

DISCLOSURE AND BARRING SERVICE (DBS CHECKS)

GUIDANCE FOR APPLICANTS AND LINE MANAGERS

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1. Introduction

The Disclosure and Barring Service (DBS) helps employers to make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups, including children. It replaces the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA).

The DBS is responsible for:

- Processing requests for criminal records checks
- Deciding whether it is appropriate for a person to be placed on or removed from a barred list
- Placing or removing people from the DBS children's barred list and adult's barred list for England, Wales and Northern Ireland

The purpose of this document is to provide a framework for Liverpool Hope University's policy on the use of the DBS checking service and the recruitment of ex-offenders and provide guidance for conducting DBS checks for staff members or volunteers.

2. When will a DBS check be required?

The recruiting manager/head of department will identify which posts require a DBS check to be completed. If one is required, the recruiting manager will also determine the level of check necessary i.e. standard, enhanced or enhanced with barred list check. This will be confirmed on the Authority to Recruit (ATR) form. For those posts where a DBS check is required, this will be confirmed in the recruitment information i.e. advertisement. The recruitment information will contain a statement to confirm this. Any subsequent offers of employment will be conditional on a satisfactory DBS check being completed. The completion of a DBS check does not negate the need for other pre-employment checks i.e. references to be completed.

Existing members of staff who require a DBS check should complete the application form, which needs to be approved by their line manager and forwarded to Personnel in order for the application process to commence.

3. Types of checks

There are three different types of DBS checks available:

3.1. Standard check

- a standard check shows spent and unspent convictions, cautions, reprimands and final warnings. This check only contains details of unspent convictions according

to the Rehabilitation of Offenders Act 1974, which are held on central police records or will state if there are no such convictions.

3.2. Enhanced check

- an enhanced check shows the same as a standard check plus any information held by local police that's considered relevant to the role

3.3. Enhanced with barred list

- an enhanced check with barred lists shows the same as an enhanced check plus whether the applicant is on the list of people barred from doing the role.

4. What is regulated activity?

Regulated Activity is a term used to describe certain job functions carried out by an employee as defined by the DBS. These requirements are important as they determine eligibility for an Enhanced Level DBS check and a check of the DBS Barred Lists.

4.1.1. Regulated activity in relation to children

A child is a person aged under 18 years of age.

The new definition of regulated activity in relation to children comprises, in summary:

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

Work under (i) or (ii) is regulated activity only if done regularly i.e. (once a week or more often), or on 4 or more days in a 30 day period or overnight. Overnight mean once or more between 2 a.m. and 6 a.m. with the opportunity for face to face contact with children.

4.1.2. Regulated activity in relation to adults

The new definition of regulated activity relating to adults no longer labels adults as 'vulnerable'. Instead, the definition identifies the activities, which, if any adult requires them, lead to that adult being considered vulnerable at that particular time. This means that the focus is on the activities required by the adult and not on the setting in which the activity is received, nor on the personal characteristics or circumstances of the adult receiving the activities. There is no longer a requirement

for a person to do the activities a certain number of times before they are engaged in regulated activity.

There are six categories of people, which fall within the definition of regulated activity for adults:

- Healthcare – any health care professional providing health care to an adult, or anyone who provides health care to an adult under the supervision of a health care professional
- Personal care – anyone who supervises or provides physical assistance with eating or drinking, going to the toilet, washing or bathing, dressing, oral care or care of the skin, hair or nails because of an adult's age, illness or disability
- Social care – the provision by a social care worker of social work which is required in connection with any health care or social services to an adult who is a client or potential client
- Assistance with cash, bills and/or shopping
- Assistance in the conduct of a person's own affairs
- Conveying – a person who transports an adult because of their age, illness or disability either to or from their place of residence and a place where they have received, or will be receiving, health care, personal care or social care; or between places where they have received or will be receiving health care, personal care or social care. This will not include family and friends or taxi drivers

5. How to apply for a DBS check?

Individuals will be required to apply for their own DBS check using the University's umbrella body (GBG). The level of check will depend on the nature of the role and activities, which will be undertaken. The process for applying for a DBS check is as follows:

- Once the request for a DBS check has been approved, Personnel will arrange for the creation of the online application form
- A link will be sent to the individual to enable them to complete the online form
- Once the form has been completed the individual will bring their documents to Personnel for verification
- Personnel will verify the documents and confirm this on the online application for processing by the DBS

- Once received the individual should bring the DBS certificate within 7 days of receipt to Personnel for recording

Further advice and guidance regarding the application process is available by contacting the Personnel department.

