

DISCLOSURE AND BARRING SERVICE

1. Introduction

This information relates to DBS checks for staff/new employees only.

For all job vacancies at the University, applicants must declare any unspent convictions as defined by the Rehabilitation of Offenders Act (ROA) 1974. Overall, there is no requirement to declare spent convictions. However, for a limited number of posts, University of Suffolk will seek a disclosure relating to potential employees' criminal records from the Disclosure and Barring Service (DBS).

The role must be properly assessed using the DBS guidance documents followed by the online Eligibility Tool <https://www.gov.uk/find-out-dbs-check>

University of Suffolk is a registered body with the DBS and is, therefore, authorised to request information regarding potential employees' criminal records. In doing so, we are obliged to adhere to a strict Code of Practice and to produce guidance notes on our Disclosure practice to ensure compliance. This means that any information received from a disclosure is used fairly and confidentially and is held securely and not held for longer than is necessary. The Academic Registrar is the Lead Counter-signatory and so has overall responsibility for the proper use of the DBS disclosure scheme by the University in accordance with the DBS Code of Practice. The Lead Counter-signatory appoints Counter-signatories who ensure the scheme is operated within the Code of Practice in the context of both staff recruitment and student admissions.

Please refer to Appendix 1 of this document- Policy Statement: Secure Storage, Handling, Use, Retention and Disposal of Disclosures and Disclosure Information.

Further information may also be found in our associated policies;

- Policy Statement: Employment of Ex-Offenders
- Criminal Convictions Policy: Students

2. There are 3 levels of Disclosure

It is unlawful to request a disclosure at a higher level to that allowed in the guidance, therefore it is imperative that each role is assessed lawfully and objectively. Please refer to the DBS Code of Practice and the Explanatory Guide for full details. This can be found at

<https://www.gov.uk/government/organisations/disclosure-and-barring-service/about>

- **Basic Check** – shows unspent convictions and conditional cautions (NB the University does not carry out basic checks)
- **Standard Check** – shows spent and unspent convictions, cautions, reprimands and final warnings
- **Enhanced Check** – shows spent and unspent convictions, cautions, reprimands and final warnings (same as standard check) plus any information held by local police that's considered relevant to the role
- **Enhanced Check with Children Barred List** - shows the same as an enhanced check plus whether the applicant is on the children's barred list*
- **Enhanced Check with Adults Barred List** - shows the same as an enhanced check plus whether the applicant is on the adults' barred list*
- **** can be Enhanced with both Adults and Children's Lists**

For applicants who are signed up to the update service, employers can only use the applicant's online check if it is at exactly at the same level as the requirements of the role they have been offered.

3. The Disclosure Service as part of the Staff Recruitment Process

Is a DBS check required?

At the outset of recruitment to an existing role or to a new role, the recruiting manager needs to determine what level of Disclosure the role may require by referring to the guidance and using the Eligibility Tool (<https://www.gov.uk/find-out-dbs-check>) and in conjunction with a member of the POD team, if required. Further assistance can be requested from CBS, our online DBS screening provider, if required. Please speak to a member of the POD team in the first instance.

Existing roles that become vacant, and are to be re-filled, must be reviewed to identify if any changes in duties, over time, may have affected the DBS requirements of the role.

The outcome must be made clear in the recruitment literature relating to the post. If using a recruitment agency, the agency will be made aware that any job offer will be subject to a DBS Disclosure and will be provided with a copy of this policy to pass on to candidates who have expressed an interest in the role.

Obtaining a Disclosure for the Appointed Person

The successful candidate will receive a conditional offer of employment, stating if a Disclosure is required and at what level. The POD team enters the applicant's basic details on to the system creating a link to the online application (via CBS, our online DBS screening partner). The applicant completes the online form and provides sufficient proof of their identity as instructed in the guidance. This can be presented at a Post Office, online over video link, or in person to the POD team at the University.

For overseas applicants, our online screening provider will carry out checks in the applicant's country of residence. Please speak to the POD team in this situation.

When the result is available the candidate and the university will receive an email notification and the applicant will subsequently receive the hard copy certificate in the post to their home address. The applicant needs to present their certificate to the POD team for checking.

Once the result of the check is deemed satisfactory by the POD team, the line manager will be informed.

It is possible that permission to commence employment prior to receipt of the Disclosure Report form can be given. This decision will rest with the employing manager and the Director of POD and any pre-disclosure employment will be on a strictly supervised basis for those aspects of the job involving contact with children/vulnerable adults. Where an employee starts prior to DBS Disclosure being obtained, our offer of employment is still dependent on satisfactory DBS clearance. Where DBS Disclosure is found to be unsatisfactory, employment could be terminated with due notice.

4. Assessing Disclosures

The relevant counter-signatory will make an initial assessment of the content of the Disclosure Report. If the report contains no evidence of convictions (or any other related information), the line manager will be advised of the outcome.

If the report confirms a conviction, the POD counter-signatory, in conjunction with the Lead Signatory, will make an initial assessment of whether the information provided has any potential relevance to the post. If there is clearly no relevance to the nature of the job, you will be sent a letter confirming your appointment. If, however, the report reveals a conviction you have failed to declare, and/or the conviction is directly relevant to the post you have applied for, this could lead to the withdrawal of an offer of employment. The decision to withdraw would be made after a meeting with you to discuss the matter.

