



Disclosure & Barring Service (DBS) Policy & Procedure For Staff, Students & Applicants



Core Documentation Cover Page

Disclosure & Barring Service (DBS) Policy & Procedure For Staff, Students & Applicants

| Version number | Dates produced and approved (include committee) | Reason for production/ revision | Author | Location(s) | Proposed next review date and approval required |
|----------------|---|--|---------------------------------|--|--|
| V1.0 | Mar 2011 SMT | Staff and Student Criminal Records Bureau Policies To ensure that a students, staff and applicants declare whether they have any convictions, cautions, reprimands or final warnings which would not be filtered in line with current guidance as appropriate for their role / course of study at the School. | HR Officer & Academic Registrar | All master versions will be held in: J:\0 Quality Team - Core Documentation Website | Mar 2012 Or in line with any legislative changes. |
| V1.0 | Mar 2012 SMT | Annual Review No Changes | HR Officer & Academic Registrar | All master versions will be held in: J:\0 Quality Team - Core Documentation Website | Mar 2013 Or in line with any legislative changes. |
| V2.0 | May & Aug 2013 SMT | Annual Review Minor Amendment to reflect change in agency from Criminal Records Bureau to Disclosure & Barring Service. | HR Officer & Academic Registrar | All master versions will be held in: J:\0 Quality Team - Core Documentation Website | Aug 2015 Or in line with any legislative changes. |
| V3.0 | Aug 2014 PRAG Chair | Administrative Amendment to reflect current staff role titles. | HR Officer & Academic Registrar | All master versions will be held in: J:\0 Quality Team - Core Documentation Website | Aug 2016 Or in line with any legislative changes. |
| V4.0 | Jul 2016 SMT | Biennial Review Major Amendment to combine separate Student and Staff DBS Policies and to include introduction of 'protected convictions, cautions' etc. | HR Manager & Academic Registrar | All master versions will be held in: J:\0 Quality Team - Core Documentation Website | Jul 2018 Or in line with any legislative changes. |
| V5.0 | Jul 2017 PRAG Chair | Administrative Amendments to update institution name change from British School of Osteopathy to University College of Osteopathy and to update committee titles. | HR Manager & Academic Registrar | All master versions will be held in: J:\0 Quality Team - Core Documentation Website | Jul 2018 Or in line with any legislative changes. |
| V6.0 | May 2018 PRAG Chair | Administrative Amendments to reflect title changes (i.e. from Principal to Vice-Chancellor, etc.) | HR Manager & Registrar | All master versions will be held in: J:\0 Quality Team - Core | Jul 2018 Or in line with any legislative changes. |

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| | | | | Documentation Website | |
| Equality Impact | | | | | |
| Positive equality impact (i.e. the policy/procedure/guideline significantly reduces inequalities) | | | | | |
| Neutral equality impact (i.e. no significant effect) | | | | | X |
| Negative equality impact (i.e. increasing inequalities) | | | | | |
| <p>If you have any feedback or suggestions for enhancing this policy, please email your comments to: quality@uco.ac.uk</p> | | | | | |

Disclosure & Barring Service (DBS) Policy & Procedure for Staff, Applicants & Current Students

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1. SCOPE

- 1.1 All applicants to the University College of Osteopathy (UCO) will be asked at the application stage to declare whether they have any convictions, cautions, reprimands or final warnings which would not be filtered in line with current guidance. Their attention will be drawn to this policy and procedure.
- 1.2 Procedure Owner: The UCO's student and applicant DBS disclosure procedures are owned by the Registrar and HR Manager who are responsible for ensuring that the UCO complies with the DBS codes of practice and the UCO's own stated procedures.
- 1.3 New Students: Study at the UCO is dependent on the registrant providing enhanced DBS registration checks using the following procedure.
- 1.4 New Staff: when appointing to a new or existing role the HR team will determine whether an enhanced DBS registration check is necessary.

2. PROVISIONS OF THIS POLICY

- 2.1 Where an unspent/unprotected conviction, caution, reprimand or warning is declared by an applicant, an early enhanced DBS check is requested. Where enhanced DBS checks show convictions, cautions, reprimands or warnings, the DBS Risk Assessment Procedure will be triggered.
- 2.2 All other student applicants will be required to complete an enhanced DBS registration check at the point of registration.
- 2.3 Where enhanced DBS registration checks show convictions, cautions, reprimands or warnings, the DBS Risk Assessment Procedure will be triggered.
- 2.4 All students are required to notify the Registrar of any conviction for a criminal offence which they incur whilst a UCO student. Any such disclosure will then trigger the DBS Risk Assessment Procedure.
- 2.5 All staff are required to notify the HR Manager of any conviction for a criminal offence which they incur whilst in employment/working for the UCO. Any such disclosure will then trigger the DBS Risk Assessment Procedure.

