

Human Resources

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## DISCLOSURE & BARRING SERVICE (DBS) CHECKS

## Introduction

* 1. The Disclosure & Barring Service (DBS) replaced the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA) and is an executive agency, sponsored by the Home Office, which provides access to criminal records and other information through a service called Disclosure.
	2. The University uses this service, in line with the Safeguarding students, children and vulnerable adults policy ([A to Z of policies and procedures | University of Reading](https://www.reading.ac.uk/essentials/The-Important-Stuff/An-A-to-Z-of-policies-and-procedures)) to help make more informed decisions when recruiting staff into positions of trust which involve regular contact with children and/or vulnerable adults.
	3. This procedure outlines the University’s approach to recruiting ex-offenders and provides procedural guidance for conducting staff DBS checks. This procedure will be made available as part of the recruitment process to all job applicants who are subject to a DBS check as a condition of employment.
	4. The University uses an external provider to facilitate DBS checks. This is currently First Advantage.
	5. University of Reading students are out of scope for this procedure. DBS checks required as part of an individual’s studies with the University are managed by Student Services. DBS Checks for Campus Jobs workers are managed by the Campus Jobs Team

## Responsibilities

* 1. The **Human Resources Department** is responsible for:
1. Administration of the DBS checking system with First Advantage .
2. Coordinating the DBS check with current or prospective employees and ensuring the necessary documentation has been received;
3. Monitoring DBS checks due to expire and liaising with the current employee and manager regarding their recheck;
4. Assessing the level of check required for the role and seeking advice where necessary;
5. Ensuring, in so far as possible, that the current or prospective employee has a DBS check in place prior to their start date and that this is reviewed every 3 years;
6. Reviewing and providing advice to line managers where disclosures arise;
7. Ensuring that documentation is recorded and used in line with the DBS code of practice and Data Protection Act 2018.
	1. All **managers** are responsible for:
8. Evaluating the Job Description to determine whether the role will require a DBS check and indicating this on the SRF for the role (or for Campus Jobs roles inform the Campus Jobs team);
9. Seeking advice from HR about assessing roles, or any conviction or offence declarations where necessary;
10. Ensuring that their current or prospective employee follows the steps required of them to obtain a DBS check;
11. Seeing the individual’s original certificate on their start date or as soon as possible thereafter;
12. Arranging for a delayed start date or appropriately adjusting duties if a DBS check isn’t in place or has lapsed.
13. Informing HR where a change of role or duties may require a DBS check to be carried out
	1. The **prospective or current employee** is responsible for:
14. Timely completing the DBS application and presenting current, original documentation to representatives of the University;
15. Checking the progress of their DBS check and keeping their current or prospective line manager informed;
16. Notifying their current or prospective line manager of the application outcome and showing them the original certificate when received;
17. Providing truthful and honest information about any offences or other matters where this is relevant to the role.

## Recruiting ex-offenders principles

* 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), the University complies fully with the [code of practice](https://www.gov.uk/government/publications/dbs-code-of-practice) and undertakes to treat all applicants for positions fairly.
	2. The University undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.
	3. The University can only ask an individual to provide details of convictions and cautions that the University is legally entitled to know about. Where a DBS certificate is required at either standard or enhanced level this information 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).
	4. The University can only ask an individual about convictions and cautions that are not protected.
	5. The University is committed to the fair treatment of its employees, potential employees or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.
	6. The University actively promotes equality of opportunity for all with the right mix of talent, skills and potential and welcomes applications from a wide range of candidates, including those with criminal records.
	7. The University selects all candidates for interview based on their skills, qualifications and experience in line with the University’s [Recruitment and Selection Procedure](http://www.reading.ac.uk/web/files/humanresources/Recruitment_and_Selection_Procedure_January_2018_v2.pdf).
	8. 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 documents will contain a statement that an application for a DBS certificate will be submitted in the event of the individual being offered the position.
	9. The University ensures that those involved in the recruitment process have received suitable guidance relating to the employment of ex-offenders and are supported to identify and assess the relevance and circumstances of offences.
	10. At interview, or in a separate discussion, the University ensures that an open and measured discussion takes place on the subject of any offences or other matters that might be relevant to the position. Failure of the candidate to voluntarily reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.
	11. For positions where a criminal record check is assessed as necessary, the offer will be conditional on the candidate satisfactorily completing a Disclosure & Barring Service (DBS) check prior to commencing work. Failure of the appointee to complete this may result in a delayed start date, reduced duties or withdrawal of an offer of employment.
	12. It is the policy of the University not to accept DBS Disclosures which the applicant has previously been issued from another body.
	13. The University makes every subject of a criminal record check submitted to DBS aware of the existence of the [code of practice](https://www.gov.uk/government/publications/dbs-code-of-practice) and makes a copy available on request.
	14. The University undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.
	15. In dealing with persons with a criminal record disclosure, the University will consider the following:
1. Whether the conviction or other matter revealed is relevant to the position in question;
2. The seriousness of any offence or other matter revealed;
3. The length of time since the offence or other matter occurred;
4. Whether the applicant has a pattern of offending behaviour or other relevant matters;
5. Whether the applicant’s circumstances have changed since the offending behaviour or the other relevant matters and;
6. The circumstances surrounding the offence and the explanation(s) offered by the convicted person.

