



Keele University

Policy on the Use of Disclosure and Barring Service (DBS) checks - Staff and Volunteers

Human Resources Department

Lead Director: Director of Human Resources and Student Services
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1. Policy Statement

1.1 Background

- 1.1.1 The Disclosure and Barring Service (DBS) helps organisations identify candidates who may be unsuitable for certain work, particularly work involving contact with children or vulnerable adults, by providing access to criminal record information.
- 1.1.2 The DBS helps to prevent unsuitable people from undertaking certain paid or volunteer work with children or vulnerable adult by maintaining two barred lists where information shows individuals pose a risk of harm to children or vulnerable adults. The DBS is also responsible for managing the criminal record checking ('Disclosure') service.
- 1.1.3 A DBS check is an impartial and confidential document that details an individual's criminal record, including cautions, convictions and other relevant police information (subject to filtering), and where appropriate, details of those who are barred from working with children and/or vulnerable adults (known as 'barred lists').
- 1.1.4 There are various levels of DBS check available depending on the type of work which will be undertaken. A summary of disclosure levels, guidance regarding regulated activity and the types of roles which may be checked can be found in Annexes A-C.
- 1.1.5 DBS checks are primarily used in the recruitment and selection process and therefore mainly affect job applicants. There may also be occasions where existing staff move in to different roles or an individual's role may change.

1.2 Policy Scope

- 1.2.1 This policy aims to provide guidance and information to managers, staff and volunteers on initiating DBS checks for staff (including any casual workers) and volunteers, the application process, the management of DBS check and the information contained therein.
- 1.2.2 For guidance relating to DBS Disclosures for students please refer to the Directorate of Planning and Academic Administration.

1.3 Commitment to Equality

- 1.3.1 As a Registered Body of the Disclosure and Barring Service (DBS), the University complies fully with its obligations under the DBS Code of Practice, the Data Protection Act 1998 and other relevant legislation.
- 1.3.2 The University is committed to the fair treatment of job applicants, employees and volunteers regardless of age, disability (including mental health), gender identity, marital status & civil partnership, maternity & pregnancy, race, religious belief ,sex or sexual orientation.
- 1.3.3 In line with the DBS Code of Practice, the University undertakes to treat all applicants who have a criminal record fairly and not discriminate automatically because of a conviction or other information revealed.
- 1.3.4 The DBS offers a confidential checking process for transgender applicants who do not wish to reveal details of their previous identity to the organisation.

2. Responsibilities

2.1 Lead Counter Signatory

The Director of Human Resources and Student Services will act as Lead Counter Signatory and will be:

- 1) Accountable for compliance with this policy and the DBS Code of Practice
- 2) Responsible for the approval of counter signatories
- 3) Responsible for the University's legal duty to refer as a regulated activity provider by referring individuals to the DBS for barring consideration in relevant circumstances and to provide information to the DBS upon request. (see Annex G for further details)

2.2 Counter Signatories

Members of the Human Resources Department as put forward by the University and approved by the DBS as counter signatories will be responsible for the operation of the Disclosure process and are responsible for:

- 1) Checking and validating the information provided by the applicant on the DBS application form.
- 2) Countersigning Disclosure application forms to confirm that the position is covered by the Exceptions Order to the Rehabilitation of Offenders Act 1974 and that the organisation therefore has an entitlement to access criminal record(s) information and that any Disclosures requested are at the appropriate level
- 3) Receiving Disclosures and managing the retention, storage, use and disposal of Disclosures in accordance with the Policy Statement in Annex F
- 4) Advising on DBS related issues
- 5) Complying with this policy and with the DBS Code of Practice

2.3 Recruiting Managers

Recruiting managers are responsible for ensuring that they assess each new or revised role with regard to working with children and/or vulnerable adults and complete the DBS section of the Post Approval Form (PAF) which will be used by the Counter Signatories to identify whether a DBS check is required and if so at which level. (See Annexes A- C for guidance)

2.4 Human Resources Administrators

Human Resources Administrators are responsible for checking and recording the documentary evidence provided by Disclosure applicants to establish their identity.

2.5 Individuals applying for a DBS check

Individuals applying for a DBS check are responsible for completing the DBS application form accurately and in a timely manner and for providing a copy of the DBS disclosure certificate to the HR department.

3. Disclosure of Criminal Records Information

3.1 All job roles

- 3.1.1 Keele University requires all job applicants to declare any unspent convictions or cautions on the University job application form.
- 3.1.2 Once a caution or conviction becomes spent, an individual is treated as rehabilitated with regards to that offence, and they don't have to declare it when applying for employment that is not subject to a DBS check. Further guidance and an online calculator which helps people to calculate when their convictions become spent is available from Unlock, a charitable organisation offering guidance and support for people with convictions.

3.2 Job Roles eligible for a DBS Check

- 3.2.1 Roles which are Exempt from the Rehabilitation of Offenders Act (i.e. roles which require a DBS check) will be clearly identified throughout the recruitment process from the initial advert stage. The University is entitled to ask a candidate to reveal details of all convictions, even a spent conviction (subject to the DBS filtering process)
- 3.2.2 The amendments to the Exceptions Order 1975 (2013) provide that certain spent convictions and cautions are 'protected' and such information will not be included in DBS checks. Therefore such information need not be disclosed to the University, and cannot be taken into account when making employment decision (this is known as 'filtering').

