

UNIVERSITY DISCLOSURE & BARRING POLICY (STAFF)

August 2024

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The latest version of this document is always to be found at:

<https://policies.docstore.port.ac.uk/policy-285.pdf>

What is this document about?

The Disclosure and Barring Service (DBS), an executive non-departmental public body of the Home Office, provides access to criminal record information through its Disclosure service. This service enables organisations to make safer recruitment decisions by identifying applicants who may be unsuitable for certain work, especially that which involves children or Adults at Risk. The University of Portsmouth complies fully with the DBS Code of Practice and undertakes to treat all applicants fairly: <https://www.gov.uk/government/publications/dbs-code-of-practice>

This document sets out the policy in relation to Disclosure and Barring Service (DBS) checks, which should be carried out for any member of staff who joins the University and regularly works with those under the age of 18 years or vulnerable adults. DBS define regular as more than 3 days in a 30-day period or overnight between 14.00 & 06.00, with the opportunity for face to face contact. Regulated activity with vulnerable adults includes providing health care by, or under the direction or supervision of a regulated health care professional, providing personal care such as physically assisting with, or prompting and supervising/training/instructing/advising on eating drinking, toileting, washing, bathing, dressing etc

The Policy explains why the University as an employer needs to ensure that for certain roles a DBS check is undertaken, at the relevant check level. Links are provided to further guidance and process documents that support DBS checks.

Who is this for?

The DBS policy is for all University staff who require a DBS check as part of their role and for new staff joining the University, where a DBS check is required. This includes UoP London and UASL staff.

How does the University check this is followed?

DBS checks are administered and monitored by the Human Resources Compliance Team and subject to independent audit by the University's auditors.

Who can you contact if you have any queries about this document?

Contact the Human Resources Compliance Team via the HR People Hub [People Hub](#)

Executive summary

The Disclosure and Barring Service (DBS) checks whether an individual has any criminal or other convictions which would preclude them working with vulnerable adults or children. Individuals applying or working at the University will have a job description which will specify whether a DBS is required. The line manager is responsible for identifying whether a DBS check is required and at which of the six levels it is required. The administration of DBS checks is the responsibility of the HR department. The checks are carried out through a third-party Umbrella Body. There are no expiry dates for a DBS certificate. If an individual, signs up to the 'Update Service' UoP are able to check the currency of the DBS certificate. Data relating to the DBS certificate is held on iTrent.

If an applicant applies for a role and is from overseas, obtaining information related to the individual will vary by country and the guidelines of what to do in such circumstances are published on the [Government website](#).

If a DBS certificate or equivalent overseas information shows 'Content' (i.e information is disclosed by DBS about the individual, which could make them unsuitable for the role) then the Executive Director of Corporate Governance and Chief People Officer must decide if the person can be employed. If an existing member of staff's circumstances change and a new DBS check would show content, they must inform their line manager and the Chief People Officer.

Roles and Responsibilities

The recruiting manager identifies the requirement for a DBS check when completing the recruitment requisition form and HR provides advice. The job description must also state that the applicant to the role requires a DBS check.

The Human Resources Department is responsible for administering DBS checks for applicants and existing members of staff. Human Resources carry out the checks through a third-party Umbrella Body.

Application Process

The applicant will be contacted by the Human Resources Department or relevant representative at UoP London and asked to complete an online DBS application. An applicant should reveal as part of the application process any unspent criminal convictions and / or cautions relevant to the role applied for. Some roles require that spent convictions still need to be declared. If an applicant reveals information and is subsequently shortlisted, Human Resources review in the first instance, and where required forward these details to the Executive Director of Corporate Governance for consideration. In complex cases, a meeting may be convened with the individual or the Safeguarding Panel. Once a final decision has been made the applicant is advised.

The DBS application should be submitted and the outcome received prior to employment commencing, as the offer of employment may be withdrawn should the DBS certificate show a conviction, caution or other information meaning the applicant may not be suitable for the role.

