

Disclosure and Barring Checks Policy

People and Organisation Development

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Policy information

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Version control

Version	Date	Details	Who
1.	05/10/2017	New formatting completed, policy reviewed and updated following changes in name to professional services.	Rob Alexander
2.	28/04/2023	Updates to ensure policy aligns with current legislation, eligible roles and online DBS system. Reference made to apprenticeships and temporary working arrangements. New formatting applied; links checked and updated.	Suze Attaway

1. Introduction and purpose

- 1.1. The Disclosure and Barring Checks Policy aims to ensure the University fulfils its responsibilities and obligations for the safeguarding of children and vulnerable adults with whom university staff and students are in contact as part of their work, and for the assurance of the individual, external agencies and the University itself.
- 1.2. A child is a person who is under 18 years of age. See section 2.5 for details about the university being an adult learning environment. A vulnerable adult is a person who is 18 years old or over and the subject of regulated activity. Please see the definitions of regulated activity for both vulnerable adults and children outlined in [Appendix 1](#).
- 1.3. The University is registered with the [Disclosure and Barring Service \(DBS\)](#) and is required to obtain a disclosure for staff undertaking certain activities and roles within or on behalf of the University. The University is committed to the fair treatment of staff and potential staff and has therefore adopted a policy on the [recruitment of ex-offenders](#).

2. University position

- 2.1. For the majority of university posts, [temporary working arrangements](#) and [apprenticeships](#) a DBS disclosure is not required. This policy sets out those roles where a disclosure is or may be required depending on the level and nature of the contact with children and/or vulnerable adults, or for another reason, such as staff involved with the delivery of apprenticeships.
- 2.2. Even where a post involves contact with children or vulnerable adults, it will not always be deemed necessary for a DBS check to be carried out. A disclosure may be required for some posts for other reasons e.g. security and out of hours staff. See [Appendix 2](#) for a list of posts that require a DBS check.
- 2.3. Whilst it is important that the University fulfils its obligations for safeguarding vulnerable groups, it is equally important that it complies with legislation relating to the rehabilitation of offenders. See the [recruitment of ex-offenders policy](#) for further details.
- 2.4. The University will remain mindful of its duty of care and other legal obligations, including to the relevant legislation. A list of these can be found in [Appendix 3](#).
- 2.5. Given the University is primarily an adult learning environment, the need to carry out DBS checks does not apply to most of its core activity. However, they are relevant to certain activities undertaken by some staff in the course of their work and some

students in the course of their studies; or other activities both within the University and in external agencies.

- 2.6. In many cases the University will be undertaking a check on behalf of an external agency or partner, such as a school or the NHS, in situations where staff or students are required to work in those environments unsupervised.
- 2.7. The [Safeguarding Vulnerable Groups Act 2006 \(as amended by the Protection of Freedoms Act 2012\)](#) sets out the definition of regulated activity – please see [Appendix 1](#) for details.
- 2.8. While the University 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. Relevant roles and positions

- 3.1. There are a number of ways in which staff and students have contact with children and/or vulnerable adults in the course of their work, study or other activities. These are set out in [Appendix 2](#) together with guidance on which roles within the University require a DBS check and the level of check needed.
- 3.2. The DBS provides [three levels of checks](#), ‘basic’, ‘standard’ and ‘enhanced’, which apply to different roles and [regulated activities](#) involving children and/or vulnerable adults. A decision will also need to be taken on whether the [Barred Lists](#) should be checked. DBS offers a [confidential checking process](#) for transgender applicants who do not wish to reveal details of their previous identity.
- 3.3. Checks are renewed by the University on a three-yearly basis. However, all staff for whom a check is required are obliged to inform the University of any change in their criminal record that might affect their university role.
- 3.4. The University will not apply for DBS checks for staff where the requirement for a check is not connected with their university role.
- 3.5. Managers and [People and Organisation Development](#) (People and OD) will need to be aware of and alert to the implications of staff progressing or moving between roles within the University and in allocating new duties to existing staff which require checks being carried out.

4. Process

- 4.1. People and OD will be responsible for obtaining DBS disclosures for staff. In the main this will be incorporated into the recruitment and selection process for those positions for which a disclosure is required. It will be made clear in the further particulars for the position that a check will be required.
- 4.2. Further 3 yearly checks will then be diarised and carried out by People and OD. If a DBS check is required candidates are provided with a link to the online checking service. Once they have completed their application, the countersignature is done by the outsourced provider and this is then submitted electronically to DBS. People and OD need to carry out ID verification as part of this process.
- 4.3. It is the responsibility of the Dean/Head of Service to carry out an initial assessment of a role and to inform People and OD whether a check is required for an advertised post or for a [temporary working arrangement](#), such as an Acting Up opportunity. Guidance is provided in [Appendix 1](#) to ascertain if a check is required and if so, which team in People and OD to contact, depending on the circumstance.
- 4.4. There will be occasions when existing staff will be required to apply for a disclosure. For example, when they progress or move between positions; are allocated new duties; or undertake research involving contact with children or vulnerable adults. Deans/Heads of Service need to be mindful of this possibility and of the issues it might raise. They should always consult and refer the matter to People and OD in these circumstances. See [Appendix 1](#) for details of which team in People and OD to contact, depending on the situation.
- 4.5. The [recruitment of ex-offenders policy](#) will also be followed to ensure compliance in relation to storage and handling, retention and disposal of DBS checks.
- 4.6. If a disclosure is returned with information contained within it, a senior member of People and OD will liaise with a senior manager within the College or Service to decide what steps to take by following the [recruitment of ex-offenders](#) policy. Having a criminal record will not necessarily bar an individual from working within the University, and the principles of the policy statement will be followed in such circumstances.