3.3 Failure to Disclose Criminal Records Information

- 3.3.1 Failure by an applicant to disclose relevant cautions, convictions or other relevant information through the self-declaration process will be treated as a serious matter in its own right, and all such cases will be referred to the relevant Head of School/Department and the Director of Human Resources, Organisational Development and Student Support. If it is established that the individual's application was untruthful or relevant information was omitted, the offer of employment may be withdrawn. If the individual has commenced in post their employment may be terminated.

4. Positions, Professions, Employment, Offices and Works eligible for DBS Checks

4.1 Specific Posts Identified as requiring a DBS check

- 4.1.1 The following positions/ professions have been identified as requiring a DBS check at the appropriate level:
- a) Widening Participation Mentors
 - b) Summer School Mentors
 - c) Counsellors (for both staff and students)
 - d) Disability and Dyslexia Support Staff
 - e) Academic roles that include clinical duties
 - f) Academic roles that require the post holder to work in 'specified places' such as schools, care homes, hospitals.
 - g) Education Tutors
 - h) Leisure Centre roles that require teaching/coaching of children
 - i) Academics/ Researchers whose research involves working with children and or vulnerable adults but where this did not form part of their role when appointed
 - j) All roles within the Nursery (a 'specified place')
 - k) Occupational Health Nurse Manager and Practitioners
 - l) Language Learning Unit staff (governing body requirement)
- 4.1.2 The Rehabilitation of Offenders Act (ROA) 1974 also specifies a number of specific professions for which a Standard Disclosure can be requested, including chartered/certified accountants and security officers.
- 4.1.3 The list above is not intended to be exhaustive. It must be recognised that positions may arise as the resources and requirements of the University change, that following assessment, may require a Disclosure check in accordance with DBS regulations

- 4.1.4 A guide and flow chart to eligibility for a DBS checks can be found in Annexes A- C and should be referred to when determining when a DBS check may be necessary, and if so, at which level.

4.2 Research Passport Scheme

Researchers employed by the University who conduct research in the NHS must undergo a variety of checks to protect themselves and their patients. The Research Passport Scheme provides assurances from the substantive employer to the NHS organisation about the applicant and allows information about researchers to be shared between relevant organisations, preventing duplication of checks. Where a DBS Check is required it will be the responsibility of the University as the researcher's substantive employer to confirm that one has been obtained or if one has not already been obtained to arrange for one to be obtained. The University as the substantive employer, in conjunction with the NHS organisation, will be responsible for determining whether a DBS check will be required and also for re-checking arrangements as necessary. Guidance is available from the National Institute for Health Research.

4.3 Volunteers

Those who engage with the University on a voluntary basis are not deemed to be employees of the University and are not engaged through the Human Resources Department; it is therefore the responsibility of the relevant manager to liaise with Human Resources and arrange for the necessary DBS check to be undertaken, where appropriate.

4.4 Research involving children and/or vulnerable adults

There may be circumstances where academic and research staff, whose substantive roles do not require DBS clearance, propose to undertake research which involves them working with vulnerable individuals. When submitting a research proposal to one of the University's Ethical Review Panels (ERP) staff will be required to indicate whether a DBS check is required for research activities undertaken as part of that project. In such cases the individual will be required to provide the ERP with confirmation from Human Resources that they have been satisfactorily DBS checked. If a DBS check is deemed to be necessary the planned research should not commence until a satisfactory disclosure has been received.

4.5 External contractors

Occasionally the University engages external contractors to undertake work. This can range from individual freelance workers to larger companies. Depending on the nature of the work the University will assess whether Disclosure checks would be appropriate.

As such individuals are not engaged through the Human Resources Department, it will be the responsibility of the School/Research Institute/Department to establish whether the contractor is likely to require a DBS disclosure at the relevant level. Where such contact is likely HR should be contacted to advise whether a Disclosure check is required. Where Disclosure checks are required this will be a condition of the contract and the University will require confirmation from the contractor that the necessary checks have been undertaken.

4.6 Work experience placements within the University

In the case of students aged under 16 undertaking work experience placements within the University, which have been organised by a school or local authority, the organising body should satisfy itself as to the safeguarding arrangements at the University. This may result in the University being asked to check certain staff with responsibility for work experience students. However, generally, the University will not require staff to be DBS checked. Staff should ensure alternative safeguarding measures are implemented. (See Safeguarding Policy & Procedure for further guidance)

5. Re-checking

Except in the specific circumstances detailed below (or where an individual moves roles) the University does not routinely require staff and volunteers to be re-checked by the DBS. However, upon local risk assessment, managers may agree with HR circumstances where further roles may require suitable re-checking.

5.1 Research Passport Scheme

In accordance with the requirements of the Research Passport Scheme, researchers undertaking work in the NHS will be required to re-apply for a Disclosure either after 3 years or in the event of moving on to a different project or a different type of project.

