



BUCKINGHAMSHIRE
NEW UNIVERSITY

EST. 1891



Disclosure and Barring Service (DBS) Policy

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Introduction

Scope

- 1 This policy applies to applicants for courses and programmes where disclosure is judged to be required; current students enrolled on such courses; applicants for roles where disclosure is judged to be required; current employees in such roles. Examples of the types of roles and courses which might be subject to DBS disclosure are set out in sections 14-17 below.

What is the DBS?

- 2 The Disclosure and Barring Service is a government agency that replaced the former Criminal Records Bureau and the Independent Safeguarding Authority. By providing confidential access to criminal record information, it helps organisations to identify individuals who may be unsuitable for certain work, particularly work involving contact with children or other vulnerable persons.

Why does the University apply for disclosures?

- 3 Some of the educational and professional training programmes provided by Buckinghamshire New University require students to come into contact with children and vulnerable members of the public and to assume positions of particular trust. Others entitle successful graduates to become registered members of regulated professions. The regulators of those professions require that the University has processes in place to ensure that students are fit to practise during the programme and on registration. The University also employs staff in roles with similar requirements. The University is required to ensure that only suitable candidates are permitted to enrol on such programmes or to be employed in such roles and it uses the DBS to obtain information on the criminal records of applicants to assess their suitability.

The DBS Checks Direct service

- 4 Applicants or employees required to have a DBS disclosure will be invited to complete their application via Checks Direct online and the University, with their permission, can obtain a status update at any time (for example, when transferring to a new role or a different programme of study).

DBS fees

- 5 Fees are payable for new disclosures and subscription to the DBS online update service (with the exception of volunteer roles). These fees will be paid for by the University for staff who require a DBS check to carry out their roles.

Relationship with other procedures

- 6 This policy is related to, and should be read in conjunction with:
 - the [Procedure for the consideration of applicants and students with criminal convictions](#)
 - the [Fitness to Practise Procedure](#)
 - the University's recruitment and selection procedures applicable to the role applied for
 - the [Data Protection Policy](#)
 - the University's [Safeguarding Under-19's and Adults at Risk Policy](#)

Policy Statement

- 7 As an organisation using the DBS disclosure service to assess applicants' suitability for positions of trust, the University complies fully with the DBS Code of Practice and undertakes to treat all applicants fairly and not to discriminate against any subject of a disclosure on the basis of conviction or other information revealed. The University makes every subject of a DBS disclosure aware of the Code of Practice and will make a copy available on request.
- 8 For the majority of courses, programmes and job roles, the University will only ask applicants about "unspent" convictions, as defined by the Rehabilitation of Offenders Act 1974. However, students applying for certain professional courses, or applicants for certain job roles, are required at application to make an enhanced declaration in relation to criminal convictions. These relate to professions or occupations which are exempt from the Rehabilitation of Offenders Act (1974) or those involving work with children or vulnerable adults/adults at risk including the elderly or sick people. On enrolment all applicants to professional courses will complete a DBS application. Successful job applicants will complete a DBS application before an offer of employment is confirmed.
- 9 Where disclosure is to form part of the employee recruitment process, applicants will be informed of the procedure and requirements for providing information to the University.
- 10 Having a criminal record will not necessarily be a bar to obtaining a place on a programme for which a DBS disclosure is required and procedures are in place to ensure that decisions on suitability are made fairly in the light of all the available evidence.
- 11 Failure to disclose a criminal conviction or caution, or discrepancies between a self-declaration and a DBS disclosure, may result in the withdrawal of an offer, or, in the case of current students or staff, action under the relevant disciplinary or fitness to practise procedure.
- 12 Where an offer of a place/job is withdrawn on the basis of information contained within a DBS disclosure, the University will confirm this in writing.

Levels of Disclosure

- 13 Three levels of disclosure are available:
 - a **Standard:** The standard check is available for duties, positions and licences included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975. A standard level certificate contains details of all spent and unspent convictions, cautions, reprimands and final warnings from the Police National Computer (PNC).
 - b **Enhanced:** The enhanced check is available for specific duties, positions and licences included in both the Rehabilitation of Offenders Act 1974 (Exceptions Order 1975) and the Police Act 1997 (Criminal Records) regulations, for example, regularly caring for, training, supervising or being solely in charge of children and specified activities with adults in receipt of health care or social care services. An enhanced level certificate contains the same PNC information as the standard level certificate but also includes a check of information held by police forces.
 - c **Enhanced with barred list check:** The enhanced check with barred list check(s) is only available for those individuals who are carrying out regulated activity and a small number of positions listed in Police Act 1997 (Criminal Records) regulations. An enhanced level certificate with barred list check(s) contains the same PNC information and check of information held by police forces as an

enhanced level check but in addition will check against the children's and/or adult's barred lists.

