

POLICY ON THE USE OF THE DISCLOSURE AND BARRING SERVICE

C O N T E N T S:

- A. Policy Statement on the [Use of the Disclosure and Barring Service \(DBS\)](#)
- B. [Fair Use of Disclosure Information](#)
- C. Policy Statement: [Secure Storage, Handling, Use, Retention and Disposal of DBS certificate information](#)
- D. Policy Statement on the [Recruitment of Ex-offenders](#)
- E. Policy Statement on [Enhanced DBS checks for academic staff in the Faculty of Health & Social Care who access public sector premises for the purpose of supervising students during practice learning experiences](#)
- F. [Flowchart: The Appointment of Staff in conjunction with the Disclosure and Barring Service Policy](#)

Human Resources Department (HRD)

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Policy Statement on the use of the Disclosure and Barring Service

1. As an employer the University is committed to equality of opportunity and this underpins our employment and recruitment procedures. We use published objective, job-related criteria when making staff appointment decisions and select all candidates for interview based on their skills, qualifications, experience and ability to do the job.

The University also has a duty to provide a safe working and learning environment for its staff and students as well as legal and organisational obligations to other vulnerable groups.

2. To comply with these obligations, and for best practice, the University will use the criminal records checking service of the Disclosure and Barring Service (DBS)* for this purpose.

The DBS was established under the Protection of Freedoms Act 2012 and merges the functions previously carried out by the Criminal Records Bureau (CRB)* and Independent Safeguarding Authority (ISA)*. The CRB was established under the Police Act 1997 to allow Registered Bodies to obtain information for approved purposes about an individual's criminal record.

3. The DBS is a non-departmental public body (NDPB)* sponsored by the Home Office to carry out functions on behalf of the government. The DBS assists employers to make safer recruitment decisions and appointments by helping identify candidates who may be unsuitable for certain appointments or work, especially those working with vulnerable groups including children. As a Registered Body with the DBS the University can ask exempted questions by virtue of the Exceptions Order to the Rehabilitation of Offenders Act 1974.

5. The University will use the relevant information provided by the DBS to make informed recruitment and appointment decisions on a fair and non-discriminatory basis.

6. For the assurance of applicants who are subject to DBS check, the DBS code of practice* sets out the obligations that the University must meet to ensure that information released by the DBS is used fairly. These written policies are the:

- [Fair Use of Disclosure Information](#)
- [Secure Storage, Handling, Use, Retention and Disposal of DBS certificate information](#)
- [Recruitment of Ex-Offenders](#)

These are given to all candidates where a DBS check has been requested; they are available on the University's [Human Resources website](#)* and can be found in items [B](#), [C](#) and [D](#) of this document.

**See Page 15 for hyperlinks to this information*

Fair Use of Disclosure Information

- 1. Introduction**
- 2. Procedure for Identifying Posts Subject to DBS (Disclosure and Barring Service) check**
- 3. Recruitment and Selection Procedures**
- 4. The DBS Disclosure Service**
- 5. Applying for DBS check**
- 6. Sight and Recording of DBS certificate information**
- 7. Contacts**

1. Introduction

- 1.1 London South Bank University is committed to equality of opportunity as an employer and to ensuring that no applicant for a post or employee receives less favourable treatment on the grounds of their gender, age, race, ethnic or national origin, disability, marital status, sexual orientation, care responsibility, HIV status, trade union activity, political or religious belief.
- 1.2 The University uses published objective and job-related criteria when making staff appointment decisions and selects all candidates for interview based on their skills, qualifications, experience and ability to do the job.

2. Procedure for Identifying Posts Subject DBS check

- 2.1 To meet our NHS contractual obligations, a DBS check may be mandatory for posts in the Faculty of Health and Social Care. A DBS check will only be requested for other University posts where one is relevant and proportionate to the post or work concerned. The specific posts and level of disclosure will be determined by the appropriate Head/Director of Department, Director of Institute, Executive Dean or Pro Dean and, where appropriate, in conjunction with the Director or Deputy Director of Human Resources.

