

## Staff Disclosure and Barring Checks (DBS) and Recruitment of Ex-offenders 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 consolidates the of the former Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA). In the UK criminal record checks are obtained through the Disclosure and Barring Service (England and Wales).
- 1.2 DBS checks are available at different levels which include basic, standard and enhanced checks.
- 1.3 This policy outlines the HSU's procedures for the use of DBS checks in staff recruitment and student placements. It reflects our commitment to safeguarding, fair recruitment, legal compliance, and the appropriate handling of criminal record information.
- 1.4 All student DBS checks are centrally managed by Registry, including for students who are employed as staff by the HSU. Staff DBS checks are managed by the People Department.
- 1.5 The policy supports a process that enables HSU to recruit based on objective criteria that is fair and equitable and free from bias. HSU complies fully with the code of practice and undertakes to treat all applicants for positions fairly.
- 1.6 This policy applies to all applicants, prospective members of staff and all existing members of staff (the term "staff" includes, but is not limited to, employees, workers, voluntary staff and honorary appointees) where a DBS check is required. 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.
- 1.7 HSU will treat prospective members of staff and existing members of staff who disclose a caution and/or criminal conviction in a fair and proportionate manner. Having a criminal record will not necessarily bar an individual from working for HSU; the nature of a disclosed conviction and its relevance to the post in question will be considered carefully.
- 1.8 Failure to disclose a caution and/ or criminal conviction, as set out in this policy, may lead to the withdrawal of an offer of employment or appointment with HSU or to disciplinary action which may lead to the termination of employment or appointment.

### 2 Responsibilities

- 2.1 **People Department:** The Head of People and Development is accountable for policy implementation and monitoring, reporting to Senior Management Group (SMG) and the Executive Leadership Group.
- 2.2 **Heads of Schools/Heads of Departments:** Heads are responsible for dissemination and compliance within their areas.

### 3 Core Principles

- 3.1 HSU uses the Disclosure and Barring Service (DBS) 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 can only ask an individual to provide details of convictions and cautions that HSU are legally entitled to know about. Where a DBS certificate at either standard or enhanced level can legally be requested (where the position is one that is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended, and where appropriate Police Act Regulations as amended).

- 3.5 HSU can only ask an individual about convictions and cautions that are not protected.
- 3.6 HSU is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependents, age, physical/ mental disability or offending background.
- 3.7 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.
- 3.8 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. This will include training and awareness on legislation and eligibility, assessing disclosures, safeguarding, confidentiality and the fair treatment of ex-offenders.
- 3.9 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.
- 3.10 HSU will review the policy and accompanying procedures in response to changes in legislation or practice.

#### 4 Determination of Level of Disclosure

- 4.1 The recruiting manager will determine whether a DBS check is required for the post and the appropriate level.
- 4.2 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.
- 4.3 Where an employee will be carrying out regulated activity, then a Barred List check will also need to be carried out.
- 4.4 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.
- 4.5 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.
- 4.6 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
-------------------------------	----	----	----	-----

## 5 Positions Requiring a DBS Disclosure Check

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

- Clinic Tutors/ Practice Educators/ SPOP Tutors
- Lecturers/ Senior Lecturers / Associate Professors / Professors
- Sonographers
- 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
- Disability and Inclusivity Adviser
- Board of Governors

This is not an exhaustive list. Departments are expected to conduct a role-specific risk assessment to confirm DBS requirements.

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.

5.2 Casual workers such as those who are working with children or vulnerable adults on behalf of HSU may need to complete a DBS check.

5.3 How to assess if a position requires a DBS Check:

- [DBS Eligibility Guidance](#)
- [Schedule 1 of the Rehabilitation Of Offenders Act 1974 \(Exceptions\) Order 1975](#)
- [A Guide for Eligibility](#)

## 6 Regulated Activity

6.1 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.

6.2 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.)