Existing staff are required to notify their Line Manager and the Chief People Officer if they are subject to an investigation by the Police or Safeguarding Agency or receive a police caution or conviction for a criminal offence. Failure to disclose this information could lead to disciplinary action.

DBS requirements

The job description for the role will state whether a DBS is required and at what level. The individual will therefore know whether a DBS will be carried out as part of the recruitment process.

Dependent upon the role an individual currently undertakes or will undertake if not already a member of staff, one of the following DBS checks will need to take place.

- Basic check
- Standard check
- Enhanced check
- Enhanced check with child barred list
- Enhanced check with adult barred list
- Enhanced check with child and adult barred lists

The definition of each of the above can be found at [DBS Levels](#).

If someone is barred from working with children and or vulnerable adults they are breaking the law to seek work in regulated activity within a group for which they are barred.

A DBS check has no official expiry date. Any information included will be accurate at the time the check was carried out. If the applicant has signed up for the DBS update service you can check whether their certificate is up to date online. This is for Update Service Checks only and the University must still check

- the applicant's identity matches the details on the certificate
- the certificate is of the right level and type for the role applied for
- if anything has changed since the certificate was issued.

DBS data

The date of the DBS check and the certificate number is held on iTrent. All DBS data is held in line with the General Data Protection (GDPR) regulations. Only HR can see vetting check data.

Data collected for the check is held by a third-party (DDC), which will also adhere to data protection legislation and their own retention schedules.

Delayed checks

If the applicant's role commences at the University before the DBS certificate has been received, the employee must not be left unsupervised with children/vulnerable adults at any time during the course of their duties until such time that the DBS certificate is returned and 'contains no information'. In addition, the Chief People Officer, the Executive Director of Corporate and a UEB member for the relevant Faculty may approve that employment can commence with measures put in place until the DBS check is complete.

Checks with content

Before employment at the University

If an applicant has a conviction that has become spent, the University must treat the applicant as if the conviction had not happened unless they are entering a role that is an exception from the Rehabilitation of Offenders Act 1974.

The University must treat DBS applicants who have a criminal record fairly. The University recognises the need to take a proportionate approach to personal and DBS disclosures and will treat all such information in the strictest confidence.

Human Resources will receive an email from the third-party Umbrella Body confirming the check has been completed and that the certificate needs to be sighted. The applicant will need to produce the original certificate for Human Resources, which will detail convictions and any barring where applicable, for consideration.

In consideration of offences, safeguarding panels will ensure that a fair and measured discussion of any offences is arranged following the disclosure. Guidance from the Executive Director of Corporate Governance and Chief People Officer should be sought on the conduct of this discussion and any subsequent offer of employment.

During Employment at the University

Existing staff are required to notify their Line Manager and the Chief People Officer if they are subject to an investigation by the Police or Safeguarding Agency or receive a police caution or conviction for a criminal offence. Failure to disclose this information could lead to disciplinary action.

If the University suspends or withdraws a student (or staff member) from regulated activity, or would have done so had they not left of their own accord, due to allegations they have abused or caused harm to children or adults at risk/have been charged with a relevant offence, UoP has a legal responsibility to report the person concerned to the DBS.

If an individual changes role, a DBS check may be required as part of the move to the new role. This will be identified in the job description.

The University will recheck individuals DBS records during their employment. Checks will be carried out every three years, unless there is a specific reason to check more or less frequently

International staff

UK DBS checks will not cover the time someone lived outside the UK.

Overseas checks can be carried out, although they will vary by country. Information relevant to the individuals' country of origin can be found at:

[Guidance on the application process for criminal record checks overseas](#)

It is not always possible to obtain a certificate from countries that do not have functioning criminal record regimes or refuse to provide these to anyone other than their own citizens.

In the absence of available checks, the University will obtain as much information as possible in the form of references before deciding whether to make an offer of employment, based on the information available.

Linked sources of information

Links to other policies or existing UoP procedures:

University Safeguarding Policy

General Data Protection Regulations

Recruitment Policy



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