## Levels of criminal record certificates

* 1. In the UK, there are three types of disclosure certificates that can be applied for. The type of information disclosed is regulated by the Police Act 1997 and the Police Act 1997 (Criminal Records) Regulations 2002 in line with Rehabilitation of Offenders Act 1974 (Exceptions Order 1975).

**A Basic certificate –** provides details of any unspent convictions or cautions and can be used for any role or purpose.

**A Standard certificate -** discloses all spent and unspent criminal convictions, cautions, police reprimands and final warnings on the UK Police National Computer; only available for specific roles and types of work listed in the Exceptions Order.

**An Enhanced certificate -** includes all the information in a standard certificate, along with details held by police forces believed to be reasonably relevant to the purpose of obtaining the certificate; only available for roles and types of work in the Exceptions Order and Police Act.

**Enhanced with a barred list check -** for specific roles listed under the Police Act and/ or individuals carrying out regulated activity, a check of the statutory children and/ or vulnerable adults barring lists can be requested in addition.

## Regulated Activity

A DBS check is a condition of employment for a limited number of University roles and is restricted to posts where the staff member has duties that are deemed to be Regulated Activity.

In respect of children, regulated activity includes:

(i) certain specified activities that involve regular\* contact with children; such activities include teaching, training, care, supervision, advice, treatment and transportation.

(ii) certain specified activities allowing regular\* contact with children that is in a specified establishment; such places include schools and care homes, but do not include Universities.

\*Work under (i) or (ii) is Regulated Activity only if done regularly. Regular means carried out by the same person frequently (one a week or more often) or on 4 or more days in a 30 day period (or in some cases, overnight). Where the activity carried out is ‘merely incidental to the activity with adults, the activity will not be deemed to be a Regulated Activity and no DBS check is required.

Further information on what amounts to a Regulated Activity in relation to children can be accessed via the following link

<https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/550197/Regulated_activity_in_relation_to_children.pdf>

In respect of adults, Regulated Activity includes specified activities including providing health care, personal care, assisting an adult who can’t manage themselves due to age, illness or disability in the day to day running of their household.

Further information on what amounts to a Regulated Activity in relation to adults can be accessed via the following link:

<https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/739152/Regulated_Activity_with_Adults_in_England.pdf>

Regulated activity is likely to take place at the University of Reading in circumstances including:

* staff who frequently carry out paid or voluntary work with and in schools
* staff may interact with the vulnerable groups through their academic research or through clinical service provision
* staff working solely in welfare and disability support roles may undertake regulated activity with vulnerable adults and with students under the age of 18.
	1. The DBS can only access criminal records held on the UK Police National Computer. Therefore, when recruiting an overseas applicant or an applicant with a substantial period of overseas residency a DBS check may not provide a complete picture of their criminal record that may or may not exist. Consequently, it is at the discretion of the University to ask that applicants obtain a ‘Certificate of Good Conduct’ from the relevant country/countries where available.

	Although procedures for different countries vary, this information may usually be obtained from the relevant Embassy or appropriate authority. The DBS website provides further information in <https://www.gov.uk/guidance/dbs-check-requests-guidance-for-employers#overseas-applicants> Extra references should be requested for applicants from countries which do not provide criminal record checks.

## DBS application process

### Instructions for applicants and employees subject to a DBS check

* 1. Applicants and employees will receive an email from our online provider: First Advantage Online Disclosures containing instructions and a link to the online DBS application form.
	2. The current fees for DBS checks can be found at: <https://www.gov.uk/disclosure-barring-service-check/overview>**.** First Advantage also add an additional administration fee plus VAT to each application. No VAT is chargeable on the DBS fee itself. The relevant School or Function will meet the cost of this fee for applicants and employees DBS checks.
	3. Applicants click on the link and follow the instructions in order to complete the DBS application form.  Within the application form, applicants are asked to specify which ID documents they will be providing later for verification.