5.2 Nursery Staff

While OFSTED Regulations do not stipulate that Nursery staff must be re-checked by the DBS after a certain period of time, the University has taken the decision to re-check this group of staff on a 3 year rolling basis.

OFSTED requires that staff members' suitability to work with children is monitored and the results of this monitoring process are recorded. This is monitored through self-declaration and includes disqualification through association. Every six months Nursery staff will be asked to sign a review document to confirm whether there have been any changes that may affect their suitability to work with children. (please see the Keele Day Nursery Safeguarding Policy for further information).

5.3 DBS Online Update Service

The DBS update service lets applicants keep their DBS certificates up to date online and allows employers to check a certificate. Staff subject to a re-check will be asked to register for the DBS update service at recruitment or following their next scheduled DBS check and the University will use the online update service for subsequent re-checks.

6. Disclosure Application process

6.1 For posts that require satisfactory DBS clearance successful candidates will receive a DBS Disclosure Application Form and guidance on completing the form when they are sent their contract and offer letter from Human Resources. Employment will be offered on a conditional basis, subject to a satisfactory DBS Disclosure.

6.2 The disclosure form must be completed in accordance with the guidance provided by the HR department. The disclosure form and the relevant identification documents will be checked, and section X completed, by a Human Resources Administrator in the presence of the individual, at a session arranged for this purpose.

6.3 When the DBS have completed all the necessary checks, the Disclosure certificate will be sent to the individual who will be required to bring the certificate to the Human Resources department who will take a copy.

6.4 If there is no information contained in the Disclosure the Counter-Signatory will write to both the recruiting manager and to the individual to confirm that the Disclosure has been received and is satisfactory. If there are details contained in the Disclosure the Assessing Criminal Record Information procedure will be followed (See Annex E).

7. DBS Online Update Service at Recruitment

7.1 The DBS update service lets applicants keep their DBS certificates up to date online and allows employers to check a certificate.

7.2 When applying for a DBS check, applicants will be asked if they are registered with the DBS online update service and if so will be asked to provide the original DBS certificate to the HR department who will check that it is the same level as the required level for the position. The HR department will then access the online update service to check the DBS status and will not require a new DBS check to be undertaken.

8. Applicants with a substantial record of overseas residence

8.1 Applicants who fall into this category will include nationals of other countries, and UK nationals who have lived abroad for more than 6 months with the previous 5 years.

8.2 Where an individual from overseas is offered a post requiring DBS clearance the University will contact the embassy or High Commission of the country in question for information on how to obtain criminal records information. This will normally involve the individual obtaining a certificate of good conduct from the country they were resident in. It is not normally possible for the prospective employer to access this information and must be sought by the individual.

8.3 Where an applicant has been resident in the UK for at least two months a Disclosure should be sought in addition to confirmation of their criminal record overseas, although it is recognised that the Disclosure is likely to be of limited value where the period of UK residence has been short.

9. Commencement in post

9.1 Individuals appointed to posts that require DBS clearance will not normally be allowed to commence prior to receipt of the Disclosure.

9.2 However, there may be limited circumstances where individuals are able to commence in post prior to receipt of the Disclosure providing sufficient safeguarding measures can be put in place and a previous DBS check at the appropriate level can be provided. In such situations the recruiting manager should contact their link HR Advisor for further advice and should ensure that a record of the risk assessment completed and retained on the individual's personal file. (A risk assessment template is available in Annex H)

9.3 If it is not possible to allow commencement at that point, the individual's start date may need to be postponed and, in rare circumstances where service delivery is seriously affected, the offer of employment may be withdrawn if a Disclosure is not received within a reasonable period of time.

10. Portability of DBS Disclosures

10.1 Portability refers to the re-use of a Disclosure, obtained for a position in one organisation and later used for another position in different organisation without a DBS online update check available or new disclosure applied for.

10.2 Portability of DBS checks will not be accepted by the University and a new DBS check will be required for all relevant positions.

- 10.3 However, in certain cases, the University may accept the previous Disclosure (at the required level) as an interim measure to enable commencement in post whilst applying for an up-to-date DBS check. See section 9

11. DBS Check Fees

- 11.1 The DBS imposes a fee for processing Disclosure applications. This fee will be paid through the University's DBS account and then re-charged to the relevant School/Research Institute/Department. Current fees are £44.00 for Enhanced Disclosures and £26.00 for Standard Disclosures.
- 11.2 When the University requires an individual to be re-checked using the online update service, the individual must pay an annual fee of £13 directly to the DBS which and then be reclaimed via the expenses procedure and charged directly to the School/Research Institute/Department (All fees are correct at 1st January 2016)
- 11.3 The DBS will issue a Disclosure "free of charge" if the person for whom a Disclosure is required satisfies the following criterion: 'a volunteer is a person who performs an activity which involves spending time, unpaid (except for travelling and other approved out-of-pocket expenses), doing something which aims to benefit someone (individuals or groups) other than or in addition to close relatives'.

