



**UNIVERSITY *of*  
WORCESTER**

# **PROCEDURE FOR MANAGING DISCLOSURE AND BARRING SERVICE CHECKS**

This procedure is designed to inform staff and, where appropriate, potential employees of the University or any of its subsidiaries 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

## **1. Context**

- 1.1 Under the Rehabilitation of Offenders Act 1974 (amended 2023) (ROA), the Protection of Freedoms Act 2012 and DBS Filtering Rules (amended 2023) provisions are placed to protect individuals from unnecessary disclosure of their spent conviction history. The ROA lists those occupations, professions and positions considered to be exempt from these provisions, whereby criminal record information can be requested.
- 1.2 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'. Details of what is deemed to be 'regulated activity' in relation to children is available at: <https://www.gov.uk/government/publications/dbs-guidance-leaflets/regulated-activity-with-children>. Details of what is deemed to be 'regulated activity' in relation to adults is available at: <https://www.gov.uk/government/publications/dbs-guidance-leaflets/regulated-activity-with-adults-in-england-and-wales>.
- 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.
- 1.4 The majority of posts within the University will not require a DBS check, however job applicants will be required to declare unspent criminal convictions, cautions and bind overs 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. Applicants will only be required to disclose convictions and cautions that they are legally obliged to disclose and are advised to seek further guidance if they are unclear (for example from <https://www.gov.uk/guidance/rehabilitation-periods> or organisations such as [NACRO](#) or [Unlock](#)).
- 1.5 The University recognises the DBS Filtering Rules (amended 2023). Certain old and minor cautions and convictions are protected and will not appear on DBS certificates and therefore should not be requested or considered during recruitment. The University will not ask applicants to disclose protected convictions or cautions.
- 1.6 The University contracts with a pre-employment screening specialist which is registered as an umbrella body with the DBS. Employers and 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. The procedure is highlighted to applicants where a DBS check is required and is applicable to the University of Worcester and any of its subsidiaries. References to 'the University' in this procedure and the associated Recruitment and Employment of People with Criminal Records Policy therefore apply to the University of Worcester or any of its subsidiaries.
- 1.7 The outcomes of DBS checks will be discussed on a need to know basis only and confidentiality will be respected by all parties. DBS certificates will not be retained for longer than six months following the recruitment decision, in line with the DBS Code of Practice.
- 1.8 A record of the date of disclosure, the type/level of disclosure, the position in question, the unique certificate number issued by the DBS and the recruitment decision taken will be retained in accordance with DBS advice on the member of staff's HR record. Such records will be kept in securely and in accordance with the University's Document Retention Schedule.
- 1.9 There is no requirement for current staff, who have provided a DBS check to HR prior to appointment, to be 're-checked' at intervals. The only potential exception to this is for individuals who work in the

Institute of Education and who are involved in regularly visiting and assessing students within their school placement setting. In such cases the school may expect that the member of staff concerned has been DBS checked within the last three years or has subscribed to the DBS update service. Further information regarding the DBS Update Service is available at: <https://www.gov.uk/dbs-update-service>. However, the Policy on the Recruitment and Employment of People with Criminal Records requires staff to disclose any criminal offence committed during their employment. Additionally, a change of role or a break in service between roles with the University may, on occasion, require the new postholder to undergo a DBS check or re-check if the new job is eligible.

- 1.10 All DBS checks on staff will be managed by HR. 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 those staff involved in the administration and management of DBS checks must be prepared for their work to be examined and to be questioned about their procedures.

## **2. Procedure**

- 2.1 Recruiting managers are responsible, with support from HR, for identifying posts that require an up-to-date DBS Check and the rationale for the Check (i.e. the level of contact with children or vulnerable groups). Recruiting managers must ensure that the role meets the statutory definition of “regulated activity” as defined under Schedule 4 of the Safeguarding Vulnerable Groups Act 2006 (as amended). HR must confirm eligibility for the level of check requested before submission. Care should be taken to ensure that the rationale complies with current legislation, particularly the Protection of Freedoms Act 2012. It is a criminal offence to request a DBS check for a role that is not eligible.

- 2.2 Primarily, reference should be made to the summary of regulated activity (see paragraph 1.2 above). The umbrella body will verify the assessment of the role and maintain a central list of assessed roles which are eligible for DBS checks, in conjunction with HR.

