

**DISCLOSURE & BARRING SERVICE (DBS) POLICY**

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# **POLICY**

## Introduction

The University of Wolverhampton is committed to developing and maintaining constructive relations with its employees. As highlighted in our Policy on Safeguarding Vulnerable Groups, despite being primarily concerned with the delivery of higher education to adults, the University engages on a regular basis with both children and vulnerable adults.

The purpose of this policy is to:

* Set out the approach that the University will take when recruiting employees and volunteers to posts involving work with children and/or vulnerable adults, including our legal obligations.

## Scope

The DBS Policy applies to all employees of the University, prospective employees and employment-related volunteers (including honorary appointments).

## Responsibilities

* 1. Managers

## Managers must:

* Read, understand and comply with the requirements of the policy.
  1. Employees

## Employees must:

* + - Read, understand and comply with the requirements of the policy.
  1. Human Resources Service

## Human Resources Service will:

* + - Ensure that this policy and procedure is adhered to;
    - Provide advice and guidance to managers, employees and prospective employees on its application.

## General Principles

* The implementation of this policy will be in accordance with the University’s core values which are built into the University Strategy.:

# **PROCEDURE**

# **Disclosure of Criminal Convictions**

1.1 It is the University’s policy to require applicants for all roles to disclose any ‘unspent’ criminal convictions on their application forms. Under the Rehabilitation of Offenders Act 1974 (ROA) a person over 18 convicted of a criminal offence but who does not re-offend during a specified period from the date of conviction (the rehabilitation period) is considered to be rehabilitated and their conviction becomes ‘spent’. However, during the rehabilitation period, the conviction is unspent and should be disclosed. Lengths of rehabilitation periods vary according to the nature of the conviction.

1.2 There are some exceptions to the general principle that spent convictions do not have to be declared, including those who work with children (anyone under 18), provide care services to vulnerable adults\* or provide health services. Such individuals are obliged to disclose spent convictions, in addition to any that are unspent. Further, such occupations qualify for checking by the University via the Disclosure and Barring Service (DBS), by means of a standard or enhances DBS certificate.

\*An adult (a person aged 18 or over) I classed as vulnerable when they are receiving one of the following services: healthcare, relevant personal care, social care, assistance in relation to household matters by reason of age, illness or disability, assistance in the conduct of their own affairs or conveying (due to age, illness or disability).

1.3 The University’s Policy on the Recruitment of Ex-offenders is available on the University's website.

1. **Types of DBS Check**

2.1 There are three types of criminal record check available – basic, standard and enhanced (ordinary enhanced or enhanced with list checks). Generally, enhanced and enhanced with list checks will be used by the University, in relation to the excepted posts at 1.2 above. An enhanced check includes details of spent and unspent convictions and cautions, police reprimands and warnings, and any additional information held by every policy force considered relevant. An enhances with barred list check is the same as an enhanced check, but also includes a check of any information stored about the person on statutory lists (containing details of people who are considered unsuitable to work with children and/or vulnerable adults).

**3. Posts which require a DBS Check**

3.1 Posts which meet the definitions set down in legislation and government guidance will require the postholder to comply with the relevant check process. More detail on this is available from Human Resources.

**4.** **Offers of Employment**

4.1 An offer of employment for a post involving work with children and/or vulnerable adults will be conditional on a satisfactory enhanced DBS check. Where the successful candidate refuses to agree to an application to the DBS, or a DBS check is completed but the successful candidate refuses to allow the University to see the DBS certificate, the candidate will be treated as not having a satisfactorily completed the DBS check.

4.2 For posts requiring an enhanced DBS check, no candidate will be permitted to commence employment with the University until satisfactory completion.

4.3 Not all criminal convictions will be a bar to employment at the University. The results of a DBS check will be considered on an individual basis and the University will seek to discuss any matters revealed on a DBS certificate with the candidate before withdrawing a conditional offer of employment.