12. Confidentiality

Information provided on any Disclosure is both sensitive and confidential. As a Registered Body, the University adheres to the DBS Code of Practice and the University also complies fully with its obligations under the Data Protection Act 1998 and other relevant legislation pertaining to the safe handling, use storage, retention and disposal of Disclosure information.

13. Preservation of Rights

Nothing in this policy will in any way detract from or impinge upon an individual member of staff's statutory employment rights or those contained in the Charter and Statutes of the University. Where changes to a statutory provision, or to the University Charter and Statutes, affect this procedure, the University retains the right to amend the procedure accordingly.

14. Policy Review Procedure

This policy will be reviewed by the HR Department in consultation with Trades Unions at least every two years or as legislative changes require.

Annex A - Levels of DBS Disclosure and Applicable Roles

Level of disclosure	Checks Undertaken	Criteria	Examples of Applicable Types of work
Standard check	Unspent and spent convictions/cautions (subject to DBS filtering of 'protected' information) held on the Police National Computer	The position must be included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975.	Positions NOT working with children or vulnerable adults , available for specified occupations, licences and entry into specified professions, e.g. private security, chartered accountants, legal professions
Enhanced check	As above <u>plus</u> Police information held locally that is considered to be 'reasonably relevant' to the post	The position must be included in both the ROA Exceptions Order and in the Police Act 1997 (Criminal Records) regulations and meet the Pre-September 2012 definition of regulated activity	Supervised activities with children which would be considered as 'regulated activity' if unsupervised (following statutory guidance regarding supervision) not in a 'specified place' Infrequent activities with children which would be considered as 'regulated activity' if frequent Activities with vulnerable adults that are not deemed as 'regulated activities' under the new post 2012 definitions
Enhanced check for regulated activity (children and/or adults)	As above <u>plus</u> a check against the Adult or Child Barred List of individuals who must not work with these groups	The position must be eligible for an enhanced level DBS as above and be specifically listed in the Police Act 1997 (Criminal Records) and meet the Post-September 2012 definition of regulated activity	Unsupervised 'regulated activities' with children on a regular basis Working in a 'specified place' (children) Specified activities with adults deemed as vulnerable when in receipt of those activities.

Annex B – Definitions of Regulated Activity

1. Summary of the new definition of regulated activity Post September 2012

The full, legal definition of regulated activity is set out in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006, as amended (in particular, by the Protection of Freedoms Act 2012).

Regulated activity still excludes family arrangements, and personal, non-commercial arrangements.

1.1 Regulated activity relating to children

The new definition of regulated activity relating to children comprises only:

- (i) Unsupervised activities: teach, train, instruct, care for or supervise children, or provide advice/guidance on well-being, or drive a vehicle only for children;
- (ii) Work for a limited range of establishments ('specified places'), with opportunity for contact: for example, schools, children's homes, childcare premises. Not work by supervised volunteers;

Work under (i) or (ii) is regulated activity only if done regularly. Statutory guidance about supervision of activity which would be regulated activity if unsupervised is also provided.

- (iii) Relevant personal care, for example washing or dressing; or health care by or supervised by a professional;
- (iv) Registered child-minding; and foster-carers.

A child is a person under the age of 18, or under the age of 16 when in employment.

1.2 . Regulated activity relating to adults

The new definition of regulated activity relating to adults no longer labels adults as 'vulnerable'. Instead, the definition identifies the activities which, if any adult requires them, lead to that adult being considered vulnerable at that particular time. This means that the focus is on the activities required by the adult and not on the setting in which the activity is received, nor on the personal characteristics or circumstances of the adult receiving the activities.

There is also no longer a requirement for a person to do the activities a certain number of times before they are engaging in regulated activity.

There are six categories of people who will fall within the new definition of regulated activity (and so will anyone who provides day to day management or supervision of those people).

- i. Providing healthcare
- ii. Providing personal care
- iii. Providing social work
- iv. Assisting with cash, bills and/or shopping
- v. Assistance with the conduct of a person's own affairs
- vi. Conveying

A broad outline of these categories is set out in Annex C Diagram 2, for more information please see the Safeguarding Vulnerable Groups Act 2006, as amended by the Protection of Freedoms Act 2012.

Annex C- Flowcharts to Assess Post Eligible for DBS Checks

Diagram 1

Disclosure & Barring Service- Eligibility Guidance Flowchart Regulated Activity relating to Children