6.3 The Department for Education (DfE) have advised that regulated activity in HSU is likely to take place in relation to HE in the following circumstances:

- some students on placements in workplaces arranged by HEIs will carry out regulated activity
- HEI staff or students may interact with children in carrying out paid or voluntary outreach work with schools
- HEI staff or students may interact with the vulnerable groups through their academic work or research.
- some HEI staff working in health centres / environments or learning support units may work with vulnerable adults

## 7 Agency Workers

- 7.1 Where an employment agency is contracted to provide temporary staff to HSU, it is the responsibility of the agency to undertake all necessary pre-employment checks, including a DBS check where relevant.
- 7.2 The agency will have its own procedures for requiring its workers to declare criminal convictions and will be expected to disclose any convictions to HSU which are relevant to the role.

## 8 Process

- 8.1 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>
- 8.2 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 job advert will contain a statement to this effect, and the department must ensure that the further particulars reflect this and includes a link to this policy.
- 8.3 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 HSU'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 HSU. 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.
- 8.4 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.

ID Checking Guidelines for standard/ enhanced DBS check applications from July 2021 until 1<sup>st</sup> November 2025 : <https://www.gov.uk/government/publications/dbs-identity-checking-guidelines/id-checking-guidelines-for-standardenhanced-dbs-check-applications-from-1-july-2021>

ID Checking Guidelines for standard/ enhanced DBS check applications from 22<sup>nd</sup> April 2025: <https://www.gov.uk/government/publications/dbs-identity-checking-guidelines/id-checking-guidelines-for-standardenhanced-dbs-check-applications-from-22-april-2025>

- 8.5 DBS certificates are issued directly to the applicant/ employee, 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.
- 8.6 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.

## **9 International staff**

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](#).

## **10 Transgender applicants**

10.1 All applicants should be made aware of the [transgender application route](#). The transgender application route allows applicants to declare previous names and sexes without including them on the application form.

10.2 The DBS offers a confidential checking service for transgender applicants in accordance with the Gender Recognition Act 2004, known as the sensitive applications route and it is available for all levels of DBS check – basic, standard and enhanced.

10.3 The applicant can contact the sensitive applications team if they are asked to complete a DBS check and have a previous identity that they do not wish to be disclosed to HSU or added to their DBS certificate.

Sensitive Applications Team contact details:

<https://www.gov.uk/guidance/transgender-applications>

## **11 DBS checks for existing members of staff**

11.1 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.

11.2 Staff must declare any criminal changes or convictions to their line manager in accordance with section 18 of this policy.

11.3 Current staff who have previously had a DBS check (Basic, Standard or Enhanced) may be asked to renew this check every 3 years or when required and will be contacted by the People Team to provide updated verification documents.

## **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 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 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 by the DBS - 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. This is a real-time certificate Status check.

- 13.2 There are annual subscription costs to join the Update Service, which is payable by the staff member. This service 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. For further advice on what the service is and how to subscribe please visit: <https://www.gov.uk/dbs-update-service>.
- 13.3 If the update service is being used, applicants must show the original certificate together with confirmation that the applicant gives permission for HSU to perform the Status check.
- 13.4 To complete a Status check please visit [The Update Service](#). You will need the applicants DBS certificate number, surname and date of birth to complete this check as well as their consent. They will be notified when you have performed a Status check on their certificate.

#### **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.

14.2 HSU re-checks Disclosures every three years. The People Team will receive a notification from Civil & Corporate promoting them to contact the staff member to complete a new DBS check.

#### **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.
- 15.2 Disclosures are assessed case by case by a panel (Head of People & Development, Line Manager and legal/ safeguarding representative).
- 15.3 Factors considered: relevance, seriousness, time elapsed, and risk.
- 15.4 Decisions are made fairly and confidentially. The HSU supports rehabilitation and encourages open and honest disclosure.
- 15.5 Any new or existing disclosures will be handled in line with this policy and procedures outlined in appendix 1 and appendix 2.