- 2.3 Applicants who have subscribed to the DBS Update Service may not need to complete a full new DBS check application. To potentially prevent the need for a full re-check, applicants subscribed to the DBS Update Service must provide their original DBS certificate and give permission for an online status check. HR must verify that:

- The certificate level is appropriate (Standard/Enhanced/Enhanced with Barred List).
- The workforce and barred list(s) are correct (Child/Adult/Both).
- The certificate relates to the correct identity.
- The status check confirms no new information.

Where these conditions are not met however, a new DBS application must be submitted.

- 2.4 The pre-employment checking service 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).

- 2.5 The pre-employment checking service 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.

- 2.6 When clearance has been received, HR will notify the appointee’s Line Manager that all pre-employment checks have been completed. If a DBS is required for a post the employee should not commence work until this pre-employment check has been completed.

- 2.7 Only in exceptional circumstances may an individual potentially be able to commence in post before the DBS process has been completed. In such circumstances a DBS risk assessment must be completed, approved by the manager concerned, the Head of School/Professional Services and the Director of HR, before the individual's first day of employment. Appropriate interim measures/controls to mitigate risk must be confirmed as feasible and risks kept under regular review until the DBS process is completed. If suitable risk controls cannot be identified however, the individual must not commence in post until the DBS process has been completed.
- 2.8 Where necessary, temporary and part time/hourly paid staff will be checked in the same way as full time and permanent contractual staff. The responsibility to provide all necessary pre- employment checks for agency staff, including a DBS check, remains with the agency.

### **3. Managing DBS Checks showing convictions**

- 3.1 All applicants are required to disclose **unspent** cautions, convictions and bind-overs. HR will investigate and risk assess any disclosures made in line with the University's policy on the Recruitment and Employment of People with Criminal Records.
- 3.2 If a job vacancy requires an enhanced or standard DBS check, applicants are required to apply for a DBS check. A DBS certificate indicating whether the check is clear or detailing relevant criminal activity is issued to the applicant. The University does not receive a copy directly.
- 3.3 Nominated members of the HR team receive notification that the DBS check has been completed and can look up the result securely online. A "clear" DBS check will be recorded on the HR record and the relevant manager will be notified by HR. The University does not receive copies of DBS certificates directly from the DBS however and so a DBS check that indicates "content" will be notified to nominated senior HR managers, who will liaise with the applicant/staff member to obtain sight of the full certificate and check its validity and with the manager to investigate and conduct a risk assessment in line with the University's policy on the Recruitment and Employment of People with Criminal Records.
- 3.4 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. Note: It is a criminal offence however for an individual who is barred from regulated activity to apply for, offer to do, or engage in a role that is defined as 'regulated activity'. Where a barred status is identified, the University will follow its safeguarding procedures and will be obliged to make a referral to the appropriate authorities (e.g. the Police) in accordance with the Safeguarding Vulnerable Groups Act 2006. This is known as the legal duty to refer.
- 3.5 In the light of the above paragraph, HR managers are responsible for undertaking a risk assessment should a DBS Check include information that may impact upon the role. This risk assessment may, at the HR Manager's discretion, include discussion with the recruiting manager and senior management in the department 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 HR file.
- 3.6 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. It will be important to seek clarification on the details of the conviction.

3.7 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 HR as soon as reasonably possible. Failure to do so may result in the position being offered to an alternative candidate.

3.8 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 HR.

**4. Referrals to the DBS**

4.1 The DBS will be informed by the Director of HR 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.

4.2 Under the Safeguarding Vulnerable Groups Act 2006, the University has a legal duty to refer information to the DBS where:

- It has removed a person from regulated activity (or would have done so had they not resigned, retired or otherwise left), and
- It believes the person has engaged in relevant conduct, satisfied the harm test, or committed a relevant offence.

Referrals must be made promptly by the Director of HR (or nominee) in consultation with the Designated Safeguarding Lead. Failure to make a required referral is a criminal offence.

	January 2014
	University Executive Board
	January 2014
	Revisions April 2021 & March 2026
	March 2029
	Equality Diversity and Inclusion policy
	n/a
	Policy on the Recruitment and Employment of People with Criminal Records Safeguarding Policy