

## **Disclosure and Barring Checks (DBS) Policy & Procedure**

### **1. Introduction and Scope**

- 1.1 The Disclosure and Barring Service (DBS) has been established under the Protection of Freedoms Act 2012 and merges functions previously carried out by the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA).
- 1.2 The purpose of this policy is to state the HSU's procedures on the use of Disclosure and Barring checks within the staff recruitment process.
- 1.3 The policy operates on the basis that all student DBS checks are managed centrally by Registry and all staff DBS checks, including for students who are employed as staff by HSU, are managed centrally by the People Department. The policy supports a process that enables the HSU to recruit based on objective criteria that is fair and equitable and free from bias.
- 1.4 This policy is applicable to all staff recruited both internally and externally to HSU and to all on permanent, fixed term and casual contracts, who require a DBS check as part of their employment at HSU. It will be made available to applicants at the outset of the recruitment process where a DBS request for disclosure of their criminal record will be required as part of the application process

### **2. Responsibility**

- 2.1 It is the responsibility of the Head of People and Development reporting to -Wider Management Group and the Executive Group to implement, monitor and review this Policy across HSU.
- 2.2 Heads of School and Heads of Department are responsible for the implementation and dissemination of the Policy within Schools and Departments and for ensuring compliance.

### **3. Core Principles**

- 3.1 HSU will use the Disclosure and Barring Service (DBS) to obtain information to enable it to assess the suitability of applicants for employment for posts working with vulnerable groups or in positions of trust.
- 3.2 HSU will remain mindful of its duty of care and other legal obligations such as those it owes under the Health and Safety at Work Act 1974, the Data Protection Act 2018, the Safeguarding Vulnerable Groups Act 2006 (as amended by the Protection of Freedoms Act 2012) and the Equality Act 2010.
- 3.3 HSU acknowledges that while it is under an obligation to obtain disclosures from the DBS for

some staff and students, it is important to achieve a balance based on the assessment of the risk involved in particular roles and activities being carried out and recognising the legal limits on the range of positions for which checks may be sought.

- 3.4 HSU will ensure that DBS checks will be undertaken and processed in a professional, timely and responsive manner and in compliance with current employment legislation.
- 3.5 HSU will provide appropriate training, development and support to those involved in DBS checks in order to ensure that they are aware of their responsibilities.
- 3.6 HSU will comply with the DBS code of practice when processing data as part of the DBS checking procedures including the secure storage, handling, use, retention & disposal of DBS disclosures and disclosure information and with its obligations under the Data Protection Act 2018.
- 3.7 HSU will review the policy and accompanying procedures in response to changes in legislation or practice.

#### **4. Supporting Policies and Procedures**

- Recruitment Policy & Procedure
- Staff Disciplinary Policy & Procedure
- Grievance Policy & Procedure
- Privacy Notices

#### **5. Relevant Legislation (Including, but not limited to)**

- The Criminal Justice and Court Services Act 2000
- Data Protection Act 2018
- The Equality Act 2010 and Statutory Duties Regulations 2011
- ISA Guidance on Vetting and Barring ISA Referral Guidance
- The Police Act 1997
- The Protection of Children Act 1999 and The Children Act 2004
- The Management of Health and Safety at Work Regulations 1999
- The Protection of Freedoms Act 2012
- The Provision and Use of Work Equipment Regulations 1998
- The Rehabilitation of Offenders Act 1974 (Exceptions) Order
- The Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012
- The Sexual Offences (Amendment) Act 2000

#### **6. Determination of Level of Disclosure**

- 6.1 The recruiting manager will determine whether a DBS check is required for the post and the appropriate level.
- 6.2 For positions working with children and vulnerable adults, an Enhanced, with or without a Barred List check, DBS certificate will be requested. This involves an extra level of checking with local police force records in addition to checks with the Police National Computer and the government department lists held by the Department for Education and Skills and the Department of Health, where appropriate. The majority of posts which require a DBS

certificate within HSU will be subject to an Enhanced Certificate.

6.3 Where an employee will be carrying out regulated activity, then a Barred List check will also need to be carried out.

6.3.1 A regulated activity is a term used to describe certain job functions carried out by an employee as defined by the Disclosure and Barring Service (DBS). These requirements are important as they determine eligibility for an Enhanced Level DBS check and a check of the DBS Barred Lists.