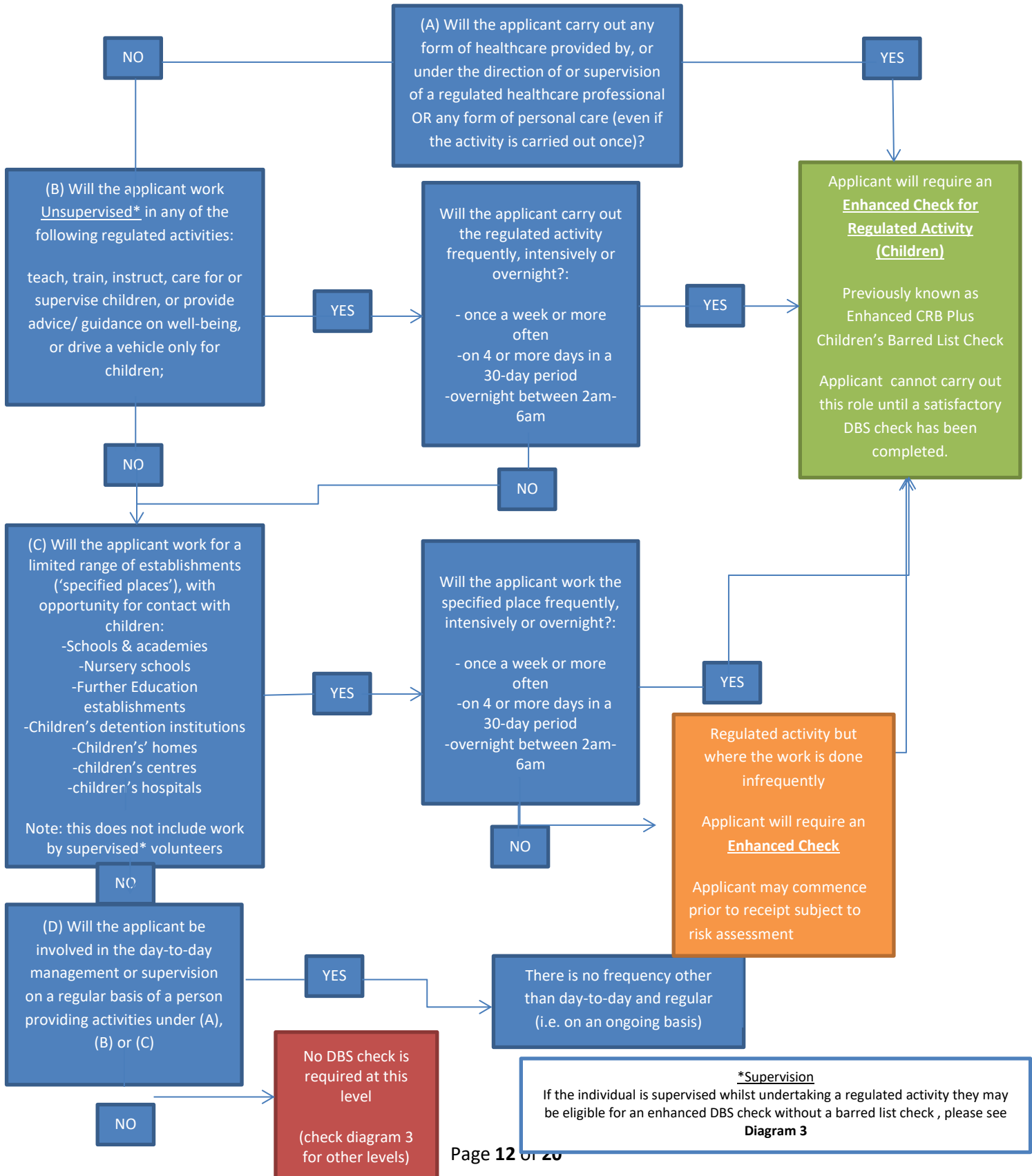


Diagram 2

Disclosure & Barring Service- Eligibility Guidance Flowchart **Regulated Activity relating to Vulnerable Adults**

Regulated activity identifies the activities which, if any adult requires them, lead to that adult being considered vulnerable at that particular time. This means that the focus is on the activities required by the adult and not on the setting in which the activity is received, nor on the personal characteristics or circumstances of the adult receiving the activities. There is also no requirement for a person to do the activities a certain number of times before they are engaging in regulated activity.

(A) Providing health care -Any health care professional providing health care to an adult, or anyone who provides health care to an adult under the direction or supervision of a health care professional.

Health care includes: all forms of health care provided for adults and includes physical, mental and palliative health care; diagnostic tests and investigative procedures; procedures similar to surgical or medical care, but not provided in connection with a medical condition; psychotherapy and counselling related to health care the adult is receiving; and first aid provided by a person for an organisation established for that purpose. (e.g. St John Ambulance).

YES

NO

(B) Providing personal care- Anyone who:

- provides physical assistance with eating or drinking, going to the toilet, washing or bathing, dressing, oral care or care of the skin, hair or nails because of an adult's age, illness or disability;
- prompts and then supervises an adult who, because of their age, illness or disability, cannot make the decision to eat or drink, go to the toilet, wash or bathe, get dressed or care for their mouth, skin, hair or nails without that prompting or supervision; or
- trains, instructs or offers advice or guidance which relates to eating or drinking, going to the toilet, washing or bathing, dressing, oral care or care of the skin, hair or nails to adults who need it because of their age, illness or disability.

YES

NO

(C) Providing social work -The provision by a social care worker of social work which is required in connection with any health care or social services to an adult who is a client or potential client.

YES

NO

(D) Assistance with general household matters -Anyone who provides day to day assistance to an adult in running the adult's household because of the adult's age, illness or disability, where that assistance includes at least one of the following:

- Managing the person's cash;
- Paying the person's bills; or
- Shopping on their behalf.

