This information relates to Disclosure and Barring Service (DBS) checks for staff/new employees only. For information or guidance relating to student DBS checks, please contact the Academic Section.

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### 1. Background

**What is the Disclosure and Barring Service**

The Disclosure and Barring Service is an executive agency of the Home Office established in December 2012 through a merger of the Criminal Records Bureau (CRB) and the Independent Safeguarding Authority (ISA). Its purpose is to prevent unsuitable people from working with vulnerable groups including children and to support organisations in England and Wales in making safer recruitment decisions. Disclosure Scotland undertakes a similar responsibility for Scottish organisations and individuals wishing or needing to hold a personal Basic Disclosure.

**What is a Disclosure?**

A Disclosure is an impartial and confidential document that details an individual's criminal history, including cautions, convictions, warnings and other relevant police information and, where jobs include ‘regulated activity’, confirms whether or not the individual is barred from working with vulnerable groups including children.

**When might a Disclosure be required?**

The Protections of Freedoms Act 2012 describes occupations that are known as the exceptions to the Rehabilitation of Offenders Act 1974. These are roles for which vetting at recruitment stage may include a check of criminal record activity.

The Safeguarding Vulnerable Groups Act 2006 defines certain activities as ‘regulated’ (jobs where the work relates specifically to vulnerable groups including children). Recruitment into these roles must include a full Disclosure check including a check of lists held by the DBS of individuals barred from this type of work.

**What is regulated activity?**

- **Regulated activity relating to children comprises:**
  - unsupervised activities with children, specifically teaching, training or instructing; or caring for or supervising children in ‘specified places’ eg. schools, children’s homes. The activities must be undertaken regularly (once a week/4 times in 30 days) by the same person
  - providing advice or guidance on well-being
  - driving a vehicle being used to convey children

- **Regulated activity relating to adults**

  Adults are no longer labelled as vulnerable because of their personal characteristics, or the setting in which the activity takes place – the definition identifies the activities which, if required, lead them to be considered vulnerable.
  - providing professional healthcare
  - providing social work by a social care worker
  - assistance with managing money/bills
  - assistance in the conduct of a person’s own affairs
  - conveying between a place of residence and a place where health or social care is received
What is a Basic Disclosure?
A Basic Disclosure contains only convictions considered ‘unspent’ under the Rehabilitation of Offenders Act 1974. Anyone can apply for a basic disclosure in their own name. Currently they are only available from Disclosure Scotland.

What is an Enhanced Disclosure?
Enhanced Disclosures contain all convictions, cautions, warnings or reprimands, both spent and unspent, and any other non-conviction information considered to be relevant by the police or other Government bodies. For posts deemed regulated activity, they also include a check of ‘barred lists’ ie those individuals barred from working with vulnerable groups including children.

Who is responsible for managing the Disclosure application process?
As a Registered Body with the DBS the University appoints a Lead Countersignatory with overall responsibility (this is a member of the University senior management team). However, nominated HR staff take day-to-day responsibility for staff DBS applications. The Recruitment Manager and the HR Assistant (Team Leader) are approved Countersignatories and manage the process including confidentiality and security. Student DBS applications are managed by the Academic Section who have their own nominated Countersignatories.

Definition of a child
The Criminal Justice and Court Services Act (CJCSA) defines a child as someone who is under 18 (under 16 if the child is employed).

2. Posts which require a DBS Disclosure check

There are certain posts at the University which will require satisfactory vetting and barring clearance before any appointment is confirmed. Some examples of these posts are:

- Sports Centre staff supervising or coaching children or participating in children’s activities (e.g. CHUMS staff or Children’s Playworkers
- Nursery staff
- Academic or Research staff carrying out research in clinical settings
- Education Outreach staff who regularly visit schools and are involved with children’s activities.
- International Summer school teachers where working specifically with U18s
- East 15 Youth Theatre workshop leaders
- University Designated Safeguarding Officers
- Lead Countersignatories and Countersignatories:

Please note: as this is not an exhaustive list there may be other posts not mentioned above that exist, or may arise, within the University that following assessment may require a DBS Disclosure

Other Positions of Trust
It is recognised that there are roles within the university which fall outside the definition of regulated activity but are deemed to be ‘positions of trust’. A University vetting procedure is in place to ensure transparent and rigorous recruitment practices.

Examples are:
- Student Support Staff involved with counselling and advice
- Patrol Staff
- Accommodation Essex Housekeeping staff
- Resident’s Support Network
- ISER and the UK Data Archive staff working on specific Government contracts
- Some Finance roles

It is good practice to undertake a risk assessment when deciding whether or not a post requires a DBS or other vetting check, particularly if there is some uncertainty. In most cases it will be obvious, but in others a number of questions may need to be asked of the role and associated activities. Please contact the Recruitment Manager if you need advice.
3. The Recruitment Process

Where a DBS Disclosure check is to form part of the recruitment process this must be identified from the outset. This requirement will be made clear in recruitment literature (the Job Advert, Job Description and Further Particulars).