3. Recruitment and Selection Procedures

- 3.1 Applicants will normally be informed in the “Further particulars” of the Recruitment Pack sent to all applicants where a post or work is identified as being subject to DBS check.
- 3.2 In accordance with the University’s obligations to the Disclosure and Barring Service, the Recruitment Pack will contain the following:
 - [Policy Statement on the Use of the Disclosure and Barring Service](#)
 - [Fair Use of Disclosure Information](#)
 - [Secure Storage, Handling, Use, Retention and Disposal of DBS certificate information](#)

- [Recruitment of Ex-offenders](#)
- Where applicable, [Enhanced DBS checks for academic staff in the Faculty of Health & Social Care who access public sector premises for the purpose of supervising students during practice learning experiences](#)

The University will also make applicants aware of the DBS code of practice* and DBS glossary*, indicating how it can be read online and how they can obtain a copy.

- 3.3 These arrangements will apply whether the post is advertised internally or externally. Where a DBS check is appropriate as a result of changes to the role of an existing member of staff, or, for example, short-term internal secondments, members of staff will be given a copy of all DBS related policy documents at the appropriate time.
- 3.4 The Policy on the Recruitment of Ex-offenders is provided to all applicants at the commencement of the recruitment process. Unless the nature of the post is one that the University has identified as being subject to a DBS check, the University will only ask about “unspent” convictions as defined in the Rehabilitation of Offenders Act.
- 3.5 In certain circumstances, applicants or current employees taking on a new role or work may be subject to a DBS check resulting from the requirements of external contractors and providers to the University. For example: to access NHS premises for the purposes of supervising students during clinical placement, Enhanced DBS checks are a stipulation of the ‘licence of attendance’ for University staff in the Faculty of Health and Social Care. Applicants for these posts will receive an additional Policy Statement from Faculty of Health and Social Care in their Recruitment Pack.
- 3.6 Failure to disclose information directly relevant to the post or work that is subsequently revealed as a result of a DBS check could lead to the withdrawal of any offer. Where the position or work of an existing member of staff changes and the University considers it appropriate to request a DBS check, failure to comply may disqualify an employee from the position/work.
- 3.7 It is the responsibility of the individual to inform the University of any subsequent cautions, convictions, reprimands and warnings. Not knowing about understanding the law will not be considered as a reason for non-declaration.

4 The DBS Checking Service

- 4.1 The **DBS** acts as a “one-stop shop”. It checks information:
- held on the Police National Computer (PNC), such as, convictions, cautions, reprimands and warnings in England, Wales and those recorded from Scotland. There is also some Northern Ireland conviction data held on PNC;
 - held by local police forces relating to relevant non-conviction information;
 - from the DBS’ Children’s Barred List;
 - from the DBS’ Adults Barred List.

**See Page 15 for hyperlinks to this information*

4.2 As a Registered Body with the DBS the University can obtain information about an individual's criminal record for approved purposes. There are two levels (4 types) of DBS check available: Standard and Enhanced. The type of report requested will be based on the level of responsibility an individual has in respect of working with and caring for young people under 18 or adults requiring regulated activities which lead to them being considered as vulnerable at the point of receiving them.

- **Standard DBS Check**

These apply to positions and professions exempted under the Rehabilitation of Offenders Act. Groups include those involved regularly with: children, young people, the elderly, sick or disabled, the administration of the law and other sensitive areas or positions of trust.

Standard checks contain details of an individual's convictions, cautions, reprimands or warnings recorded on police central records and includes 'spent' and 'unspent' convictions. These are shown on a criminal records check.

To be eligible for a standard level DBS check the position **must** be included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975.

- **Enhanced DBS Check**

Enhanced checks are for posts that involve a far greater degree of contact with vulnerable groups including children. In general the type of work will involve regularly caring for, supervising, training or being in sole charge of such people. Enhanced checks are also issued for certain gaming and licensing purposes and judicial appointments.

An enhanced check contains the same details as a standard check, together with any information held locally by police forces that a Chief Officer reasonably believes to be relevant to the post applied for and considers ought to be disclosed.

To be eligible for an enhanced level DBS check, the position **must** be included both in the ROA Exceptions Order **and** in Police Act Regulations.

Enhanced Disclosure + barred list check (child)

Enhanced Disclosure + barred list check (adult)

An enhanced check with information from the DBS's children's/ adults barred lists is only available for those individuals engaged in regulated activity with vulnerable groups and a small number of posts as listed in the Police Act Regulations.

