguarding legislation, please read the accompanying notes and complete the following declaration.

I (full name) \_\_\_\_\_ of (address) \_\_\_\_\_

consent to a criminal records check if appointed to the position for which I have applied. I am aware that details of pending prosecutions, previous convictions, cautions, or bindovers against me may be disclosed along with any other relevant information which may be known to the police.

**I agree to inform the person within the place of worship/organisation responsible for processing disclosure applications if I am convicted of an offence after I take up any post within the place of worship/organisation. I understand that failure to do so may lead to the immediate suspension of my work with children or vulnerable adults and/or the termination of my employment.**

**I agree to inform the person within the place of worship/organisation responsible for processing disclosure applications if I become the subject of a police and/or a social services/(Children's Social Care or Adult Social Services)/Social Work Department investigation. I understand that failure to do so may lead to the immediate suspension of my work with children or vulnerable adults and/or the termination of my employment.**

 **Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Those applying for work with children and/or vulnerable adults in positions which fall within the scope of regulated activity please confirm that you are not barred from working with children/vulnerable adults.

I confirm that I am not barred from working with children / vulnerable adults.

 **Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_

NB: Those applying for work with children and/or vulnerable adults in positions which fall outside the scope of regulated activity should not complete the declaration above.

\*For more information on AccessNI Filtering rules please see our useful links page: [thirtyoneeight.org/NI-links](https://thirtyoneeight.org/NI-links)

## Legalese – Attached notes

The Disclosure of any offence may not prohibit employment. Please refer to our Rehabilitation of Offenders / Model Equal Opportunities Policy. As this post involves working contact with children, young people and/or vulnerable adults all applicants who are offered an appointment will be asked to submit to a criminal records check before the position can be confirmed. You will be asked to apply for an Enhanced Disclosure through the Disclosure and Barring Service (DBS) (England & Wales) or through Access NI if you are in Northern Ireland or through Disclosure Scotland if you live in Scotland.

As the position is exempted under the Rehabilitation of Offenders Act this check will reveal details of cautions, reprimands or final warnings, as well as formal convictions not subject to ANI filtering rules. Because of the nature of the work for which you are applying, this position is exempt from the provision of section 4(ii) of the Rehabilitation of Offenders Act 1974 (Exemptions Orders as applicable within the UK), and you are not entitled to withhold information about convictions which for other purposes are 'spent' under the provisions of the Act with the exception of those that are subject to the ANI filtering rules.

In the event of appointment, any failure to disclose such convictions could result in the withdrawal of approval to work with children or vulnerable adults within the church/organisation.

This process is subject to a strict code to ensure confidentiality, fair practice and security of any information disclosed.

The ANI Service Code of Practice and our own procedures are available on request for you to read. It is stressed that a criminal record will not necessarily be a bar to appointment, only if the nature of any matters revealed could be considered to place children or vulnerable adults at risk.

As a place of worship/organisation we agree to abide by the Code of Practice on the use of personal data in employee/employer relationships under the General Data Protection Regulations effective from May 25th 2018, as well as the expectations of ANI

### Notes - Children and Young People

Under the Protection of Freedoms Act 2012 it is an offence for any organisation to offer employment to anyone who has been convicted of certain specific offences, or included on either of the two barred lists held by the Disclosure and Barring Service where the post falls within the scope of regulated activity (as defined under the Safeguarding Vulnerable Groups Act 2006 and the Protection of Freedoms Act 2012). An enhanced with barred list check must be completed. Those working with children and / or adults at risk in posts which fall outside the scope of regulated activity may still be eligible for an enhanced disclosure WITHOUT a barred list check.

The DBS offers both an enhanced check and for those engaged in regulated activity an enhanced with a barred list check. For applicants in Scotland and Northern Ireland, similar provisions apply.

DBS Eligibility from: <https://www.gov.uk/government/publications/dbs-check-eligible-positions-guidance>

# Thirtyone:eight/ACCESSNI Disclosure Application Validation Form

Please note that if this form and ID documents are not received by thirtyone:eight within 90 days of the online application being created, it will automatically be removed from the system by AccessNI. If the role still requires a check a new application will need to be submitted.