#### **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 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 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 Criminal Offences Committed by Existing Staff**

- 18.1 There can be serious implications for the HSU if an employee is charged with or prosecuted for a criminal offence. This policy provides guidance to managers and employees on handling such situations. It applies only where an employee is formally charged and/or prosecuted. Unsubstantiated allegations alone do not

trigger this policy.

18.2 Employees must inform their line manager (or another appropriate manager) as soon as possible if they are charged with or prosecuted for an offence that:

- Has or may have a negative impact on their job duties; and/or
- Could bring HSU into disrepute.

Examples:

- A driver charged with a motoring offence.
- An employee handling cash prosecuted for theft.
- An offence publicised in media that identifies HSU as the employer.

18.3 This policy applies to any criminal charge, whether initiated by the police, HMRC (e.g., tax evasion), DWP (e.g., benefit fraud), FACT (e.g., illegal downloads), or cases where the College must report matters to the Independent Safeguarding Authority, General Chiropractic Council, or UK Border Agency.

18.4 Line managers upon notification, must:

- Immediately arrange a meeting with the employee and the Head of People & Development.
- Consider:
  1. The impact of the charge on the employee's role.
  2. The reputational risk to HSU.

18.5 Work-Related Offences

In cases such as fraud, theft, workplace violence, or serious policy breaches, HSU may:

- Suspend the employee on full pay pending investigation.
- Continue internal disciplinary proceedings alongside external investigations.

18.6 Motoring Offences

If the employee is required to drive for work:

- They must notify their manager of any convictions.
- Loss of a driving licence may lead to redeployment (not guaranteed).

18.7 Reputational Risk

If a charge may damage HSU's reputation, suspension on full pay may occur, even if work performance is not directly affected.

18.8 Reportable Offences

Some offences must be reported to professional or statutory regulators. HSU will:

- Inform the employee of the referral.
- Reserve the right to suspend the employee on full pay.

18.9 Police Cautions

Employees must report any police cautions. These will appear in DBS checks and are considered as part of safeguarding and suitability assessments.

18.10 If discussions/ investigations lead to the disciplinary policy and procedure dismissal may occur if the conviction makes continued employment untenable, the offence is work-related or the offence has harmed or could harm the HSU's reputation. An acquittal at a later stage does not automatically overturn internal disciplinary outcomes.

18.11 If a colleague makes an allegation that is denied and lacks corroboration, HSU may choose not to act. Managers may discuss concerns with the employee but must avoid action without evidence.

## **19 Data Handling and Retention**

19.1 HSU complies fully with its obligations under the General Data Protection Regulations (GDPR), HSU's Privacy policy and other relevant legislation pertaining to

the safe handling, use, storage, retention and disposal of Disclosure information.

19.2 Certificate details are stored on I-Trent and accessed only by authorised staff.

19.3 Not retained beyond what is necessary for safeguarding or regulatory obligations.

## 20 Supporting Policies and Procedures

- Recruitment and Selection Policy & Procedure
- Staff Disciplinary Policy & Procedure
- Grievance Policy & Procedure
- Privacy Notices
- Safeguarding Policy
- Policy Statement on the Recruitment of Ex-offenders ([Appendix 1](#))
- Disclosure and Barring Service (DBS) Check Procedure Flow Chart – New Appointments ([Appendix 2](#))

## 21 Relevant Legislation (Including, but not limited to)

- The Criminal Justice and Court Services Act 2000
- Data Protection Act 2018/ UK GDPR
- 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
- [DBS Code of Practice](#)
- Other applicable safeguarding, health and safety and employment regulations

## 22 Policy Review

Version	1
Approved by	PRMG
Originator/Author	Head of People and Development
Owner	Head of People and Development
Reference source	ACAS, Gov Website
Date approved	November 2025
Effective from	November 2025
Review date	November 2028
Target	HSU Staff
Policy location	Staff Information Portal
Equality analysis	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.