5. Portability

- 5.1. The [DBS Update Service](#) allows applicants who have previously had a DBS check to keep their DBS certificate up to date and employers to check a DBS certificate. The service is for standard and enhanced DBS checks only. Applicants who choose to register for the

Update Service are required to pay a yearly fee. For applicants who choose not register for the Update Service a new DBS check would be carried out where it is required.

6. Payment

6.1. The University will pay the fee for disclosures for new and existing staff where their work within the University requires a criminal record check.

6.2. No fee is payable to the DBS for those working in a voluntary capacity which involves spending unpaid time on an activity that aims to benefit a third party. This does not apply when the work enables someone to gain work experience towards a course or qualification meaning that they will personally benefit, in such cases a fee is payable.

Appendix 1

Guidance for senior managers on staff roles requiring a DBS check

People and OD works with and advises Deans/Heads of Service to identify at the point of appointment those posts, [temporary working arrangements](#) and [apprenticeships](#) involving a regulated activity and which require DBS disclosure. Additional advice is also available from the University's [Safeguarding Manager](#).

Questions to help identify whether an individual requires a DBS disclosure:

- a) Does the post include activity in one of those areas already identified in [Appendix 2](#) of the disclosure and barring checks policy?
- b) Does the post include working with children/vulnerable adults either within the University or in another setting?

If you have answered yes to either of the questions above, please contact [Resourcing](#) for roles that need advertising and [HR Advice Hub](#) for existing roles and [temporary working arrangements](#), to ascertain what level of DBS check is required and provide the following information:

- Is it a regular part of the post, and is it repeated with the same group or individual?
- Would the contact be on an unsupervised, one-to-one basis?
- Will any other responsible adult be present?

Definition of regulated activity (from September 2012)

If activities fall within the regulated activities as defined by [government guidance](#) then an enhanced DBS check can be requested and the [Barred Lists](#) for working with adults or children on the DBS form should also be checked.

1. [Regulated activities relating to adults](#)

Each of the following is a regulated activity relating to vulnerable adults:

- a) the provision to an adult of health care by, or under the direction or supervision of, a health care professional,
- b) the provision to an adult of relevant personal care,

- c) the provision by a social care worker of relevant social work to an adult who is a client or potential client,
- d) the provision of assistance in relation to general household matters to an adult who is in need of it by reason of age, illness or disability,
- e) any relevant assistance in the conduct of an adult's own affairs,
- f) the conveying by persons of a prescribed description in such circumstances as may be prescribed of adults who need to be conveyed by reason of age, illness or disability,
- g) such activities
 - i. involving, or connected with, the provision of health care or relevant personal care to adults, and
 - ii. not falling within any of the above paragraphs, as are of a prescribed description.

For full details please see the Department of Health's [Regulated Activity \(Adults\)](#) document.

2. [Regulated activity relating to children](#)

The new definition of regulated activity (i.e. work that a barred person must not do) in relation to children comprises, in summary:

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

Work under a) or b) is regulated activity only if done regularly: "regularly" is defined in detail on the activity table outlined on pages 4-6 of the Department of Education's [Regulated Activity in Relation to Children: Scope](#) document under items (a) to (f).

- c) relevant personal care, e.g. washing or dressing; or health care by or supervised by a professional;
- d) registered childminding; and foster-carers.

An activity is regulated activity in relation to children if carried out (subject to exceptions below):

1. in one of the following establishments:
 - i. schools (all or mainly full-time, for children),
 - ii. pupil referral units (also known as Short Stay Schools) not falling within the above,
 - iii. nursery schools,
 - iv. institutions for the detention of children,
 - v. children's homes,
 - vi. children's centres in England,

vii. childcare premises (including nurseries).

Day to day management or supervision on a regular basis of a volunteer activity which would be regulated if unsupervised.

2. frequently (once a week or more often), or on 4 or more days in a 30-day period,
3. by the same person, engaged in work for or in connection with the purposes of the establishment; and
4. it gives the person the opportunity, in their work, to have contact with children.

Day to day management or supervision on a regular basis of a person providing the above regulated activity for children is regulated activity for children.

For full details please see the Department of Education's [Regulated Activity in Relation to Children: Scope](#) document.