## Part A - Applicant instructions

Go to [www.nidirect.gov.uk/apply-for-an-enhanced-check-through-a-registered-body](http://www.nidirect.gov.uk/apply-for-an-enhanced-check-through-a-registered-body)

1. Select the green button to Apply for an enhanced check through a registered body.
2. Register your account by creating a user ID and password [keep these details safe as you will need them to track the progress of your case]
3. You will be sent an email titled 'Account Registration', please follow the instructions to activate your account. Once you have successfully logged in, (you will see the main menu page on `screen 'Apply for Disclosure Certificates') you will be taken to the online application.
4. Choose the Enhanced option.
5. Enter the PIN number shown in the online application form You will be given our name (Thirtyone:eight) and the name of our counter signatory (Matthew Coady).
6. Complete the remainder of the form and click on Confirm and Proceed to finish the on-line process.

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7. You will be issued with a 10 digit AccessNI reference number. Please write it in the boxes below:-

Application Reference

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9. Your current full name (including all middle names)

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Previous name(s) 

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Date of Birth 

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10. Return this form to the Recruiter in your organisation (the person who asked you to complete the AccessNI application)

## Part B - Must be completed by the Recruiter

**Please note: three original documents in the name of the applicant should be produced (then photocopied by the Recruiter and attached to this form);** one from Group 1 and two from Groups 1 or 2. If this is not possible, then four documents from Group 2 should be produced, one of which being a birth certificate issued after the time of birth. At least one of these documents should be photographic identification and one must confirm the current address.

**Please thoroughly answer ALL the questions below in order to avoid this form being returned for correction:**

1. How is this applicant eligible for an AccessNI enhanced disclosure? Refer to your eligibility guidance in the Recruiters Guide (Appendix 5)

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2. Will the work be carried out in the home of the applicant? Yes ☐ No ☐ (please tick)
3. Is the applicant working in Regulated Activity with children and therefore requires a check of the Children's Barred List (see RA flow-chart)? Yes ☐ No ☐ (please tick)
4. Is the applicant working in Regulated Activity with adults at risk and therefore requires a check of the Adult's Barred List (see RA flow-chart)? Yes ☐ No ☐ (please tick)
5. Is the applicant in receipt of any payment (except for travel and other approved out-of pocket expenses)?  
Yes ☐ No ☐ (please tick)
6. Is the applicant on a work placement which is a requirement of a qualification? Yes ☐ No ☐ (please tick) \*
7. Is the applicant on a course that requires them to do this job role? Yes ☐ No ☐ (please tick) \*
8. Is the applicant in a trainee position that will lead to a full-time role/qualification? Yes ☐ No ☐ (please tick) \*

**By signing below I confirm that:**

- I have personally checked the original identification supplied and have attached photocopies of the documents seen.
- I have read your eligibility guidance and the applicant is legally entitled to a criminal records disclosure check
- The applicant is not related to me
- This ANI check is the last stage of a safer recruitment process that we have completed – see [thirtyoneeight.org/get-help/resources/practice-guides/](http://thirtyoneeight.org/get-help/resources/practice-guides/)
- The information provided is complete and true and to knowingly make a false statement for this purpose may be a criminal offence
- I have explained to the applicant that it is a criminal offence for them to apply to work in Regulated Activity if they have been barred from working with the appropriate group
- (Where applicable) I confirm that I have the applicant's permission to progress with a barred list check.
- (Where applicable) I have carried out a Right To Work Check.
- The applicant has been provided with the Applicant Information Leaflet  
(download a copy at: [thirtyoneeight.org/NI-links](http://thirtyoneeight.org/NI-links))

**Date of ID check:** \_\_\_\_\_

**Signed (Recruiter):** \_\_\_\_\_

**Recruiter name:** \_\_\_\_\_

**Mobile phone no.** \_\_\_\_\_

**Organisation ref no:** \_\_\_\_\_ **Recruiter date of birth:** \_\_\_\_\_

\* If the answer to any of these questions is a 'yes' there will be an additional ANI fee levied as the applicant will not qualify for a volunteer check. Fees will be taken by Thirtyone:eight and paid direct to ANI on your behalf.