All job applicants, regardless of whether the post requires DBS clearance, must disclose in their application any ‘unspent’ criminal convictions. Where a post requires an Enhanced check to be undertaken applicants are also required to disclose any ‘spent’ convictions. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment. Any information declared will be treated in the strictest of confidence and only disclosed to managers where appropriate.

For posts that require a Disclosure, successful candidates receive an Application Form and guidance notes from Human Resources which must be returned with prescribed personal documentary evidence before being Countersigned and forwarded to the DBS. Employment will be offered on a conditional basis, subject to a satisfactory Disclosure, and a formal contract will not be issued until the Disclosure certificate is received.

When all relevant checks have been completed the DBS will send hard copies of the Disclosure Certificate to the individual and to Human Resources. If the Certificate is satisfactory and any information provided does not give cause for concern, confirmation of the appointment will be sent from HR to the recruiting manager and to the individual concerned. If the Disclosure provides information relating to a conviction or other activities relevant to the post this will be discussed in confidence with both the individual and their manager (see 6 below).

The DBS imposes a charge for processing Disclosure applications. In most cases this will be covered by the University.

While it is acknowledged that DBS Disclosures play a vital role in assessing an individual’s suitability for regulated work it is important to note that other pre-employment checks should also play a part in this process, such as references (including one from the individual’s previous employer), and exploring any gaps in the individual’s employment history at interview stage.

Commencement in post without a DBS check
Individuals appointed to posts that require satisfactory DBS clearance will not normally be able to commence in post until their Disclosure has been returned and has been deemed to be satisfactory. Depending on the particular requirements of a post and the nature of the involvement with children and/or vulnerable groups, it may be possible for the individual to start work prior to receipt of the Disclosure providing they are closely supervised. In such cases the recruiting manager, in consultation with HR, should ensure that appropriate safeguarding mechanisms are place. If this is not possible, the individual’s start date may need to be postponed.

Will the university accept a previous CRB or DBS Disclosure?
Disclosures undertaken by other organisations may be accepted, with the agreement of HR, if they have been issued for a similar role no earlier than 6 months prior to commencement of their University post. The University will, however, still undertake a new DBS Disclosure check specifically relevant to the University post in question.

4. DBS checks for existing members of staff

It is important to note that while Disclosures are primarily used in the recruitment and selection process, there may be occasions where a change in duties requires a Disclosure check to be undertaken for an existing member of staff.

Re-Checking
In the majority of cases the University does not require staff to be re-checked on a regular basis. However individuals subject to DBS Disclosure are required to notify Human Resources of cautions/convictions/warnings received during their employment with the University. In accordance with requirements imposed on us by certain regulatory bodies, such as the Strategic Health Authority, checks may be carried out annually for certain post holders.
5. **Recruitment of Ex Offenders**

Having a criminal record will not necessarily bar an individual from working with us. This will depend on the nature of the position and the circumstances and background to the offences. Our guidelines on the Recruitment of Ex-offenders is made available to all Disclosure applicants at the outset of the recruitment process and is available on the HR website.

6. **Assessing information contained within a Disclosure**

If a Disclosure contains information relating to a conviction, caution, warning or reprimand, it will be forwarded to the HR Recruitment Manager, who will consider:

- Whether the conviction detailed 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 applicant has a pattern of offending behaviour or other relevant matters;
- Whether the applicant’s circumstances have changed since the offending behaviour or other relevant matters; and
- The circumstances surrounding the offence and the explanation(s) offered by the convicted person.

We undertake to discuss any matter revealed in a Disclosure with the person seeking the position, and will also involve the line manager before any decision is made to withdraw a conditional offer of employment.

7. **Handling, storing and disposing of Disclosure certificates**

As an organisation using the Disclosure and Barring Service to help assess the suitability of applicants for positions involving regulated activity, the University of Essex complies with their Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information.

The University copies of Disclosures are stored securely in Human Resources (not on individual personal files) for a period of six months to allow for the consideration and resolution of any dispute with the DBS, after which they are destroyed in a secure environment. A master spreadsheet is held in HR recording only the name, type of Disclosure, date of issue, position for which the Disclosure was requested and the unique Disclosure reference number for each individual. Our guidelines on the secure storage, handling, use, retention and disposal of Disclosures and disclosure information is available on request.

8. **Confidentiality**

Information provided on any Disclosure Certificate is both sensitive and confidential. It is therefore essential that anyone who is party to that information should handle it appropriately. As a Registered Body, the University adheres to the DBS Code of Practice and also complies fully with its obligations under the Data Protection Act 1998 and other relevant legislation pertaining to the safe handling, use storage, retention and disposal of Disclosure information, which is contained in this document.

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