1. **Process for DBS Checks**

5.1 The University uses a third-party specialist supplier to process DBS applications online. Once the DBS check has been carried out, the DBS will send the DBS certificate to the candidate. The outcome of the check will be notified to the HR Services by the third-party supplier. HR will contact candidates to arrange for the DBS certificate to be brought into the University if required.

5.2 The DBS Update Service allows people to keep their DBS Certificate up to date and take it with them from role to role, within the same workforce (adult, child or child and adult), where the same type and level of check is required. Where the successful candidate is a member of the update service, with their consent the University may carry out a status check on the current DBS certificate, instead of applying for a new DBS check, where appropriate to do so.

5.3 Where the successful candidate has a substantial period of overseas residence, the University may require a criminal records check or certificate of good conduct from the overseas country instead of, or in addition to the DBS check.

1. **Handling of Data**

6.1 The University is committed to ensuring that all information provided about an individual’s criminal convictions, including any information released in disclosures, is used fairly and is stored and handled appropriately and in accordance with relevant legislation. The University complies with the DBS Code of Practice, including the correct handling and safekeeping of DBS certificate information.

1. **Current Employees**

7.1 DBS checks will take place at the time of appointment and will be renewed every three years, in line with Ofsted good practice requirements, unless required more frequently by external organisations, or there are particular concerns, or an employee’s role changes (see 7.2 below).

7.2 A DBS check may be appropriate in situations where employees’ role change or where projects or volunteering opportunities would involve them working with children or vulnerable adults. This should be considered at an early stage. Failure to comply with a request to submit for a DBS check may disqualify an employee from the position/role.

7.3 Where a DBS check is required for a current employee to do so, in general, that employee will not be permitted to work with children or vulnerable adults until the DBS check has been satisfactorily completed.

7.4 All those for whom a DBS check is required are obliged to inform the University of any change in their status what might affect their role in the University.

1. **Referrals to the Disclosure and Barring Service**

The University has a legal duty to refer an individual to DBS when it believes a person has caused harm or poses a future risk of harm to vulnerable groups. It must also provide information to DBS when asked and may be fined unless it has good reason to not provide the information. The conditions that must be considered before making a referral or providing the information to the DBS can be found on the DBS website <https://www.gov.uk/guidance/making-barring-referrals-to-the-dbs>.

**9. Risk Assessment Process**

A process can be found in Appendix A, which will be used to assist in assessing and recording the risks of allowing someone to work where a DBS certificate shows relevant convictions or other relevant information. The risk assessment must be undertaken in accordance with this Disclosure and Barring Service (DBS) Policy.

**10. Related Policies and Documentation**

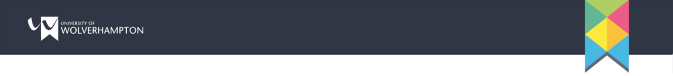
Safeguarding Policy and Procedure

Policy Statement on the Recruitment of Ex-Offenders

Recruitment and Selection Policy and Procedure

Code of Practice for Disclosure and Barring Service Registered Persons - <https://www.gov.uk/government/publications/dbs-code-of-practice>

**APPENDIX A**



**DBS Risk Assessment**

This form can be used to assist in assessing and recording the risks of allowing someone to work where a DBS certificate shows relevant convictions or other relevant information. The risk assessment must be undertaken in accordance with the Disclosure and Barring Service (DBS) Policy.

|  |  |
| --- | --- |
| **Name of Applicant:** |  |
| **Job Title:** |  |
| **Level of Disclosure** | **Enhanced and Barred –**  **Enhanced -**  **Standard -** |
| **Department:** |  |
| **Date of Assessment:** |  |
| **Applicant’s Line Manager** |  |
| **Risk Assessment Completed\* by:** |  |

*\* If offence relates to under 18’s or adults at risk of harm, please seek authorisation from the Designated Safeguarding Leads.*