THIS FORM SHOULD BE SENT DIRECTLY TO:  
Thirtyone:eight, ACCESSNI UNIT, PO BOX 133, SWANLEY, KENT, BR8 7UQ .  
PLEASE DO NOT SEND IT TO ACCESSNI - REMEMBER TO ATTACH COPIES OF THE REQUIRED IDENTIFICATION

# What Identity Documents Must Be Seen

All applicants must provide a minimum of 3 documents and the documents must be original not copies.

Applicants can follow one of two routes:

## Route 1

**An applicant must provide;**

- 1 document from Group 1 and
- 2 further documents from Group 1 or Group 2a or Group 2b

At least one of the documents must show the applicant's current address.

## Route 2

**This applies only where an applicant does not have Group1 documentation. The applicant must provide:**

- 4 documents from Group 2a and 2b

One document must be a birth certificate issued after the time of birth.

One document must show the applicant's current address.

Where an individual cannot meet these requirements, you should contact us on 0303 003 11 11 option 1. You may be required to seek an external validation check from a commercial organisation and/or the applicant may have to attend a police station to have their fingerprints taken.

For the full list of the documents in each group please see <https://thirtyoneeight.org/NI-links>

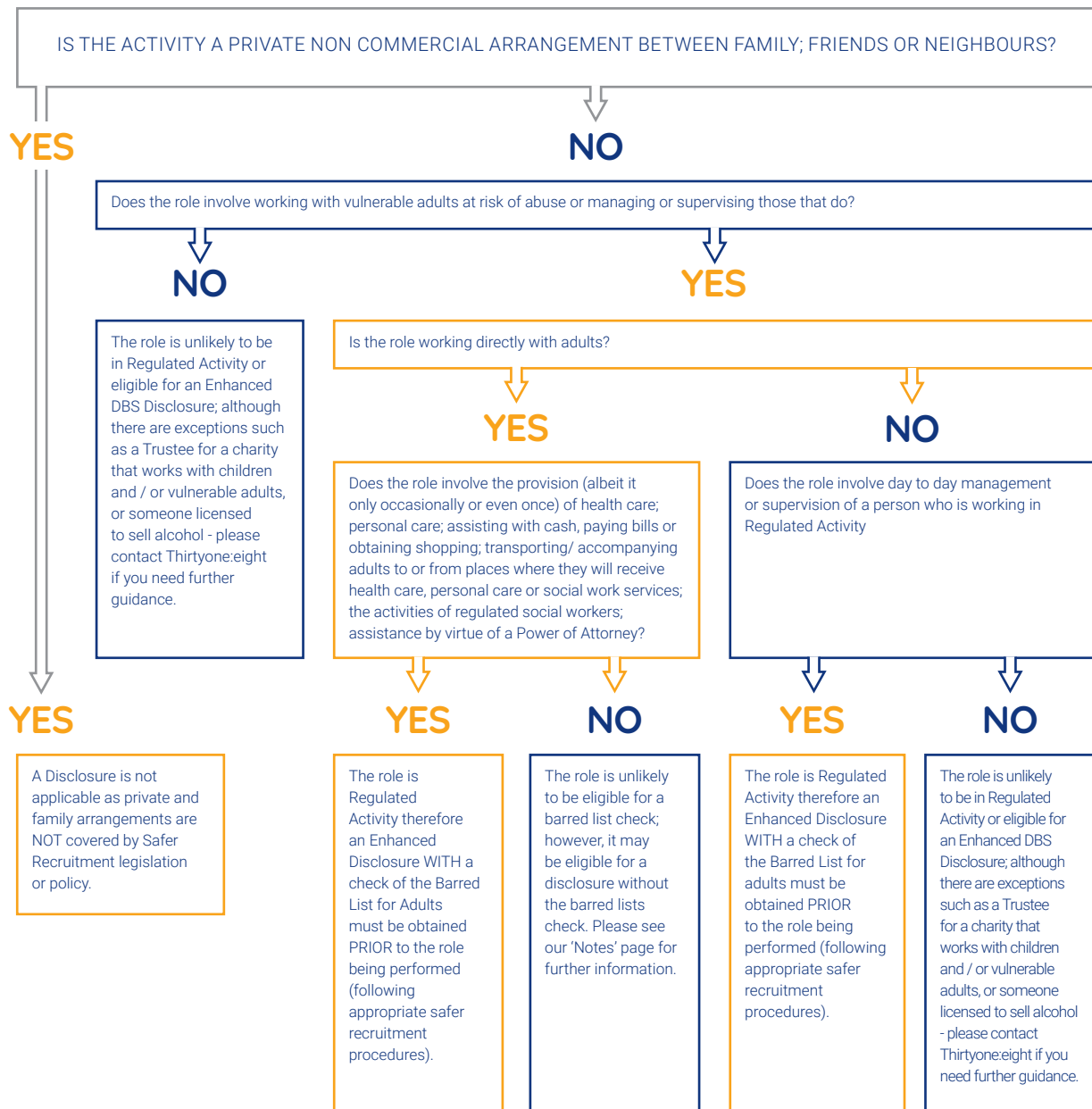


# Regulated activity decision making flowchart

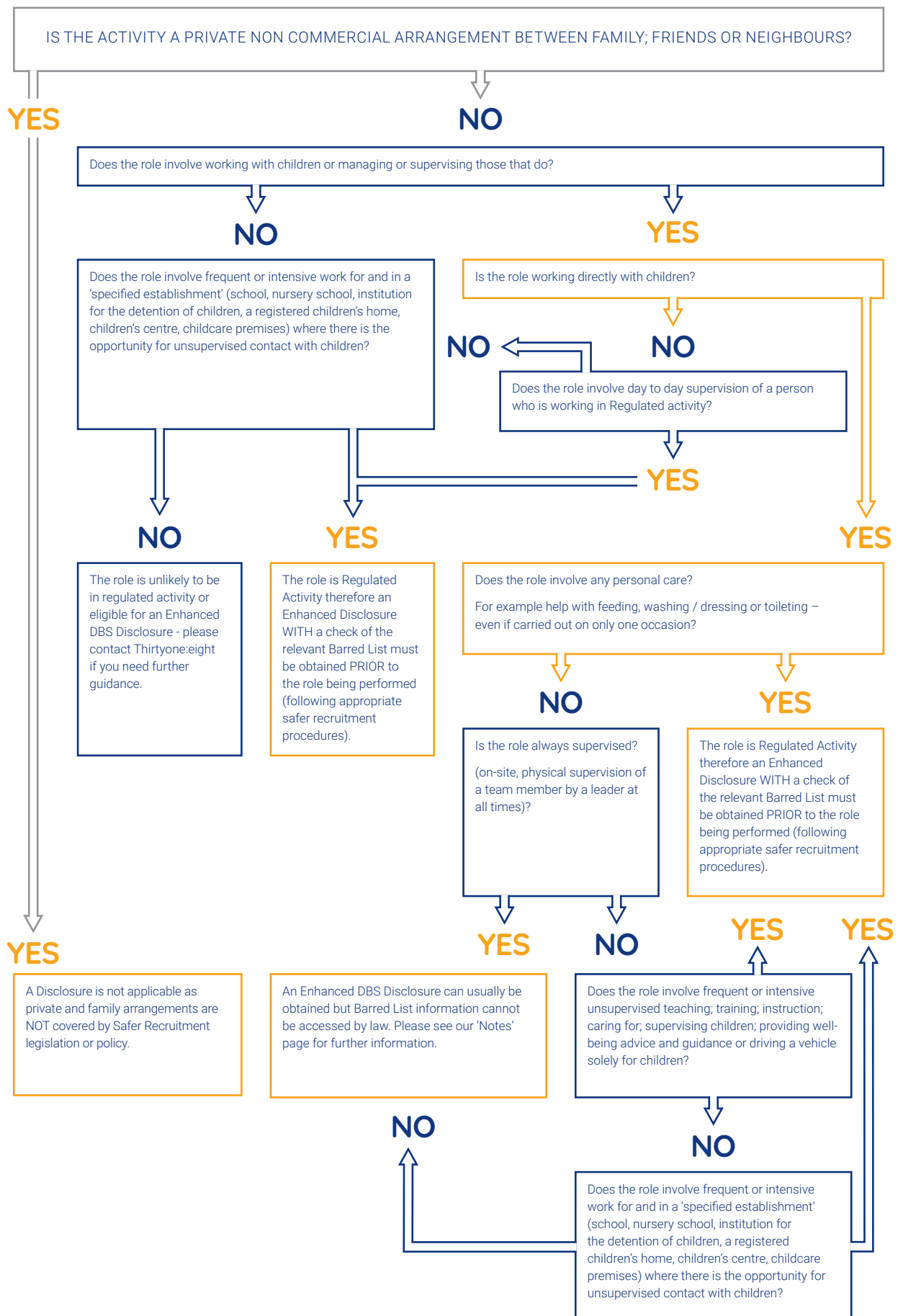
Please note that these guides are only for advisory purposes and is not a definitive or universal means to determine Regulated Activity.