Existing members of staff who require a DBS check should complete the application form, which needs to be approved by their line manager and forwarded to Personnel in order for the application process to commence.

6. Do I need to renew my DBS check?

DBS checks do not contain an expiry date. The disclosure will give details of any past convictions to the date that the certificate was issued. It will only provide a snapshot of information on the date it was issued. Therefore, it is the University's policy to carry out re-checks every three years from the date of the initial disclosure (unless the individual's role has changed which means the check is no longer required). However, if the member of staff is registered with the DBS update service re-checking will be carried out every three years using this service.

7. DBS update service

The update service allows:

- Applicants to keep their DBS certificates up to date
- Employers to check a DBS certificate

Individuals need to register to use this service. If an individual has not yet applied for a DBS check they can register for the update service. DBS must receive the application form within 28 days. If an individual has already applied they can register for the service using the DBS certificate number. This must be done within 30 days of the certificate being issued. There is a cost involved in registering with this service.

Further information on the update service can be found by clicking on the below link.

<https://www.gov.uk/dbs-update-service>

8. Overseas applicants

When a DBS check is required for an overseas applicant, the disclosure still needs to be completed. As the DBS cannot provide employers with an accurate picture of an overseas applicant's record, other checks should also be completed. These include contacting the embassy or high commission of the country in question or overseas applicants must produce a criminal record check from their home country. These are known as a certificate of good conduct.

Further advice and guidance can be obtained from Personnel.

9. Data Handling

The University complies with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of certificates. The University also complies with its obligations under the General Data Protection Regulation (GDPR) 2018.

Information contained in DBS disclosures and regarding offences must be treated with care and responsibility. The information will only be available on a need to know basis.

The University will keep confirmation of any satisfactory disclosures and a brief summary of the information such as the date of issue and the unique reference number on the Personnel IT system.

10. Criminal records checks and recruitment of ex-offenders

All applicants are required to disclose any unspent convictions. The University requires all applicants to disclose any convictions, cautions, reprimands or final warnings that are not 'protected' as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013). The amendments to the Exceptions Order 1975 (2013) provide that certain spent convictions and cautions are 'protected' and not subject to disclosure to employers, and cannot be taken into account. Further information in relation to the above is available by clicking on the below link.

<https://www.gov.uk/government/publications/dbs-filtering-guidance/dbs-filtering-guide>

For those posts where a Disclosure and Barring Service (DBS) check is required, this will be confirmed in the recruitment information i.e. advertisement. The recruitment information will contain a statement to confirm this. Any subsequent offers of employment will be conditional on a satisfactory DBS check.

10.1.1. Dealing with disclosure information

Where an applicant has a previous conviction or convictions (spent or unspent) the University will consider the circumstances of the case. This will include consideration of the offence and the relevance to the post applied for. The factors taken into account will include the responsibilities of the position, the vulnerability of the customer group, the nature of the offence(s), the number and pattern of the offences (if there are more than one), how long ago the offences(s) occurred and the age of the offender when the offence(s) occurred. The above list is for illustrative purposes only and is not exhaustive. The decision should be made on the basis of a risk assessment to assess the applicant's criminal record and circumstances in relation to job tasks and circumstances in which the role is performed.

Any DBS disclosure returned with criminal convictions will be referred to the recruiting manager and the HR Manager for the relevant department/faculty. A meeting will normally take place with the individual to determine whether it is or is not appropriate for the individual to be employed in the role. The aim of the meeting will be to obtain further information by having an open and honest conversation between the parties. All information divulged as part of these discussions will be treated in the strictest confidence.

The University complies fully with the DBS Code of Practice and undertakes to treat all applicants for positions fairly.

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

Please refer to the University's Policy Statement on the recruitment of ex-offenders.

[Policy Statement of the recruitment of ex-offenders](#)

All University staff have a contractual obligation to disclose immediately upon conviction, that he/she has been convicted of any offence during the period of his/her employment. Such failure to disclose may be deemed to invalidate his/her contract and lead to immediate cessation of his/her employment.