YES

NO

(E) Assistance in the conduct of a person's own affairs -Anyone who provides assistance in the conduct of an adult's own affairs, e.g. powers of attorney, deputies appointed under the Mental Health Act, being an independent mental health advocate

YES

NO

(F) Conveying -A person who transports an adult because of their age, illness or disability either to or from their place of residence and a place where they have received, or will be receiving, health care, personal care or social care. Does not include family and friends or taxi drivers.

YES

NO

(G) Day to day management or supervision -on a regular basis, of a person who is providing a regulated activity relating to adults (A) to (F) above

YES

Applicant will require an **Enhanced Check for Regulated Activity (Adults)**

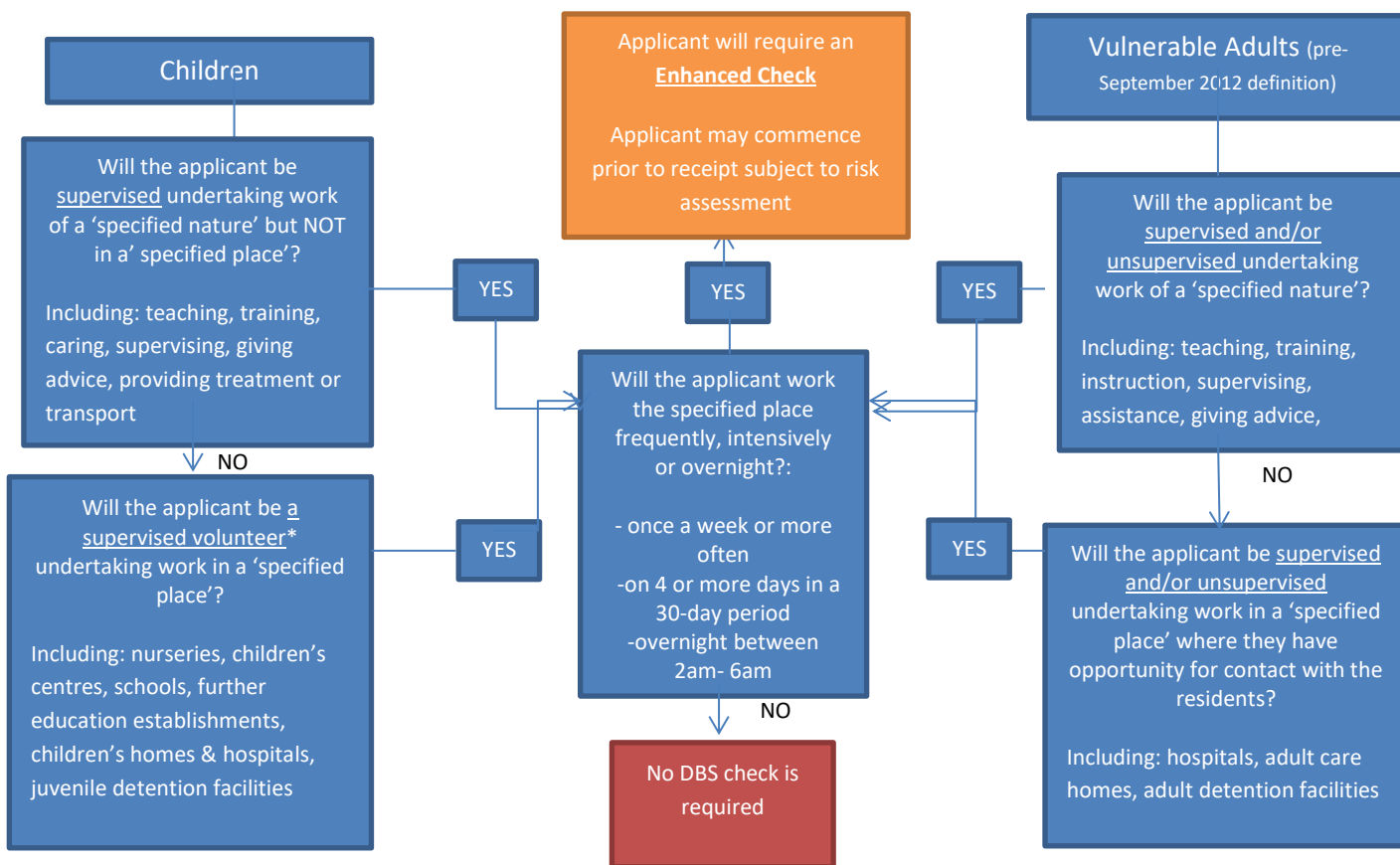
Previously known as Enhanced CRB Plus Adult Barred List Check

You cannot carry out this role until a satisfactory DBS check has been completed.

No DBS check is required at this level (check diagram 3 for other levels)

Diagram 3

Disclosure & Barring Service- Eligibility Guidance Flowchart
Enhanced DBS Disclosure Children & Adults without a barred list check (pre September 2012 definitions)



Supervision

If the individual is supervised, they may be eligible for an enhanced DBS check without a barred list check.