Types of courses and roles where DBS disclosure is relevant

- 14 The list of courses and roles for which DBS disclosure is required is regularly updated. The current list is available on [BEN](#). However, examples of the types of courses and job roles for which DBS disclosures are sought are included below for illustrative purposes.¹
- 15 The University does not usually enrol students under the age of 18 onto its courses. However, if an application is received from someone who would be under the age of 18 at the time of enrolment, the arrangements for delivering to such students are reviewed by the Safeguarding Team which assesses whether DBS disclosures are required.
- 16 Examples of the types of courses for which DBS disclosure for enrolled students is sought include:
 - BSc and MSc in Social Work
 - BSc and Post Graduate Diploma in Nursing (all specialisms)
 - Diploma HE Operating Department Practice
 - BSc Sports Therapy
 - FD Early Years (Full-time)
- 17 Examples of the types of job roles for which DBS disclosure is required include:
 - University Safeguarding Officers
 - Senior Residents
 - Disability Service employees and Support Tutors
 - Student Counselling Service Staff
 - Certain academic staff who teach on professional courses e.g. Sports Therapy Lecturers

Roles and responsibilities

- 18 Seeking a DBS disclosure is a serious undertaking and involves access to sensitive personal information. It is important, therefore, that those involved in the process understand their part in the process. There are three main roles involved in the process.
 - **Line/Hiring Manager:** It is the line/hiring managers responsibility to inform HR if an individual requires a DBS for the role. For new employees, this should be detailed on the requisition form, job description and interview assessment sheet.
 - **Verifier:** When an individual is asked to undertake a DBS check online, their identity must be verified. At BNU this will be a member of HR. Verifiers meet the applicant and ensure that the documentary evidence they provide confirms their identity, completing the relevant sections of the application form online on behalf of the University.
 - **Counter-signatories:** The online DBS system, Checks Direct, counter-signature the DBS requests once verified.

¹ These lists are illustrative and not exhaustive.

- 19 In relation to prospective employees, the HR Advisor will raise any concerns arising from the Disclosure information with a Counter-signatory within the HR Directorate who will then liaise with the Senior Recruiting Manager for the area.

Initial disclosure procedures

- 20 The initial disclosure procedure for students applying for professional courses, where a disclosure is required, are set out in the [Criminal Convictions Procedure](#), paragraphs 26-31.
- 21 Successful applicants for job roles, where a DBS disclosure is required, will be notified of the initial disclosure procedure when they receive their conditional offer.

Renewing disclosures

- 22 Students enrolled on professional courses must complete a self-declaration form each academic year and at the end of their final year of studies. If there is any material discrepancy between the student's self-declaration and the DBS disclosure, the Head of School will write to the student to ask them to attend an exploratory meeting to discuss the non-disclosure or discrepancy. Further to the exploratory meeting, the Head of School will make a decision whether the matter will be referred to the [University's Fitness to Practise Procedures or Disciplinary Procedures](#) as appropriate.
- 23 Staff employed in a job role where a DBS disclosure is required, must declare any criminal conviction or caution whilst employed by the University in the relevant role. Failure to do so may result in disciplinary action.

Applicants from overseas (or with significant overseas residence)

- 24 Applicants/students who fall into this category will include nationals of other countries, and UK nationals who have had significant periods of residence overseas.
- 25 Where an applicant/student has been resident in the UK for at least two months, a DBS disclosure should be sought, although it is recognised that the disclosure is likely to be of limited value where the period of UK residence has been short.
- 26 Applicants/students will be required to produce evidence of their conduct overseas (usually a Certificate of Good Conduct or equivalent document). The University will contact the embassy or High Commission of the applicant's country of residence to check on their criminal record.

Agency workers and contractors

- 27 Every effort will be made to ensure that roles requiring a DBS disclosure are filled by University employees only. However, if, exceptionally, it is necessary to fill a role requiring a DBS disclosure with an agency worker or contractor, managers are responsible for ensuring

that agency workers and contractors have been DBS checked at the appropriate level by the agency/supplier, with confirmation in writing, before starting work at the University.

Work experience placements hosted by the University

- 28 Before any child under 18 years of age is permitted to undertake work experience at the University, the responsible manager for the host department must assess whether a DBS disclosure is required for the staff supervising the child's placement and ensure that the disclosure is received before the placement begins.

Storage, handling, retention and disposal of disclosures and disclosure information

General Principles

- 29 As an organisation using the DBS checking service, the 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, as set out in the [University's Data Protection Policy](#).

Storage and access

- 30 Certificate information is 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 and use

- 31 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. The University maintains 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. Certificate information is only used for the specific purpose for which it was requested and for which the applicant's consent has been given.

Retention and disposal

- 32 The certificate information is only kept for as long as necessary. This is generally no longer than six months after a recruitment (or other relevant) decision has been made, 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, the University will seek advice as necessary and will give full consideration to the Data Protection and Human Rights of the individual before doing so. Throughout this time, the conditions regarding the safe storage and strictly controlled access described in paragraph 29 above will continue to apply.
- 33 Once the retention period has elapsed, the University will ensure that any DBS certificate information is immediately destroyed by secure means. While awaiting destruction, certificate information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack).

- 34 The University will not keep any photocopy or other image of the certificate or any copy or representation of the contents of a certificate. However, 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 (or other relevant) decision taken.



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