

 Procedure for Managing Disclosure and Barring Service Checks

 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](https://www.worc.ac.uk/documents/policies/SG-POLICY.pdf)

# 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 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, 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. Guidance on this can be found on the [‘sentences/disposals’](http://www.unlock.org.uk/xoffenders.aspx?sid=287) page on the [Unlock](http://www.unlock.org.uk/main.aspx) website.
	5. 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.
	6. The outcomes of DBS checks will be discussed on a need to know basis only and confidentiality will be respected by all parties.
	7. A record of the date of disclosure, 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 on the member of staff’s HR record. Such records will be kept in secure filing cabinets or maintained on secure and protected University networks.
	8. There is no requirement for current staff, who have provided a DBS check to HR prior to appointment, to be ‘re-checked’ at intervals. 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 within the University may, on occasion, require the new postholder to undergo a DBS check or re-check.
	9. 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.

# Procedure

* 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). Care should be taken to ensure that the rationale complies with current legislation, particularly the Protection of Freedoms Act 2012.
	2. Primarily, reference should be made to the summary of regulated activity, attached as Appendix 1 of this procedure. 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.
	3. The following criteria are considered when determining whether a DBS Check is required for a particular post:
		1. 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?
	+ 1. Applicants who are registered with the DBS Update Service can provide an existing DBS certificate and permission for the University to access their up to date DBS record, providing that the record and certificate meet the relevant requirements for the post (i.e. standard/enhanced certificate, relevant workforce, barred list etc).
		2. 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[[1]](#footnote-1)).
		3. 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.
		4. Once clearance has been received, HR will notify the appointee’s Line Manager that all pre- employment checks have been completed.
		5. 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.
1. **Managing DBS Checks showing convictions**
	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.
	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.
	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. A DBS check that indicates “content” will be notified to nominated senior HR managers, who will liaise with the staff member and 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.
	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 may be a criminal act in itself to make an application for employment in 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 HR will inform the Police.
	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.
	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.
	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.
	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.

# Referrals to the DBS

* 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.

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| Related Policies, Procedures, Guidance, Forms or Templates | Equality Diversity and Inclusion policy |
| Policy/Policies Superseded by this document | n/a |
| Related Policies, Procedures, Guidance, Forms or Templates | [*Policy on the Recruitment and Employment of People with Criminal Records*](https://www.worcester.ac.uk/documents/policies/Policy-on-the-Recruitment-and-Employment-of-People-with-Criminal-Records-final-31.5.21.docx)*Safeguarding Children and Vulnerable Adults Policy* |
| Policy/Policies Superseded by this document |  |

1. [www.direct.gov.uk/DBS](http://www.direct.gov.uk/DBS) [↑](#footnote-ref-1)