6.4 All other positions covered by the Exceptions Order 1975 to the Rehabilitation of Offenders Act 1974 are subject to a Standard DBS certificate. This contains details of all convictions on record (including spent convictions), plus details of any cautions, reprimands or warnings.

6.5 The amendments to the Exceptions Order 1975 (2013) provide that certain spent convictions and cautions are 'protected' and are not subject to disclosure to employers and cannot be taken into account. Guidance and criteria on the filtering of these cautions and convictions can be found at the [Disclosure and Barring website](#).

The Disclosure and Barring Service (DBS) offers four types of criminal record check:

Information searched	Basic	Standard	Enhanced	Enhanced + barred lists
Unspent convictions	Yes	Yes	Yes	Yes
Spent convictions	No	Yes	Yes	Yes
Cautions, warnings, reprimands	No	Yes	Yes	Yes
Other police information relevant to role	No	No	Yes	Yes
Child or adult barred list	No	No	No	Yes

## 7. Positions Requiring a DBS Disclosure Check

7.1 There are certain posts at HSU which will require satisfactory vetting and barring clearance before any appointment is confirmed. Some examples of these posts are:

- Clinic Tutors
- Lecturers
- Sonographer
- Academic or Research staff carrying out research in clinical settings or who are carrying out research in schools or hospitals
- Access & Participation roles

- Specialist Student Ambassadors
- Wellbeing Adviser
- Counsellors
- Head of Student and Wellbeing Services
- Disability and Inclusivity Adviser

This is not an exhaustive list.

- 7.2 It is good practice to undertake a risk assessment when deciding whether or not a post requires a DBS or other vetting check, particularly if there is some uncertainty. In most cases it will be obvious, but in others a number of questions may need to be asked of the role and associated activities. Please contact the People Department if you need advice.
- 7.3 Casual workers such as those who are working with children or vulnerable adults on behalf of the University may need to complete a DBS check.

## 8. **Regulated Activity**

- 8.1 Any person whose duties are deemed as Regulated Activity must have an Enhanced with Barred list check for either Children or Adults or both. The application process is the same as other checks.
- 8.2 Regulated activity, related to children, includes any activity of a specified nature that involves contact with children or vulnerable adults frequently, intensively and/or overnight. (Such activities include teaching, training, care, supervision, advice, treatment and transportation.)
- 8.3 The Department for Education (DfE) have advised that regulated activity in the University is likely to take place in relation to HE in the following circumstances:
- 8.3.1 some students on placements in workplaces arranged by HEIs will carry out regulated activity
  - 8.3.2 HEI staff or students may interact with children in carrying out paid or voluntary outreach work with schools
  - 8.3.3 HEI staff or students may interact with the vulnerable groups through their academic work or research.
  - 8.3.4 some HEI staff working in health centres / environments or learning support units may work with vulnerable adults

## 9. **Process**

- 9.1 If the department considers that a position meets the regulated activity definition and requires a DBS check, they must ensure applicants are aware that a DBS disclosure is required as part of the application process and arrange for a DBS check at the appropriate stage. Line managers should use the DBS eligibility tool in the first instance: <https://www.gov.uk/find-out-dbs-check>
- 9.2 When submitting an Authority To Recruit (ATR) form, the recruiting manager should select the appropriate option to indicate that the post requires DBS disclosure. The advert will contain a statement to this effect and the department must ensure that the further particulars reflects this and includes a link to this policy.
- 9.3 When a conditional offer is made, the People Department will remind the applicant that the appointment is subject to DBS clearance. the People Department will send copy of the

University's Privacy Policy and consent form for the individual to complete and return prior to the People Department registering the appointee on Civil and Corporate for them to complete an online DBS Application form. Civil and Corporate is an external organisation that completes the DBS check, this is not done by the University. The DBS form is to be completed by the individual, identity checks verified by the nominated DBS Checker in the People Department and returned to Civil and Corporate for countersignature and processing.

