

## PROCEDURE

### Procedure for Managing Disclosure and Barring Service Checks

#### Contact Officer

*Director of Personnel*

*Senior Project Manager: Corporate Policies (Author)*

#### Purpose

This procedure is designed to inform staff and, where appropriate, potential employees of the University's legal responsibility to safeguard children and vulnerable groups and to ensure that safe working practices apply. This procedure should therefore be read in conjunction with the University's [Policy for Safeguarding Children and Vulnerable Adults](#).

#### Context

1. Under the Rehabilitation of Offenders Act (1974) (ROA) provisions are placed to protect individuals from unnecessary disclosure of their spent conviction history. Access to criminal record information is granted via The Rehabilitation of Offenders Act 1974 (Exceptions) Order (1975). The Act lists those occupations, professions and positions considered to be exempt from the ROA provisions, whereby criminal record information can be requested.
2. The Disclosure and Barring Service (DBS) was formed through a merger between the Criminal Records Bureau (CRB) and the Independent Safeguarding Authority (ISA) in December 2012. The DBS is designed to identify candidates who may be unsuitable for certain types of employment. These checks must be made on certain posts where duties fall under the DBS definitions of 'regulated activity'. Such activity is summarised in Appendix 1.
3. Typically such roles within the University require an 'Enhanced DBS Check' which includes reference to a Barred List Check. The Barred List is maintained via the DBS and lists individuals forbidden to work with either or both children and adults in vulnerable situations.
4. The majority of posts within the University will not require a DBS Check and applicants will only be required to declare unspent criminal convictions in line with the University's Policy on the Recruitment and Employment of People with Criminal Records. It is the individual applicant's responsibility to determine the status of any conviction, in line with the Rehabilitation of Offenders

Act 1974. Guidance on this can be found on the [‘sentences/disposals’](#) page on the [Unlock](#) website.

5. The University is a body registered with the DBS. Registered Bodies must treat applicants who have a criminal record fairly and must not discriminate because of a conviction or other information revealed. Accordingly, the University has a comprehensive Policy on the Recruitment and Employment of People with Criminal Records which is available to view by all applicants. Additionally, a copy of this procedure is made available to applicants where a DBS check is required.
6. The outcomes of DBS Checks will only be discussed on a need to know basis and confidentiality will be respected by parties at all times.
7. A record of the date of disclosure, the name of the subject, the type of disclosure, the position in question, the unique number issued by the DBS and the recruitment decision taken will be retained in accordance with DBS advice. Such records will be kept in secure, locked filing cabinets or maintained on secure and protected University networks.
8. There is no requirement for extant staff, who have provided a DBS Check to Personnel prior to appointment, to be ‘re-Checked’ at intervals. Staff are reminded, however, that the Policy on the Recruitment and Employment of People with Criminal Records requires staff to disclose any criminal offence. Additionally, staff should be aware that a change of role within the University may, on occasion, require them to undergo a further Check.
9. All DBS Checks on staff will be managed by Personnel. The DBS have the right to conduct audits to check compliance with its procedures and codes and to provide advice on good practice. An audit could be conducted at any time and countersignatories must be prepared for their work to be examined and to be questioned about their procedures.

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10. Recruiting staff are responsible, with support from Personnel, for identifying posts that require an up-to-date DBS Check and the rationale for the Check (ie the level of contact with children or vulnerable groups). Care should be taken to ensure that the rationale complies with current legislation, particularly the Protection of Freedoms Act 2012.
11. Primarily, reference should be made to the summary of regulated activity, attached as Appendix 1 of this procedure. Personnel provide a list of common roles which would require a DBS Check as well as checklist for assessing whether recruitment to certain roles need include such Checks.
12. The following criteria are considered when determining whether a DBS Check is required for a particular post.
13. If the post is new then the following questions should be used as a guide to determine whether a DBS Check should be requested. In all cases the definition of vulnerable groups is that determined in DBS Guidance documents and articulated for ease of reference in Appendix 1.
  - Does the post involve regular unsupervised contact with children or vulnerable groups?
  - Does the post involve frequent support work in a general health setting with access to children or vulnerable groups?

- Does the post involve access to sensitive records about children and vulnerable groups?
- Does the post involve placement work with children or vulnerable groups?
- Does the post involve providing advice to children or vulnerable groups?
- Does the post involve regular unsupervised access to a working environment whereby children or vulnerable groups are present?
- Are there any opportunities intrinsic to the post for the postholder to re-offend?
- the length of time since the offence occurred?
- Is there evidence to suggest whether the offence was a one-off or part of a history of offending?

14. Examples of posts in the University that may require a DBS Check include:

- Staff visiting students on placement in schools or healthcare settings whereby regular unsupervised contact with children or vulnerable groups applies.
- Staff with designated responsibility for providing advice to students under 18 and/or are required to visit schools or colleges unsupervised on a regular basis.
- Members of staff working within the University Nursery
- Sports centre staff instructing or supervising children from schools, FE or external groups that come under the definition of vulnerable adults.
- Staff involved in summer schools/schemes (for example those with responsibility for supervising or assisting children from other countries staying at the University)
- Staff responsible for the security of students (who may therefore be unsupervised when such students are vulnerable).

15. It should be noted that the DBS may only hold very limited, if any, information for persons who have a substantial record of overseas residence or who have little or no previous UK residence. This will include British nationals with recent periods of overseas residence. A disclosure in such circumstances may be of limited value. Where an applicant is coming from overseas or has lived in the United Kingdom for less than five years it may be necessary to make additional enquiries about the person's background. Current guidance on such checks can be found on the DBS website ([www.direct.gov.uk/DBS](http://www.direct.gov.uk/DBS)) and will be coordinated by Personnel in the first instance.