For a full legal definition please see government guidance at <https://www.gov.uk/government/publications/dbs-check-eligible-positions-guidance> In addition Thirtyone:eight members can access an interactive eligibility guide, church role tables and video tutorials and receive specific eligibility advice from Thirtyone:eight on 0303 003 11 11 (option one).

## Regulated activity with adults



## Regulated activity with children



## Regulated Activity Decision Making Flowchart Notes

### Adults

If an applicant is not in Regulated Activity but works with adults who may be vulnerable then it is possible they are still eligible for an enhanced DBS check but without a check of the barred lists. It is the expectation of the Charity Commission, major Christian denominations and many insurance companies that you apply for a DBS check where the applicant's role is legally eligible for one. The worker may still be able to have an enhanced check (without a check of the barred list) 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 care, supervision, treatment, therapy, advocacy, transportation, teaching, advice, guidance and/or assistance 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. Workers employed in a care home who are not in Regulated Activity will be eligible for an Enhanced check. 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

### Children

If you have worked through the Regulated Activity Flowchart and determined that an applicant is not in regulated activity but they supervise, teach, train, instruct and/or care for children, or provide advice/guidance on well-being or drive a vehicle only for children on more than one occasion then they are eligible for an enhanced DBS check but without a check of the barred lists. It is the expectation of the Charity Commission, major Christian denominations and many insurance companies that you apply for a DBS check where the applicant's role is legally eligible for one. There is eligibility for an enhanced check (WITH a check of the barred lists) where a person lives in a household of someone who is working in regulated activity with children and who carries out some/all work from home\* A trustee of a charity that works with children is eligible for an Enhanced DBS check.

\*This only applies if the member of the household has opportunity for contact with the children- they are not in regulated activity but the barred listed can still be checked. This is an exception to the rule.

### 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 or a social services placement/referral. 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 could be eligible for an enhanced DBS check without a check of the barred list/s. Please contact Thirtyone:eight for specific advice.

Personal Care (Adults) 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).

Personal Care (Children) is defined as physical help with eating, drinking, toileting, washing, bathing or dressing for reasons of age, illness or disability as is prompting, supervision or training when a child is otherwise unable to decide for themselves in relation to any of these personal care activities

Frequently / Intensively for the purpose of Regulated Activity only 'frequently' is once a week or more; 'intensively' is four or more days in a 30 day period or overnight between the hours of 2 and 6am

## 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 would only be in a Regulated Activity if they work every week or more and are not always supervised; 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 even if 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/ accompany church members to their GP surgery or hospital appointments is working in Regulated Activity.
- A luncheon club/foodbank or street outreach 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 additional notes 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 Guide