The decision will be made as to whether you are considered suitable for employment due to your criminal record. This will vary according to the nature of the job and the details and circumstances of the conviction(s). An open, honest, and well-structured discussion is required to fully assess the risk associated with the conviction in relation to the nature of the job.

We will take the following factors in to account:

- Does the post involve one-to-one contact with children or other vulnerable groups of people?
- What level of supervision would you receive?
- Would the nature of the job present you with opportunities to re-offend in the work place?
- Would you have any direct responsibility for finance or other items of value?

In relation to the nature of the offence(s) you have committed, or other relevant matters that are revealed, the following issues, as a minimum, would be taken into account:

- The seriousness of the offence(s) and its relevance to the safety of others with whom you would come in to contact in the workplace
- The length of time since the offence(s) occurred
- The number of offences committed (i.e. is there a pattern of offending or is the conviction a one-off?)
- The circumstances surrounding the offence(s) and the explanation(s) you have offered
- How your circumstances have changed since the offence and whether this demonstrates reduced likelihood of re-offending
- The degree of remorse, or otherwise, that you express and your motivation to change

Full and thorough consideration of all the above points will be made in order to come to a decision as to whether your appointment is confirmed or the offer is withdrawn. All staff involved in making this decision will have received appropriate guidance in the relevant legislation relating to the employment of ex-offenders.

If the decision is not to appoint, you will receive a letter formally withdrawing the offer and confirmation of the reasons why this action was taken by the University of Suffolk.

The guidelines on the Disclosure Process also contain information and advice about the provisions of the Rehabilitation of Offenders Act, whereby conviction for some criminal offences can be regarded as 'spent' after a specified period of time. Once a conviction is 'spent', the applicant is not obliged to reveal its existence in most circumstances and can answer 'no' to the question "do you have a criminal record?" on an application form, unless the position is subject to a disclosure or the organisation is exempt from the Rehabilitation of Offenders Act. The NHS is exempt and therefore for joint appointments advice should be sought from the People and Organisational Development team. It is an offence for anyone who has access to criminal records to disclose information about spent convictions unless officially authorised to do so.

5. Further Information

Appendix 1 Policy Statement: Secure Storage, Handling, Use, Retention & Disposal of Disclosures & Disclosure Information

Other University of Suffolk policies relevant to this policy document:

Policy Statement: Employment of Ex-Offenders

Equality and Diversity Policy (Employment)

Criminal Convictions Policy: Students

Appendix 1

University of Suffolk

POLICY STATEMENT: SECURE STORAGE, HANDLING, USE, RETENTION AND DISPOSAL OF DISCLOSURES AND DISCLOSURE INFORMATION

Introduction

For a limited number of posts and course placements, the University of Suffolk will seek a disclosure relating to potential employees' and students' criminal records from the Disclosure and Barring Service (DBS). Disclosures are appropriate and necessary where employees/students will be working with children and/or vulnerable adults, or other positions where abuse of trust may be a concern, for example, posts with financial responsibility or working with controlled drugs. Disclosure information is also sought from the DBS where employees/students will undertake their duties within the NHS.

University of Suffolk is a registered body with the DBS and is, therefore, authorised to request information regarding potential employees' and students' criminal records. In doing so, we are obliged to adhere to a strict Code of Practice and to produce guidance notes on our Disclosure practice to ensure compliance. This means that any information received from a disclosure is used fairly and confidentially, and is held securely and not held for longer than is necessary. The Further Information section in this document provides details of other relevant University of Suffolk policies.

General Statement

As an organisation using the DBS service to help assess the suitability of applicants for positions of trust, the University of Suffolk complies fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information.

It also complies fully with its obligations under the Data Protection Act and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information.

Storage and Access

Disclosure information is never kept on an applicant's personal file. After the DBS check is complete, only the outcome and reference number is recorded and kept privately.

Handling

In accordance with section 124 of the Police Act 1997, Disclosure information is only passed to those who are authorised to receive it in the course of their duties. University of Suffolk maintains a record of all those to whom Disclosures or Disclosure information has been revealed and recognises that it is a criminal offence to pass this information to anyone who is not entitled to receive it.

Usage

Disclosure 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 Disclosure 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 Disclosure information for longer than six months, we will consult the DBS about this and will give full consideration to the data protection rights and human rights of the individual subject before doing so. Throughout this time, the usual conditions regarding safe storage and strictly controlled access will prevail.

Disposal

Once the retention period has elapsed, the University of Suffolk will ensure that any Disclosure information is immediately suitably destroyed by secure means, i.e. by shredding, pulping or burning. While awaiting destruction, Disclosure 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 Disclosure or any copy or representation of the contents of a Disclosure.

However, notwithstanding the above, we will keep a secure record of the date of issue of a Disclosure, the name of the subject, the type of Disclosure requested, the position for which the Disclosure was requested, the unique reference number of the Disclosure and the details of the recruitment decision taken.

Further Information

Other University of Suffolk policies relevant to this statement:

Policy Statement: Recruitment of Ex-Offenders Policy

Code of Practice on Equal Opportunities in Employment Equality and Diversity Policy

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