	It is important that documents which are accessible to the applicant are selected, as they will be required to show the originals to the HR office.
	4. Guidance for applicants on completing the DBS form with First Advantage are available at [Sign In - Online Criminal Records Check | Online Disclosures](https://fadv.onlinedisclosures.co.uk/Authentication/Login).
	5. Once the online process is completed successfully, the applicant contacts Human Resources as soon as possible on 0118 378 8751 or hr@reading.ac.uk to arrange an appointment to show their identity documents. HR can clarify any queries on the process at this stage.
	6. On HR verifying the individuals documents, the application will proceed through the DBS Stages of the application process
1. **Stage 1 - application form received and validated**: The application form is checked for errors or omissions. The form is either scanned onto the DBS system or returned for correction to the countersignatory within 24 hours of receipt.
2. **Stage 2 - Police National Computer (PNC) searched**: Key data from the application form is compared against details from the Police National Computer (PNC) to search for any matches.
3. **Stage 3 - Children and adults’ barred lists searched (where applicable)**: Key data from the application form is compared against barred lists to search for any matches.
4. **Stage 4 - Records held by the police searched**: Enhanced checks are sent by secure, electronic means to the police for an additional check of local records before the information is sent back to the DBS. Your details may be the same as, or similar to details held at any police force across the country. To make sure potential matches are not missed, those police forces will check the details against their locally held information.
5. **Stage 5 - DBS certificate printed**: All the information to be disclosed is printed under highly secure procedures and posted to the applicant. The applicant will then need to show their DBS certificate to the employer who requested the criminal record check.

	1. The DBS will send the results of the DBS Disclosure in the form of a Disclosure Certificate to the applicant’s home address specified on the application form. The applicant keeps this certificate for their records.

**Security Staff Only** – For employees working in Security Services, the DBS check is carried out as part of the mandatory Security Industry Authority (SIA) licence application/training. Once the SIA training has been successfully completed, the new employee must bring their DBS Disclosure certificate along with their SIA licence to Human Resources in order that copies can be kept on their employee record.

* 1. The completion time of each application is different and the completion time can vary with some checks taking longer, especially if they are at an enhanced level and are referred to the police for checks against non-conviction data. Arrangements for employees who have not yet received DBS clearance but are in contact with children and/or vulnerable adults must be organised at management level within the relevant School/Function with advice from Human Resources. It may be that temporary supervision is needed or that a project must wait until clearance has been received for example.
	2. There is no official expiry date for a criminal record check issued by DBS, however it is the University’s practice to carry out rechecks on a 3-year basis. Any information revealed on a DBS certificate will be accurate at the time the certificate was issued. The date of issue on the certificate will be checked to decide whether to request a newer one.

**DBS Update Service**

* 1. If the current or prospective employee is subscribed to the DBS Update Service, they will need to advise us as soon as possible for the check to be conducted using this platform instead.

## Data retention and erasure

* 1. As an organisation using the Disclosure and Barring Service (DBS) checking service to help assess the suitability of applicants for positions of trust, the University complies fully with the code of practice regarding the correct handling, use, storage, retention and disposal of certificates and certificate information.
	2. It also complies fully with its obligations under the Data Protection Act 2018 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of certificate information. The University also has a written policy on these matters, which is available to those who wish to see it on request.

**Storage and Retention**

* 1. Certificate information should be kept electronically in a secure manner with access strictly controlled and limited to those who are entitled to see it as part of their duties.
	2. 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, notwithstanding the above, we will 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.

**Handling**

* 1. 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.
	2. HR 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**

* 1. 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.

**Disposal**

* 1. Once the retention period has elapsed, we will ensure that any DBS certificate information is immediately destroyed by secure means.

## Further information

* 1. For further information about the DBS please visit:
1. DBS Overview: <https://www.gov.uk/disclosure-barring-service-check/overview>
2. DBS guidance for employers: <https://www.gov.uk/guidance/dbs-check-requests-guidance-for-employers#the-code-of-practice>
3. Basic DBS checks guidance: <https://www.gov.uk/guidance/basic-dbs-checks-guidance>
4. Standard DBS checks eligibility guidance: <https://www.gov.uk/government/publications/dbs-check-eligible-positions-guidance>
5. Enhanced DBS checks eligibility guidance: <https://www.gov.uk/government/publications/dbs-workforce-guidance>

**Version control**

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