3. DBS APPLICATION PROCEDURE

- 3.1 Applicants/new students are instructed to bring with them the relevant original documents required to confirm identity in accordance with the DBS rules currently in force, as defined in the Accepted Identification Documents list and are informed that these documents may be photocopied.
- 3.2 An authorised DBS counter-signatory completes the standard ID document checklist contained on the DBS application form and the applicant/new student completes the additional details as required.
- 3.3 A record is kept of the serial number of the disclosure application form, the date on which it was issued and to whom.
- 3.4 The counter-signatory will take payment by cash, card or cheque, issuing a receipt to the student.

- 3.5 The DBS check for new employees will be funded by the UCO. The new employee is expected to register for the DBS update service within the timescale dictated by the DBS. The new employee is responsible for the ongoing fee to register for the DBS update service.
- 3.6 On receipt of their certificate from the DBS, applicants/students must bring it to HR/Registry, where a copy will be made. A note of the date of issue of forms is made on the record. A decision is made on the basis of the information contained on the certificate as follows:
- 3.7 No Convictions or Further Information Disclosed: If no convictions or further information are disclosed, the disclosure form is disposed of after six months via shredding.
- 3.8 Convictions and/or Further Information are Disclosed: If the disclosure contains information about convictions or is accompanied by further information, the DBS Risk Assessment Procedure will be triggered.
- 3.9 Appeals against a Decision to Rescind the Offer of a Place on the Course or offer of employment
- 3.10 An applicant has the right to appeal against any decision by the DBS Risk Assessment Group resulting the offer of a place on the course/offer of employment be rescinded, using the DBS Risk Assessment Group appeal process.
- 3.11 The appeal is dealt with in accordance with the DBS Risk Assessment Group procedure. The investigation may include obtaining external professional opinion on individual cases, for example from a professional or regulatory body or other appropriate agency.

4. STORAGE & ACCESS

- 4.1 Disclosure information is never kept on an applicant's/student's file and is always kept separately and securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties.

5. HANDLING

- 5.1 In accordance with Section 124 of the police Act 1997, Disclosure information is only passed to those who are authorised to receive it in the course of their duties. This includes the Authorised Counter-signatory, Registrar, HR Manger, Admissions team and members of the DRB Risk Assessment Group. We maintain a record of all those to whom DBS certificate information has been revealed and we recognise that it is a criminal offence to pass this information on to anyone who is not entitled to receive it.

6. USAGE

- 6.1 Disclosure information is only used for the specific purpose for which it was requested and for which the applicant's/student's full consent has been given.

7. RETENTION

- 7.1 Once an application decision has been made, we do not keep DBS certificate information for any longer than is absolutely necessary. This is generally for a period of up to six months, to allow 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 six months, we will consult the DBS and inform the applicant before doing so.

8. DISPOSAL

- 8.1 Once the retention period has elapsed, we will ensure that any DBS certificate is immediately and suitably destroyed by secure means, i.e. by shredding.
- 8.2 While awaiting destruction, certificates will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack).
- 8.3 We 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 keep a record of the date of issue of a certificate, the names of the subject, the type of certificate requested, the role for which the certificate was requested, the unique reference number of the certificate and the details of the application decision taken.

Full details concerning the DBS and Enhanced Disclosure, along with the DBS Code of Practice are available on the DBS website: www.DBs.gov.uk.

APPENDIX 1: DBS APPLICATION FORM GUIDANCE

DBS Quick Checklist:

- a) Completed DBS Form
- b) ALL documents referenced in the form including where relevant:
 - i. Passport
 - ii. Driving licence
 - iii. Document showing National Insurance number
 - iv. Document showing current address
 - v. £50 fee – cash, card or cheque made to the UCO (students only)

IMPORTANT INFORMATION:

Please write in capitals in black ink to complete the form. Leave any sections that do not need to be completed blank; do not cross them out.

If you make a mistake DO NOT use correction fluid or cross the mistake out. You will need to fill out a new form, available from Registry/HR.