Appendix 2

DBS checks for staff

DBS checks will be required in the following situations and/or areas:

There is an expectation from some external partners, in some cases led by government and other pressures, for university staff visiting certain establishments in the course of their work to have been DBS checked.

School of Education and Childhood: Academic staff who go into placement situations to supervise or mentor students will usually be required to apply for an enhanced disclosure e.g. roles including Associate Lecturers and some Technicians.

College of Health, Science and Society: All staff visiting students in placement situations involving children and vulnerable adults will be DBS checked (enhanced disclosure) e.g. health care or social work.

Staff engaged in research or knowledge exchange activities where there is contact with children and/or vulnerable adults and the nature of that contact might fall within the definition of [regulated activity](#).

The need for a check should be identified by the Researcher and manager. Research Ethics Committees may make recommendations regarding DBS checks for projects they review.

Student and Academic Support: Wellbeing Practitioners and Counsellors are subject to an enhanced DBS check excluding the [Barred Lists](#). This is due to them being registered members of professional bodies and therefore classed as health care professionals. This could include Occupational Therapists, Social Workers and Mental Health Nurses who are employed within the Wellbeing team.

Other staff in Student and Academic Support working on an individual basis, primarily with students who might fall within the definition of [regulated activity](#) for adults or children, may require an enhanced disclosure, that could include a check of the children's and adult's [Barred Lists](#), depending on the nature of the role e.g. Mentors, Student Support Coordinators and Officers, Needs Assessors, the Specialist Drug and Alcohol Practitioner and Sexual Violence Advisor.

Chaplaincy: An enhanced disclosure will be obtained for Chaplains employed by the University, on appointment and for representatives from faith groups who work on a one-to-one unsupervised basis with staff and/or students at the University.

Student Ambassadors, Mentors and Tutors and students participating in activities arranged by the Outreach Centre, the Admissions office, and Future Students, Communication and Marketing.

Those who are undertaking mentoring/tutoring/unsupervised contact will usually be checked at the enhanced level, whereas those who are involved only in activities such as guiding tours

around the University will not usually be checked, though a [risk assessment](#) should be undertaken. A check to see if the applicant is on the children's [Barred List](#) may also be carried out depending on the nature of the role.

Staff working in the Centre for Sport whose main role is training, leading or coaching sessions with users of the Centre and the nature of whose contact with children and/or vulnerable adults falls within the definition of regulated activity will need an enhanced check.

Finance: There are certain roles within Finance that are regulated by the Financial Conduct Authority (FCA) and require a DBS check e.g. where people are managing a budget. This would usually be a basic check.

Community Service Volunteers e.g. reading buddies. Volunteers may need to be checked depending on the nature of the activity they are volunteering for. Assessing the level of check required and carrying it out should be conducted by the external agency concerned.

Schools and Organisations for young people / vulnerable adults: Staff in colleges and services whose roles involve school visits (and some other organisations for young people or vulnerable adults) e.g. marketing or schools liaison.

Staff involved with summer schools, visits from schools or other similar events at the University.

Student Residences: Student Wardens are required to have an enhanced disclosure. Some other staff will be required to apply for a disclosure depending on their role in connection with external residential events, which may include staff from Facilities, such as Accommodation staff who require basic checks, IT Services and other services.

Security: All Security staff require a basic check.

Out of Hours Staff: All Out of Hours staff require a basic check.

Contact with under 18s: Staff supervising university employees who are under 18 or students under 18 who are on university courses.

Individual members of academic staff who are 'named' tutor for students who are under the age of 18 years.

Staff who are a key contact for someone under 18 doing work experience; supervising work placements for under 18s; and work on a one-to-one unsupervised basis with under 18s are likely to require an enhanced check.

Appendix 3

Relevant legislation

The University will remain mindful of its duty of care and other legal obligations, including:

- [Health and Safety at Work etc Act 1974](#)
- [Data Protection Act 1998](#) (as amended by the [Data Protection Act 2018](#))
- [Safeguarding Vulnerable Groups Act 2006](#) (as amended by the [Protection of Freedom's Act 2012](#))
- [Equality Act 2010](#)

The University will remain mindful of legislation that specifically applies to DBS checks, which include (as amended):

- [Police Act 1997](#) the University can seek disclosures from the DBS for individuals carrying out particular roles. It does not place an obligation on employers or voluntary organisations to use the disclosure service.
- [Protection of Children Act 1999](#) creates in some cases a legal obligation to seek information about employees or volunteers in certain positions that is only available from the DBS and relating to the protection of children.
- [Criminal Justice and Court Services Act 2000](#) establishes provision for the protection of children and vulnerable adults, and specifies 'regulated positions' for which disclosure and barring checks and assurances have to be undertaken.
- [Rehabilitation of Offenders Act 1974 \(Exceptions\) Order 1975](#) sets out those professions, occupations and posts for which questions relating to past convictions can be asked.
- [Safeguarding Vulnerable Groups Act 2006](#) as amended by the [Protection of Freedoms Act 2012](#) which defines regulated activity as it relates to adults and children.