To be eligible to request a check of the children's or adults barred lists, the position must meet the definition of regulated activity effective from 10 September 2012, as outlined in the following documents:

DBS glossary*

Regulated activity – adults* and Regulated activity – children*

*[*See Page 15 for hyperlinks to this information](#)*

4.3 **Overseas applicants**

In a small number of cases overseas criminal records are held on the Police National Computer and these would be revealed as part of a criminal record check. The University recognises that a DBS check may not provide a complete picture of any criminal record that may exist for applicants from overseas and may contact the embassy or High Commission of the country in question in this connection. The University may ask overseas applicants to obtain further information where it deems that necessary.

5 **Applying for a DBS check**

5.1 Following interview, the successful candidate will be advised that any offer of employment is subject to the University receiving a satisfactory Standard or Enhanced DBS check. It will **NOT** be possible to commence employment with the University or take up a new position or work until the DBS check process is completed.

5.2.1 The University will forward the appropriate DBS check application form to the successful candidate together with an applicant's guide to completing the DBS application form. Candidates are strongly advised to consult Human Resources or the DBS if they have any concerns about completing the form or in providing the documentation used for identification purposes.

As a Registered Body, the University must establish the true identity of the applicant, through the examination of a range of **original** documents as set out by the DBS. This will be carried out by fully briefed Human Resources staff following University guidance and DBS requirements.

The DBS service standards and performance targets are available on the DBS website*.

6 **Sight and recording of DBS certificate information; request to hold a temporary photocopy**

6.1 Once the check is completed, the DBS will send a certificate listing the results to the applicant. The Human Resources Department (HRD) will ask the applicant for sight of their DBS certificate and will record the certificate information on a database.

The DBS will not provide a copy of the certificate to the University and HRD and will seek the applicant's consent to take a photocopy of the certificate for temporary retention.

In either event, DBS certificate information will be handled in accordance with the University's policy for the [Secure Storage, Handling, Use, Retention and Disposal of DBS certificate information](#)

6.2 If the University is satisfied with the information contained in the DBS certificate, the

**See Page 15 for hyperlinks to this information*

candidate will be advised and any conditional offer of employment or appointment will be confirmed. The Contract of Employment will state that the position to which the individual has been appointed is subject to a DBS check and will require the employee to inform the University of any subsequent criminal convictions, cautions, reprimands and warnings. It will also detail the consequences of failure to do so which may include termination of employment.

- 6.3 If the DBS certificate contains information that is an area for concern, then the matter will be considered in accordance with the University's policy on [Recruitment of Ex-offenders](#).

8. Contacts

DBS contacts: [See Page 15 for DBS contact details](#)

HRD contacts:

Katie Boyce, Head of Human Resources ex 6201 boycek@lsbu.ac.uk

Joanne Monk, Deputy Head of Human Resources ex 6203 monkj@lsbu.ac.uk

[HR Business Partners and Assistant Advisers](#)

Policy Statement: Secure Storage, Handling, Use, Retention and Disposal of Disclosure and Barring Service (DBS) certificate information

1. The DBS is a non-departmental public body (NDPB) sponsored by the Home Office, which helps employers make safer recruitment decisions and prevents unsuitable people from working with vulnerable groups, including children, through its criminal record checking and barring functions.
2. As a Registered Body with the DBS, the University can obtain information about an individual's criminal record for approved purposes, provided we comply with the DBS' Code of Practice*.
3. All our policies are available on the University's Human Resources website*.

One of these policies in [Disclosure and Barring Service \(DBS\) - Policy on the use of the DBS](#) is on the correct handling and safekeeping of Disclosure information and this is detailed below.

4. The University also complies fully with its obligations under the Data Protection Act and other relevant legislation*.

Storage and access

5. DBS certificate information will not be kept on an applicant's personnel file. Certificate information will be recorded on the Human Resources electronic staff records system. Where, in addition, consent has been given by the applicant for the Human Resources Department to take a photocopy of the DBS certificate, this will be kept separately and securely, in lockable, non-portable, storage containers (such as a filing cabinet). Access will be strictly controlled and limited to those who are authorised to see it as part of their duties.

Handling

6. In accordance with section 125 of the Police Act 1997, only those authorised in the course of their duties will have access to DBS certificate information. The University recognises that it is a criminal offence to pass this information to anyone who is not entitled to receive it.