There must be supervision in place by a person who is in regulated activity and appropriately DBS checked. The supervision must be regular and day-to-day, and on an ongoing basis. Supervision means limited 1:1 contact with children.

The precise nature of supervision will vary from case to case. This means that organisations must ensure that the supervision in place is sufficient in their judgement, to provide reasonable assurance for the protection of the children concerned.

The following factors should be considered in deciding the specific level of supervision required:

- the age of the children, including varied ages
- the number of children the individual is working with
- the number of other workers helping to look after the children
- the nature of the work
- the vulnerability of the children
- the number of people being supervised by the regulated person

*Note: Only a supervised volunteer may work in a 'specified place' and not require a Barred List check in addition to an Enhanced DBS check. Paid positions in a 'specified place' will always require a DBS and Barred List check as per diagram 1.

Annex D- Policy statement on the recruitment of ex-offenders, Information Disclosure and Procedure for Assessing Information Disclosed

1 Policy Statement

- 1.1 As an organisation assessing applicants' suitability for positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order using criminal record checks processed through the Disclosure and Barring Service (DBS), Keele University complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly. Keele University undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.
- 1.2 Keele University can only ask an individual to provide details of convictions and cautions that they 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), Keele University can only ask an individual about convictions and cautions that are not protected.
- 1.3 An application for a criminal record check is only submitted to DBS after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a criminal record check is identified as necessary, all application forms, job adverts and recruitment briefs will contain a statement that an application for a DBS certificate will be submitted in the event of the individual being offered the position.
- 1.4 Keele University ensures that all those who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. Keele University also ensures that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.

2 Assessing Disclosed Information

- 2.1 Keele University makes every subject of a criminal record check submitted to DBS aware of the existence of the Code of Practice and makes a copy available on request.
- 2.2 Keele University undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before making an employment decision. (see Annex E)

Annex E – Procedure for Assessing Disclosed Criminal Record Information

1. Assessing Information Declared on Job Application Form

- 1.1 If an applicant discloses that they have a caution, conviction or other relevant information (spent and/or unspent depending on whether the post is exempt under the Rehabilitation of Offenders Act) this will be indicated on the online application form, along with optional additional information outlining the details of the information.
- 1.2 Where an application disclosing an offence is included and the candidate shortlisted, the Interview Panel Chair should contact Human Resources for advice on when and how to discuss this information with the individual.

2. Assessing Information Contained in DBS checks following a conditional offer of employment

2.1 All individuals whose DBS check contains criminal record information will be invited to a meeting with the recruiting manager and a Counter-Signatory from the Human Resources Department, regardless of the offence. Should an individual choose not to attend the meeting the offer of employment will be withdrawn. Where the individual has disclosed their caution/conviction on the job application form and this has been discussed and recorded at interview it may not be necessary to hold a further meeting on receipt of the Disclosure unless it reveals information not previously disclosed. The Chair of the interview panel should contact Human Resources for advice in this situation.

2.2 At the meeting the individual will be asked to confirm whether the information contained in the Disclosure is correct and relates to them. Assuming the information is correct, consideration will be given, where appropriate, to the following

- a) Whether the offence was disclosed on the job application form (see section 3 of policy)
- b) Did the applicant's explanation correspond with their self-disclosure
- c) The nature of the role and the relevance of the offence to the role
- d) Do the responsibilities involved in the role link closely to the applicants' offending background?
- e) Do the responsibilities involved in the role present any opportunities for the individual to re-offend?
- f) When the offence occurred and at what age
- g) The seriousness of the offence indicated by the sentence received
- h) The background to/ circumstances surrounding the occurrence of the offence
- i) Has the applicants' circumstances changed since the offence(s)? If so, how?
- j) What the individual learned from the experience, extent of remorse shown and what steps they have taken to prevent a re-occurrence.
- k) Was the offence a single occurrence? If multiple offences, were there part of a pattern or offending behaviour?
- l) The effectiveness of rehabilitation programmes, for example relating to drug and alcohol abuse or anger management.
- m) If the ex-offender is currently on probation or under supervision.
- n) Whether mental health issues were part of the background to the offence and if so whether the individual is receiving any treatment.
- o) Consideration of any police information was provided directly to the employer. (If the Counter-Signatory has received any such information under separate cover this must not be disclosed to the individual)

2.3 Based on the information recorded on the DBS check and that obtained from the meeting a decision will be taken to either confirm or withdraw the offer of employment. If

the offer is to be confirmed, the individual will be sent a letter confirming that their DBS Disclosure was deemed to be satisfactory and that the condition in their contract has been satisfied.

2.4 If the offer is to be withdrawn, the individual will receive a letter confirming the decision and a rationale.

2.5 Should the individual wish to appeal against the decision they should put this in writing to the Director of Human Resources, Organisational Development and Student Support within 10 working days of receipt of the decision letter, stating the reasons for the appeal.

3. Regulated Activity and Barred List Information

Where the DBS check reveals that the individual is barred from working with children and/or vulnerable adults, and the post involves undertaking 'regulated activity' with either/both groups, the University will withdraw the offer of employment as it is illegal for a barred individual to undertake 'regulated activity'. There is no appeal procedure in this instance.