#### **Placing an Advert/Advertising Stage:**

16. At the point of advertising, Personnel officers will ensure that an indication of the DBS Check requirement is included and will also ensure that the Job Description is updated to include this requirement in the Person Specification under the essential criteria. Correspondence with applicants to notify them of a selection event (eg. interview, presentation, etc) will also include a statement to the effect that an offer of employment is subject to consideration of the DBS Check. Note that this will not state that the offer is subject to a 'clean' Check and, indeed, will specify that items on a Check will not necessarily prevent employment.
17. Those undertaking shortlisting, task-setting (including presentations) and interviewing will be made aware of the University's Policy on the Recruitment and Employment of People with a Criminal Record and will have access to the DBS Code of Practice.

#### **Successful applicants and identity checking:**

18. Successful applicants will receive the DBS application form and will be required to complete the form using the guidance provided. Alternatively, provided that the type of certificate (Standard, Enhanced

and to the Barred Lists for adults and/or children) meets the requirements for the post, applicants can provide an existing certificate to Personnel who will then carry out an Online Check to ensure that the information contained remains current.

19. Personnel will check the identity of the person for whom a request is being submitted. In each case original documents must be presented by the applicant. Documents to confirm identity will include those containing a photograph (the latest guidance can be found on the DBS website, [www.direct.gov.uk/DBS](http://www.direct.gov.uk/DBS)).
20. Personnel will check that identifying information supplied by the applicant is consistent with the information supplied on the application form. If the applicant claims to have changed his/her name by deed poll or any other mechanism, then evidence of that change must be requested. A previous DBS disclosure document cannot be considered as evidence of identity.
21. The identity checks carried out by Personnel must be indicated on the DBS application form. It is essential that the DBS application form is completed correctly. If not, it will be returned to the University and the DBS will keep a record of such returns. Applications must be written in BLACK ink.
22. Once clearance has been received, Personnel will notify the appointee's Line Manager that all pre-employment checks have been completed.
23. Where necessary, all temporary and hourly paid lecturers should be checked in the same way as full-time contractual staff. In the case of agency staff, responsibility to provide all necessary pre-employment checks including a DBS Check remains with the agency.

#### **Managing DBS Checks showing convictions**

*This section is also produced as a flowchart<sup>1</sup>, for ease of understanding.*

24. A copy of the DBS Check, in the form of a certificate, is sent to the applicant who must then supply this to Personnel. Applicants already in receipt of a certificate, provided that the type of certificate (Standard, Enhanced and to the Barred Lists for adults and/or children) meets the requirements for the post, should supply this to Personnel who will then carry out an Online Check to ensure that the information contained remains current.
25. Personnel will check whether the applicant disclosed any unspent conviction as requested during the recruitment process. Should the candidate have failed to reveal information that is directly relevant to the position then the University may withdraw the offer of employment with immediate effect.
26. Applicants should bear in mind that having a criminal record does not automatically bar applicants from a position that requires a DBS Check. In accordance with the Rehabilitation of Offenders Act 1974, the University keeps an open mind and considers the nature of the crime, the circumstances involved, the requirements of the job, the safeguards against offending at work and the potential impact on the organisation. Nonetheless, Personnel officers in particular are reminded that it may be a criminal act in itself to make an application for employment roles involving children and/or adults. This is likely to be the case where applicants are included on the Barred List Check. In such cases the Director of Personnel will inform the Police.
27. In the light of the above paragraph, Personnel officers are responsible for undertaking a risk

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<sup>1</sup> See <http://www.worc.ac.uk/personnel/765.htm>

assessment should a DBS Check include information that may impact upon the role. This risk assessment may, at the officer's discretion, include discussion with the selection panel and/or the candidate themselves if deemed appropriate or necessary. This assessment should explicitly consider the relevance of the conviction to the role and weigh up the risks associated with the University employing the applicant in that capacity. Details of the criteria used to assess risk are contained within the University Policy on the Recruitment of People with a Criminal Record. The outcome of this risk assessment (but not the detail of any convictions) will be held on the employee's Personnel file.

28. Should it be deemed necessary to discuss the information contained within the DBS Check with the candidate, this should be carried out through open and measured discussion relating solely to the subject of any offences that might be relevant to the position. At this point it will be important to seek clarification on the details of the conviction. It is suggested that the criteria described in paragraph 12 are used to form the basis of this discussion.
29. If the applicant disputes the information contained within the DBS Check then the matter can be resolved before making the decision to confirm the provisional offer. The applicant should contact the DBS Disputes Department immediately upon receipt to resolve such matters. Disputes must be raised within three months of receipt of the Check. Should applicants choose to take this route they must inform Personnel as soon as reasonably possible. Failure to do so may result in the position being offered to an alternative candidate.
30. In rare instances information on a DBS Check is separately provided by the Police. This information will not be discussed directly with the applicant and will be kept confidential to the University. The risk assessment approach described above will normally be carried out in the same way although advice on deviation may be sought from the Director of Personnel.

#### **Referrals to the DBS**

31. The DBS will be informed by the Director of Personnel should any member of staff be dismissed from the University due to their causing harm to a vulnerable adult or child. In such cases, the Police will also be informed.

<b>Date Approved</b>	<i>Day/Month/Year</i>
<b>Approval Authority</b>	<i>Health, Safety and Wellbeing Committee</i>
<b>Date of Commencement</b>	<i>January 2014</i>
<b>Amendment Dates</b>	
<b>Date for Next Review</b>	<i>January 2017</i>
<b>Related Policies, Procedures and Guidance</b>	<i>DBS Process (Staff) &amp; Flowchart Policy on the Recruitment and Employment of People with Criminal Records Safeguarding Children and Vulnerable Adults Policy</i>