**See Page 15 for hyperlinks to this information*

Usage

7. DBS certificate information will only be used for the specific purpose for which is as requested and for which the applicant's full consent has been given.

Retention of Agreed Copies of DBS Certificates

8. Once a recruitment (or other relevant) decision has been made, the University will not keep any copy of the DBS certificate, or any associated correspondence, to which the applicant consented for longer than is necessary.
9. In general, this will be for a maximum of 6 months. This period allows for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep DBS certificate information for longer than 6 months, we will consult the DBS about this and will give full consideration to data protection and human rights of the individual before doing so. The usual conditions in respect of storage and access will continue in place during this period.

Disposal

10. Once the retention period has elapsed, the University will ensure any copy of the DBS, certificate, or any associated correspondence, to which the applicant consented is immediately destroyed by suitably secure means i.e. shredding, pulping or burning. It will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack) whilst awaiting destruction. No other image of the DBS certificate or certificate information will be made or retained.
11. However, the University will keep an electronic record of the date of a DBS certificate, the name of the subject, the type of DBS check requested, the position for which the DBS check was requested, the unique reference number of the DBS certificate issued by the DBS and details of the recruitment decision taken.

Policy Statement on the Recruitment of Ex-offenders

- 1. Introduction**
- 2. Principles**
- 3. Recruitment Process**
- 4. Making a Decision**

1. Introduction

- 1.1 As a Registered body with the Disclosure and Barring Service, the University complies with the DBS Code of Practice on the Recruitment of Ex-offenders. It meets its obligations with this written policy which should be read in conjunction with its Policy Statements on the [Use of the Disclosure and Barring Service](#) and the [Fair Use of Disclosure Information](#). These policies are sent to all applicants for a DBS check at the outset of the recruitment process. The University will also make applicants aware of the DBS Code of Practice* and DBS glossary* indicating how it can be read online and how they can obtain a copy.

2. Principles

- 2.1 As an employer the University is committed to equality of opportunity and this underpins our employment and recruitment procedures. We use published, objective, job-related criteria when making staff appointment decisions and select all candidates for interview based on their skills, qualifications, experience and ability to do the job.
- 2.2 **Having a criminal record will not necessarily bar you from working for us.** This will depend on the nature of the position and the circumstances and background of any offences.
- 2.3 The Rehabilitation of Offenders Act (ROA) 1974 ensures that ex-offenders who have not re-offended for a period of time after the date of their conviction are not discriminated against when applying for jobs. Unless the work/position is exempt under the ROA, the University will only ask about 'unspent' convictions as defined in the Act.
- 2.4 The University will observe guidance issued by the Disclosure and Barring Service on the use of DBS certificate information in the employment of ex-offenders.

3. Recruitment Process

- 3.1 Where a DBS check is part of the recruitment process, applicants will be informed in the "Further particulars" of the Recruitment Pack. A DBS check will only be requested for posts where one is relevant and proportionate to the post concerned.

**See Page 15 for hyperlinks to this information*

- 3.2 A DBS check will be seen as complementary to the University's existing recruitment practice and will be used to make better informed recruitment and appointment decisions. The DBS checking service will not be used as a substitute for any of the other existing pre-appointment checks, including taking up references and enquiring into the person's previous employment history.
- 3.3 Staff involved in the recruitment process will have received guidance in the relevant legislation regarding the employment of persons who have been convicted in the past, for example the Rehabilitation of Offenders Act 1974.
- 3.4 The University will ensure fairness at all times. It will not discriminate against the applicant during the DBS check process or on the basis of any information received.

4. Making the decision

- 4.1 Normally, where the DBS certificate indicates a criminal record or a conviction of an applicant, or other relevant information, any decisions relating to an appointment will be taken by the Director or Deputy Director of Human Resources in conjunction with the appropriate Executive Dean or Head/Director of Department.
- 4.2 In determining whether or not to confirm an appointment in such circumstances, all the relevant factors will be taken into account and an objective assessment made based on all the information available.
- 4.3 Objective assessments will:
- Focus on a person's abilities, skills, qualifications and experience and recognise that having a criminal record does not always mean a lack of these
 - Consider the nature of the conviction and its relevance to the job in question
 - Identify the risks to the University's business, students, customers, clients and employees in employing an ex-offender and whether these could be sensibly and effectively managed.
- 4.4 Considerations to be taken into account in relation to the offence will include:
- Whether the conviction or other matter revealed is relevant to the position in question
 - The seriousness of any offence or other matter revealed
 - The length of time since the offence or other matter occurred
 - Whether the individual has a pattern of offending behaviour or other relevant matters
 - Whether the individual's circumstances have changed since the offending behaviour or the other relevant matters, and
 - The circumstances surrounding the offence and the explanations/s offered by the convicted person.
- 4.5 Before a final decision is made, the decision maker/s will:

- Undertake to discuss any matter revealed in a DBS certificate with the person seeking the position before withdrawing a conditional offer of employment or appointment
- Attempt to resolve any dispute, where an applicant disputes the information provided in a DBS certificate.

5. Conveying the decision

- 5.1 Where a conditional offer of employment is to be withdrawn, the person seeking the position will be advised as soon as is practicably possible by the University. Similarly, any internal applicant or prospective appointee to a new role will be advised that the offer is withdrawn.
- 5.2 If it is decided that an existing member of staff is no longer suitable for the role he/she occupies as a result of a criminal record or other relevant information, then the following options will be considered:
- Firstly, the possibility of a transfer to an alternative position in the University for which the employee is not considered unsuitable as a result of a criminal record or other relevant information received.
 - In the event there is no such suitable alternative position available, the University will consider all other options. This will include termination of employment if it is considered the criminal record or other relevant information renders the individual unsuitable for any available positions in the University.
 - The University will also have to consider these options, including the termination of employment, if an employee deliberately withholds or does not advise the University of any conviction or relevant information subsequent to appointment.
- 5.3 In all cases, full consultation will take place with the individual concerned and any action taken will be in accordance with the University's stated policies and procedures.

Policy Statement on Enhanced DBS (Disclosure and Barring Service) checks for academic staff employed in the Faculty of Health and Social Care who access public sector premises for the purpose of supervising students during practice learning experiences.

1. All academic staff employed in the Faculty of Health and Social Care at London South Bank University are required to hold an Honorary Contract (or equivalent) to permit access to NHS and Local Authority social care premises for the purpose of supervising students during practice learning experiences.
2. The University co-operates with all its Partners so that all reasonable measures are taken to ensure public protection for those with whom we come into contact during the supervision of our students in practice learning settings.
3. With effect from 1st June 2003, all academic staff who supervise students during practice learning experiences, or who come into contact with children and adults requiring regulated activities which lead to them being considered vulnerable at the point of receiving them in the “care” of health or social care agencies, will, as part of the recruitment process, be required to apply for an Enhanced DBS check from the Disclosure and Barring Service.
4. This is a specific measure enabling organisations to make safer recruitment decisions by identifying candidates who may be unsuitable for certain work and to underline public protection.
5. The University, as a Registered Body with the Disclosure and Barring Service, adheres to the DBS code of practice*.