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

Role	Eligibility Criteria	Level of Check & Advisory Notes	Preferred Title to be Entered on Form (if different from 'Role')
BAPs/Ordination training candidate	Eligible	Regulated Activity with children and adults (this is a paid role)	Trainee Minister
Bellringer	Not Eligible	Unless in a supervisory/teaching role with junior bellringers	Bellringer supervising Children
CAP Befriender	Eligible	Usually Enhanced, possibly Regulated Activity see Flowchart and notes as this is dependant on individual role	
CAP Centre Manager	Eligible	Regulated Activity with adults	
CAP Debt Counsellor	Eligible	Enhanced – Regulated Activity with adults if dealing with money on behalf of client	
Caretaker/Premises Manager	Not Eligible	Unless they work in a school or their responsibilities include supervising children	Caretaker supervising children
Chalice Bearer	Not Eligible		
Childcare Practitioner	Eligible	Regulated Activity with children	
Children's worker	Eligible	Enhanced If working on more than one occasion – but Regulated Activity if role includes taking children to the toilet or they work frequently or intensively unsupervised	Church Children's Worker
Choir Chaperone	Eligible	Enhanced or Regulated Activity 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 Regulated Activity with children	Choir Master with Children
Choir member	Not Eligible	Unless also has chaperone/teaching role with junior choir members	Choir Supervising Children

Role	Eligibility Criteria	Level of Check & Advisory Notes	Preferred Title to be Entered on Form (if different from 'Role')
Churchwarden	Eligible	Enhanced (if a Trustee of a charity that works with children or adults at risk) or Regulated Activity depending on their role	Churchwarden/Trustee
Coffee/tea servers	Not Eligible		
Counsellor	Eligible	Enhanced if carried out frequently or intensively with adults or on more than one occasion with children* and Regulated Activity if receiving referrals from healthcare professionals and/or if unsupervised with children.	Either Counsellor or Counsellor in Regulated Activity
Creche Worker	Eligible	Enhanced – with Regulated Activity if changing nappies/ toileting children and/or not supervised.	
Debt Advisor	Eligible	Enhanced If working frequently or intensively* with adults at risk – Regulated Activity if dealing with money on behalf of client or provide counselling by means of a social services or health care professional referral.	
Director of Music	Eligible	Eligible only if supervising/ teaching children or supervising those who do – then usually Enhanced and Regulated Activity with children	Leader of Music Supervising Children
Driver of Adults at Risk	Eligible	Enhanced if carried out frequently or intensively* Regulated Activity 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	
Driver of Children	Eligible	Regulated Activity with children if frequently or intensively. Enhanced if on more than one occasion.	
Elder	Not Eligible	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	Lay Minister/Evangelist
Flower Arranger	Not Eligible		
Foodbank Worker	Not Eligible	Generally not eligible but see Flowchart and notes	

Role	Eligibility Criteria	Level of Check & Advisory Notes	Preferred Title to be Entered on Form (if different from 'Role')
Head Server	Eligible	Only eligible if on more than one occasion supervising/teaching children	Head Server supervising children
Home Visitor	Eligible	Enhanced if frequently or intensively with adults	
Homeless Shelter Worker	Eligible	Enhanced and possibly Regulated Activity - see Flowchart and notes – unless only serving food/refreshments or having a supervised 'friendly chat' in which case not eligible	
Hospital Chaplain	Eligible	Enhanced usually Regulated Activity with adults and/or children	
Incumbent/Clergy/Church Leader	Eligible	Regulated Activity with children and adults	
Junior Church Helper/Leader	Eligible	Enhanced If working on more than one occasion – but Regulated Activity if role includes taking children to the toilet or they work frequently or intensively unsupervised	
Lay Minister of Communion	Not Eligible		
Licensed Lay Minister (LLM)	Eligible	Enhanced and usually RA depending on terms of license.	
Minister	Eligible	Regulated Activity with children and adults	
Nightshelter Worker	Eligible	Enhanced and possibly Regulated Activity - see Flowchart and notes – unless only serving food/refreshments or having a supervised 'friendly chat' in which case not eligible	
Nursery Manager/Worker	Eligible	Regulated Activity	
Open the Book Volunteer	Eligible	Only Regulated Activity if unsupervised	
Ordinand in training	Eligible	Regulated Activity with children and adults (this is a paid role)	
Organist	Not Eligible	Unless also has chaperone/teaching role with junior choir members	Children's Choir Supervisor
Overseas Childrens Worker	Eligible	Usually Regulated Activity	
Parent and Toddler Group helper	Not Eligible	Unless they supervise activities with children in which case normally Enhanced – see Flowchart and notes	