## Appendix 1

### Policy Statement on the Recruitment of Ex-Offenders

1.1 It is a requirement that all registered bodies must treat DBS applicants who have a criminal record fairly and do not discriminate because of a conviction or other information revealed.

1.2 This policy on the recruitment of ex-offenders is made available to all Disclosure applicants at the outset of the recruitment process.

1.3 As an organisation using the Disclosure & Barring Service to assess applicants' suitability for positions of trust, we aim to comply fully with the DBS Code of Practice and undertake to treat all applicants for positions fairly. We undertake not to discriminate unfairly against anyone who is the subject of a Disclosure on the basis of conviction or other information revealed.

1.4 We are committed to the fair treatment of our staff, potential staff or users of our services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical / mental disability, or offending background.

1.5 We actively promote equality of opportunity for all to achieve the right mix of talent, skills and potential and welcome applicants from a wide range of candidates, including those with criminal

records. We select all candidates for interview on the basis of their aptitude, skills, qualifications and experience in relation to the requirements of the post.

1.6 A DBS check is only requested when it is both proportionate and relevant to the position concerned. For those positions where a DBS check is required, the recruitment information will contain a statement that a DBS check will be requested in the event of the individual being offered the position.

1.7 Where a DBS check is to form part of the recruitment process, we encourage all applicants called for interview to provide details of any criminal record at an early stage in the application process. We guarantee that this information is only seen by those who need to see it as part of the recruitment process.

1.8 We ensure that all those who are involved in the recruitment process will have suitable guidance to enable them to identify and assess the relevance of the offence in relation to the position applied for. We also ensure that they receive appropriate guidance on the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.

1.9 At interview or in a later separate discussion, we ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position applied for could lead to withdrawal of an offer of employment.

1.10 We undertake to discuss any matter revealed in a DBS check with the person seeking the position before withdrawing a conditional offer of employment.

1.11 We make every subject of a DBS check aware of the existence of the DBS Code of Practice and make a copy available on request.

1.12 Having a criminal record will not necessarily bar a person from working with us. This will depend on the offence and the relevance of the offence in relation to the position applied for. The factors taken into account will include the responsibilities of the position, the vulnerability of the customer group, the nature of the offence(s), the number and pattern of the offences (if there is more than one), how long ago the offence(s) occurred and the age of the offender when the

## **Appendix 2**

### **Disclosure and Barring Service (DBS) Check Procedure for New Appointments**

#### **1. School/Department**

Completes Authority to Recruit Form indicating DBS required having checked against the People Department and DBS guidance.

#### **2. The People Department**

Check Authority to Recruit Form and should DBS be required, check Job Description and ensure advert and position details include requirement for DBS.

#### **3. Candidate**

Interviews convened. Candidate asked to bring in ID Documents and completed related consent form.

#### **4. The People Department**

Successful candidate sent a letter of offer noting the requirement of satisfactory DBS clearance. They will also be sent details to complete an online DBS application form alongside their conditional offer of employment.

#### **5. Candidate**

Completes online DBS application form.

#### **6. The People Department**

The ID Checker verifies ID and sends the application to our external an external provider, Civil and Corporate, for Counter-signatory checks and signing. Form is sent to DBS for processing.

#### **7. Candidate**

Upon its receipt, candidate presents copy of DBS Certificate to the People Department on or before their expected start date in post. If it is not received by expected start date the School / Department are required to notify the People Department of aspects of the role that may / may not be undertaken until receipt of DBS Certificate by completing a DBS risk assessment.

#### **8. The People Department**

- If DBS Check clear - continue with recruitment process.
- If DBS Check highlights offences – the recruiting manager, the People Department and Executive Team will review the check and consult with the candidate as appropriate.
- DBS Risk Assessment Undertaken and decision to proceed with recruitment process or retract offer offence(s) occurred.