Annex F - Policy Statement on Secure Storage, Handling, Use, Retention and Disposal of Disclosure and Barring Service (DBS) certificates and certificate information

General principles

As an organisation using the Disclosure and Barring Service (DBS) checking service to help assess the suitability of applicants for positions of trust, Keele University complies fully with the Code of Practice regarding the correct handling, use, storage, retention and disposal of certificates and certificate information. It also complies fully with its obligations under the Data Protection Act 1998 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of certificate information and has a written policy on these matters, which is available to those who wish to see it on request.

Storage and access

Certificate information will be kept securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties.

Handling

In accordance with section 124 of the Police Act 1997, certificate information is only passed to those who are authorised to receive it in the course of their duties. We maintain a record of all those to whom certificates or certificate information has been revealed and it is a criminal offence to pass this information to anyone who is not entitled to receive it.

Usage

Certificate information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

Retention

Once a recruitment (or other relevant) decision has been made, we do not keep certificate information for any longer than is necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep certificate information for longer than six months, we will consult the DBS about this and will give full consideration to the Data Protection and Human Rights of the individual before doing so. Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.

Tier 2, tier 4 and tier 5 of the points based system for migrant workers sponsored by the university check must be able to provide relevant paperwork, including DBS checks, upon request by the UK Visa & Immigration service. In these specific cases DBS checks must be kept on file or electronically for one year until a compliance officer has examined and approved them, whichever is the longer period.

Disposal

Once the retention period has elapsed, we will ensure that any DBS certificate information is immediately destroyed by secure means, i.e. by shredding, pulping or burning. While awaiting destruction, certificate information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack). We will not keep any photocopy or other image of the certificate or any copy or representation of the contents of a certificate. However, notwithstanding the above, we may keep a record of the date of issue of a certificate, the name of the subject, the type of certificate requested, the position for which the certificate was requested, the unique reference number of the certificates and the details of the recruitment decision taken.

Annex G - Duty to Refer to the DBS

The University has a legal duty to make a referral to the Disclosure and Barring Service (DBS) when one of their workers or volunteers has harmed or poses a risk of harm to a child or vulnerable adult. The University must make a referral to the DBS when the following two conditions have both been met:

Condition one:

The University withdraws permission for a person to work in regulated activity with children and/or adults either through dismissal or by moving the person to another area of work that is not regulated activity.

This includes situations where an employer/volunteer manager would or may have dismissed the person or moved them to other duties, if the person had not resigned, retired, or otherwise left their work.

and Condition two:

The University thinks the person has carried out one of the following:

- i. been cautioned or convicted of a relevant (automatic barring) offence as are listed in the DBS guidance referral guide: relevant offences in England and Wales or,
- ii. engaged in relevant conduct in relation to children and/or adults (i.e. an action or inaction (neglect) that has harmed a child or vulnerable adult or put them at risk or harm); or,
- iii. satisfied the harm test in relation to children and / or vulnerable adults. (I.e. there has been no relevant conduct (i.e. no action or inaction) but a risk of harm to a child or vulnerable still exists).

The legal duty to refer to DBS applies to regulated activity providers even when a referral has been made to another body such as a local authority safeguarding team or professional regulator regardless of whether that body has made a referral to the DBS about the person.

There may be occasions when the University wishes to make a referral in good faith in the interests of safeguarding children or vulnerable adults including acting under the advice of the Police or a safeguarding professional, but the legal duty has not been met. For example, where we have strong concerns but the evidence is not sufficient to justify dismissing or removing the person from working with children or vulnerable adults. The DBS is required by law to consider any and all information sent to it from any source.

Annex H - Risk Assessment Form (commence in post prior to receipt of a Disclosure)

Individuals Name:			
Position Applied For:			
	Yes	No	Comments/Actions
1. Does the position involve 'regulated activity' with children or vulnerable adults?			
2. Can the role be adjusted to remove 'regulated activity' until a DBS check is received?			
3. Will service provision be seriously affected by a delay in commencement?			
4. Does the individual have a previous DBS check at the appropriate level and barred lists status?			If no, commencement must not start prior to receipt of a satisfactory DBS disclosure and relevant barred list check
5. Has the individual declared criminal record information in the application form?			If yes, please refer to Annex E Assessing Disclosed Criminal Record Information Procedure
6. Has the individuals identity been validated to match the previous disclosure: -confirmation of address - identity check -previous surnames			
7. Has the previous DBS counter signatory been contacted to validate authenticity and to check if any employer only information was released?			
8. Have all other recruitment checks been completed? -work history discrepancies/gaps -two satisfactory references -copies of relevant qualifications			
9. What additional safeguarding measure will be put into place (including supervision and temporary adjustment of duties) if the individual is allowed to commence in post prior to receipt of the disclosure?			
10. Based on the assessment of the above and any other relevant information is the individual able to commence in post prior to receipt of the new disclosure? Please provide a full justification.			
Name: Signature: Position Held: Date:			