Role	Eligibility Criteria	Level of Check & Advisory Notes	Preferred Title to be Entered on Form (if different from 'Role')
Parent and Toddler Group Leader	Eligible	Group leader is usually eligible for Enhanced Check in Regulated Activity if the role includes supervising/caring for/toileting children away from the parent/carer	
Parish Administrator/ Secretary	Not Eligible		
Pastor	Eligible	Regulated Activity with children and adults	
Pastoral Assistant	Eligible	Enhanced If carried out frequently or intensively* Regulated Activity if doing shopping and therefore taking money	Pastoral Worker
Pastoral Team Member	Eligible	Enhanced If carried out frequently or intensively* Regulated Activity if doing shopping and therefore taking money	Pastoral Worker
Pastoral Visitor	Eligible	Enhanced If carried out frequently or intensively* Regulated Activity if doing shopping and therefore taking money	Pastoral Worker
Pastoral Worker	Eligible	Enhanced If carried out frequently or intensively*. Not usually Regulated Activity unless specific duties –see Flowchart and notes (i.e. doing shopping and therefore taking money)	
PCC Member	Eligible	Only for churches that are a charity and work with children or adults at risk. Enhanced - as Trustees of a charity that works with children or adults at risk, good practice would say that they are checked	Church Warden/Trustee
Prayer Team Member	Not Eligible	Unless regularly*praying unsupervised with children	
Reader	Eligible	Often Regulated Activity with children/Enhanced Adults (but can differ according to core responsibilities and role) Post-licensing renewals subject to diocesan policy	Lay Minister/Reader
Sacristan	Not Eligible	May qualify if also a Server – follow guidance for that role	



Role	Eligibility Criteria	Level of Check & Advisory Notes	Preferred Title to be Entered on Form (if different from 'Role')
Safeguarding Officer	Eligible	Eligible if supervising those engaged in Regulated Activity, or working with children or adults at risk. For the Church of England the role is also eligible if the applicant serves on the PCC. See PCC role notes.	Safeguarding Officer Supervising RA or Safeguarding Officer / Trustee
Server	Not Eligible	Unless in a supervisory/teaching role with junior servers	Server Supervising Children
Steward/Sidesperson	Not Eligible	Unless specifically designated to supervise/toilet children	Steward Supervising Children
Street Pastor	Eligible	Only eligible for Enhanced with children	
Sunday School Helper/ Assistant	Eligible	Enhanced If working on more than one occasion – but Regulated Activity if role includes taking children to the toilet or they work frequently or intensively unsupervised	Sunday School Helper
Sunday School Teacher/ Leader	Eligible	Enhanced If working on more than one occasion – but Regulated Activity if role includes taking children to the toilet or they work frequently or intensively* unsupervised	
Support Worker	Eligible	Usually Enhanced, possibly Regulated Activity see Flowchart and notes	
Tower Captain	Eligible	Eligible if supervising/teaching children or supervising those who do – then Enhanced and Regulated Activity with children	Bellringer Supervising Children
Treasurer	Not Eligible	Unless they are also a Trustee of a charity that works with children or adults at risk – see notes under 'Trustee'	Trustee of Charity
Trustee	Eligible	Only eligible for Enhanced Check if Trustee for a charity that works with children or adults at risk	Trustee of charity

Role	Eligibility Criteria	Level of Check & Advisory Notes	Preferred Title to be Entered on Form (if different from 'Role')
Verger	Not Eligible	It is highly unlikely that your verger will be eligible at all, unless there is a specific duty/role within the job description for working with children and/or vulnerable adults. Any contact is likely to be deemed to be incidental to the main purpose. That said there may be eligibility, if there are any duties which mean they are directly engaged or have substantial contact with children/vulnerable adults, (such as where they are authorised to provide pastoral care).	
Welcomer	Not Eligible	Unless specifically designated to supervise/toilet children	
Worship Leader	Not Eligible	Unless also has chaperone/teaching role with children in which case 'children's worship leader' should be the position applied for	
Youth Camp Worker	Eligible	Usually in Regulated Activity	
Youth worker	Eligible	Enhanced if working on more than one occasion and often Regulated Activity if working weekly, intensively or overnight not supervised	

\* 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.