1. **BACKGROUND INFORMATION CHECK**

|  |  |
| --- | --- |
| **Information Required** | **Notes** |
| Are there any gaps, discrepancies or anomalies within the Application Form? |  |
| Appropriate and satisfactory background checks received and signed off |  |
| Nature of caution(s), conviction(s) and other relevant information (Continue on separate sheet if necessary) |  |
| Offence:  Date of caution: |  |
| Offence:  Date of conviction:  Sentence: |  |
| Confirm that you have actively asked the person if they have any convictions, cautions, reprimands, warnings, bind-overs, pending prosecutions or disqualifications. |  |

*Document produced in line with guidance from NACRO – Recruiting Safely and Fairly – A Practical Guide to Employing Ex-offenders.*

*January 2024*

1. **ASSESSING THE RISKS**

*Document produced in line with guidance from NACRO – Recruiting Safely and Fairly – A Practical Guide to Employing Ex-offenders.*

*January 2024*

| **Question** | **Applicable**  **(Please delete as appropriate)** | **Comments** |
| --- | --- | --- |
| Did the applicant declare the matters on the DBS Application form and the University of Wolverhampton Application form? | Yes / No | *If ‘No’ state reason* |
| Does the individual agree that the information detailed on the DBS Certificate is correct? | Yes/ No | *If ‘No’ why?* |
| Age at the time of offence (s): |  |  |
| Length of time since conviction(s): |  |  |
| Were any offences work-related or committed within the context of a work setting? | Yes/No | *If ‘Yes’ give details* |
| Were any offences committed within the last 2 years? | Yes / No |  |
| What were the circumstances surrounding the offence(s)? |  |  |
| Attitude to the offence(s) |  | *e.g. regret/remorse/ justified/denial* |
| Efforts made to not reoffend |  |  |
| Are the offences relevant to the role applied for? |  |  |
| Does the position involve a significant level of trust? |  |  |
| Has the individual’s circumstances changed since the conviction/s e.g. location/friends/partner/  education? | Yes / No  If ‘Yes’ specify what |  |
| Are there any mitigating circumstances? e.g. traumatic life event, etc. | Yes / No  If ‘Yes’ specify what |  |
| Do the matters disclosed form any pattern e.g. repeat offences or repeat motivation (anger/financial/drugs/alcohol | Yes / No  If ‘Yes’ specify |  |
| Can the applicant demonstrate any efforts not to re-offend?  E.g. Rehabilitation course, Anger Management course, help for alcohol/drug abuse. | Yes / No  If ‘Yes’ specify |  |
| Can safeguards be implemented to reduce/remove any risk e.g. no unsupervised contact? | Yes / No  If ‘Yes’ specify what |  |
| What supervision is available and how readily? | Give details |  |
| Has the applicant been subject to any safeguarding related investigations or concerns? | Yes/No  If ‘Yes’ what was the outcome? |  |
| Has the applicant been referred to DBS, other professional body or the Police? | Yes/No  If ‘Yes’ what was the outcome? |  |

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*January 2024*

|  |  |
| --- | --- |
| **Level of Risk:**  Please complete the level of risk posed by appointing/employing the individual in this job. Give reasons. | |
| High/Medium/Low Risk |  |
| Any precautionary measures recommended for the individual in the light of the information received to minimise the risk of any reoccurrence of any potential criminal activity or associated behaviour.  Yes / No If yes, please outline in table below.  Details: e.g. curtailment of access to children/information; additional supervision; temporary changes of work location; temporary diversion of low risk tasks or training. | |

|  |  |
| --- | --- |
| Please provide any additional measures that will be put in place to ensure new staff are adequately supported and sufficiently supervised so that people are safe, if any concerns were identified, or if the applicant is commencing work prior to receipt of any recruitment information (e.g. lack of references): | |
| 1. |  |
| 2. |  |
| 3. |  |

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*January 2024*

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