- 9.4 The Home Office has revised identity checking guidelines and there may be a requirement to use an external ID validation service. Members of the transgender community may contact the DBS for a sensitive check which does not reveal their gender identity history.
- 9.5 DBS no longer issue disclosure certificates to employers, therefore applicants must present their certificate to the People Department before they start work or, for existing employees, before they commence any project or new role involving regulated activity.
- 9.6 Individuals appointed to posts that require satisfactory DBS clearance will not normally be able to commence in post until their Disclosure has been returned and has been deemed to be satisfactory. Depending on the particular requirements of a post and the nature of the involvement with children and/or vulnerable groups, it may be possible for the individual to start work prior to receipt of the Disclosure providing the criteria in the Recruitment Policy & Procedure regarding starting without full employment checks is followed. In such cases the recruiting manager, in consultation with the People Department, should ensure that appropriate safeguarding mechanisms are place and a risk assessment completed, with approval from the Executive Team. If this is not possible, the individual's start date may need to be postponed.

## **10. DBS checks for Existing Members of Staff**

- 10.1 It is important to note that while Disclosures are primarily used in the recruitment and selection process, there may be occasions where a change in duties requires a Disclosure check to be undertaken for an existing member of staff. It will be the responsibility of the new line manager to ensure that the employee has the required DBS clearance in collaboration with the People Department

## **11. International Staff**

- 11.1 A DBS check for applicants with a record of overseas residence may not include information on convictions from outside the UK. Should the applicant have periods of overseas residency, they will be asked to obtain certificates of good conduct. The DBS can offer guidance on the availability of [criminal record checks in a variety of foreign countries.](#)

## **12. Portability**

- 12.1 Portability is the re-use of a DBS Disclosure for a position in another organisation. The DBS has clarified that it will not facilitate the portability of Disclosures. For this reason, it is the HSU's policy not to accept Disclosures from other institutions unless an individual has also signed up to the DBS Update Service (see below). However, in circumstances where an immediate start would affect the service or delivery to our patients, current DBS checks would be accepted along with a risk assessment, Executive Team approval and the online application process for a DBS with HSU had commenced.

12.2 It is also the HSU's policy not to share Disclosures with other organisations and all information provided will remain confidential and disclosed to authorised personnel only; unauthorised disclosure is an offence. However, there are some circumstances where it may be possible to share information with partner organisations. In these instances, explicit consent must be sought from the individual to share the disclosure.

12.3 In all other circumstances HSU will only provide confirmation to other organisations that a Disclosure has been received.

### **13. Update Service**

13.1 To reduce the need for requesting multiple DBS checks a service has been introduced - the Update Service. This service allows applicants the chance to keep their DBS certificate up to date online and allows employers to check a certificate online. Subscription costs £16 per year and is suitable for applicants who may be required to carry out multiple checks, enabling the DBS to be taken from role to role, within the same workforce, where the same level of check is required thus avoiding the need to request to share disclosure information. Please note that this fee is not able to be reimbursed. For further advice on what the service is and how to subscribe please visit: <https://www.gov.uk/dbs-update-service>.

13.2 If the update service is being used, applicants must show the original certificate together with confirmation that the applicant gives permission for the HSU to perform the status check.

### **14. Re-Checking**

14.1 Individuals subject to DBS Disclosure are required to notify the People Department of cautions/convictions/warnings received during their employment with HSU. HSU re-checks Disclosures every three years.

### **15. Recruitment of Ex-Offenders**

15.1 Having a criminal record will not necessarily bar an individual from working with us. This will depend on the nature of the position and the circumstances and background to the offences.

### **16. Students**

16.1 Students who require a DBS certificate for their academic programme should contact Registry.

16.2 Where an individual is both a student and an employee of HSU, it should be self-evident whether the DBS disclosure is required in connection with their employment (processed by the People Department) or their course of study (processed by Registry).

### **17. Work Experience**

17.1 HSU aims to adopt the highest possible standards and take all reasonable steps in relation

to the safety and welfare of children, young people and vulnerable adults. Therefore, all work experience placements must comply with the HSU's Safeguarding Policy.

- 17.2 As part of the department's risk assessment, consideration will need to be given to whether any Disclosure and Barring Service (DBS) checks are necessary.

## **18. Storing DBS information**

- 18.1 HSU complies fully with its obligations under the General Data Protection Regulations (GDPR), the Privacy notices and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information.

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<b>Target</b>	HSU Staff
<b>Policy location</b>	Staff Information Portal
<b>Equality analysis</b>	No direct impact, the policy provides for equality analysis to be undertaken as part of policy review. The policy provides for information to be made available in alternative formats as required, to make reasonable adjustments in line with the Equality Act 2010.