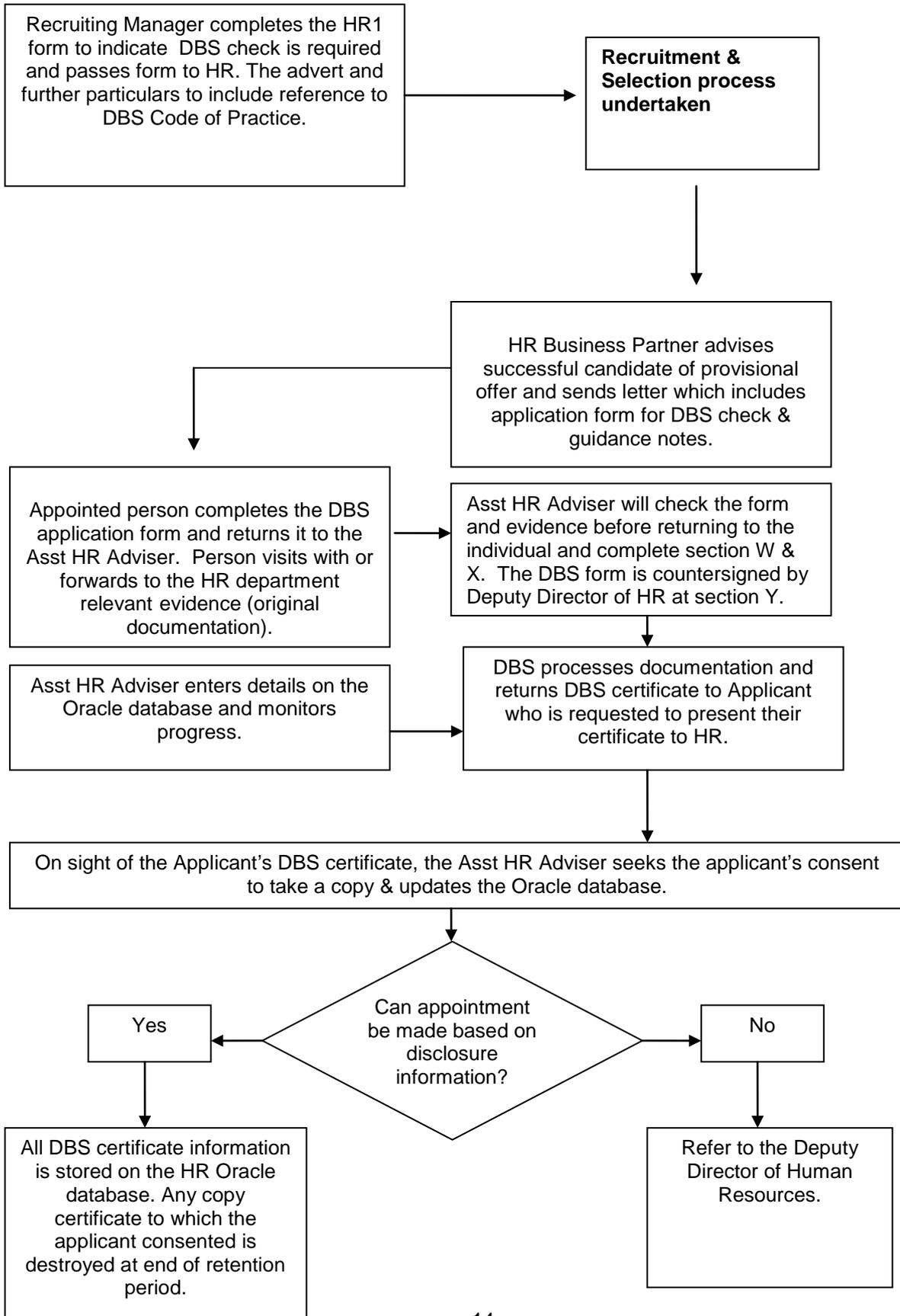
Further information is available from the DBS - [See Page 15 for details](#)

6. Any questions regarding this Policy statement should be addressed to

Katie Boyce, Director of Human Resources
email: boycek@lsbu.ac.uk
Telephone number: +44 (0)20 7815 6201

**See Page 15 for hyperlinks to this information*

Flowchart: The Appointment of staff in conjunction with the Disclosure & Barring Service Policy



Information hyperlinks

Disclosure and Barring Service (DBS)

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

Contact: DBS customer services
PO Box 110
Liverpool
L69 3JD

Tel: 0870 90 90 811

email: customerservices@dbs.gsi.gov.uk

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

NDPB's operate independently of their sponsoring department, ensuring they focus on their own objectives and make unbiased recommendations and decisions, See <https://www.gov.uk/government/organisations#home-office>

DBS Code of Practice - <https://www.gov.uk/government/publications/dbs-code-of-practice>

DBS Glossary - <https://www.gov.uk/government/publications/disclosure-and-barring-service-glossary>

Regulated Activity - <https://www.gov.uk/government/publications/dbs-regulated-activity>
Adults -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/216900/Regulated-Activity-Adults-Dec-2012.pdf

Children -

<http://www.education.gov.uk/childrenandyoungpeople/safeguardingchildren/a00209802/disclosure-barring>

DBS service standard and performance targets - <https://www.gov.uk/disclosure-and-barring-service-criminal-record-checks-referrals-and-complaints#dbs-performance>

HRD

Policies: <http://www.lsbu.ac.uk/hr/index.shtml>

DBS checks - [Policy on the use of the Disclosure and Barring Service \(DBS\)](#)

Data Protection: <http://www.lsbu.ac.uk/foi/dataprotection.shtml>

[HR Contacts](#)

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