The DBS processes a high volume of applications and will typically complete a disclosure in a minimum of 4 weeks.

If you have used a continuation sheet for previous addresses, please DO NOT sign the continuation sheet.

A copy of your DBS certificate will be posted to your current address listed on the form.

On receipt of your certificate from the DBS, you must bring it to Registry/HR where a copy will be made.

We will securely store copies of disclosure forms for up to 6 months, after which they are destroyed.

It is your responsibility to keep your original DBS certificate safe.

IDENTIFICATION GUIDANCE:

When completing the DBS form, you will need to provide every document referred to.

At least one document must confirm your current name and date of birth as recorded in section a.

At least one document must confirm your current address, as recorded in section b, and be no older than three months

If you have only provided two forms of identification (e.g. only a passport and proof of current address) you will need to provide one other form of identification (usually a birth certificate).

For more information on what is an accepted form of identification, please visit the DBS website.

IMPORTANT NOTES REGARDING IDENTITY DOCUMENTS:

ALL documents must be presented in their original form. Photocopies will not be accepted. If you cannot provide an original document we cannot verify your form.

Do NOT complete any section which you do not have valid documentary evidence for, e.g. only complete your NI Number if you can show us your NI Card/payslip/P60 etc. for verification.

INTERNATIONAL STUDENTS:

International students or applicants who have lived in the UK for less than six months do not need to complete the DBS form. You will need to obtain a criminal record check from your last country of residency.

Your record check will need to be translated into English by an authorised translator if it is not already.

APPENDIX 2: DISCLOSURE & BARRING SERVICE DECLARATION FORM

A satisfactory DBS enhanced check is a condition of employment for some clinical roles at the UCO / registration on pre-registration courses. In the case of a member of staff, applicant or student having an unspent/unprotected conviction, caution, reprimand or warning, a risk assessment will be carried out to determine whether this will affect their offer of employment/entry/ progression on the course.

If you have any convictions, cautions, reprimands or warnings which would not be filtered in line with current guidance, please complete this form as soon as possible. The risk assessment will be carried out on the basis of the information contained within the DBS certificate regarding offer of employment/entry/progression. Therefore it is important that this form is completed accurately to avoid a further risk assessment being required.

If you are a new or existing member of staff: complete this form and submit it to the HR Manager.

If you are an applicant to the UCO: complete this form and submit it to the Admissions Officer.

If you are an existing student at the UCO: complete this form and submit to the Registrar.

You will be informed of the risk assessment panel's decision as soon as possible (usually within 14 days of submitting this form).

| | |
|---|--|
| Member of staff / student name: | |
| Position / Year and Course: | |
| DBS application form number: | |
| Statement of conviction(s), caution(s), reprimand(s) or warning(s): Include a description of the offence(s), the sentence(s), the date(s) and any mitigating circumstances. Please continue overleaf if required. | |
| | |
| Signed: | |
| Date: | |

APPENDIX 3: DBS RISK ASSESSMENT PROCEDURES

DBS RISK ASSESSMENT GROUP

All DBS checks for new or current staff, students or applicants, which record an unspent/unprotected conviction, caution, reprimand or warning result in invoking these procedures.

DBS RISK ASSESSMENT GROUP PROCEDURE

1. The Chair of the DBS Risk Assessment Group will, normally within three working days of the receipt of a positive DBS check or unspent/unprotected conviction, caution, reprimand or warning declaration, notify the member of staff/student/applicant concerned that a risk assessment is being carried out.
2. If the Chair of the DBS Risk Assessment Group deems the offence committed to be serious and relevant s/he will recommend to the Vice-Chancellor that the member of staff/student is suspended until the Group has made its recommendation. Any initial suspension would normally be a maximum of two weeks. The Chair may then request an extension if two weeks is not sufficient time to complete the Group's investigation/risk assessment.
3. The Chair will conduct an initial review of the content of the certificate, and complete the DBS Risk Assessment Form in consultation with the Registrar (in the case of applicants / students) and the HR Manager (in the case of members of staff). Where the risk is deemed to be low, the process will be deemed to be complete.
4. Where the initial review deems the risk to be medium or high, or where it is considered that further review would be helpful, the DBS Risk Assessment Group will be convened, normally within ten working days.
5. During this time the Chair of the DBS Risk Assessment Group may request:
 - a) A personal statement from the member of staff/student/applicant about the offence, to include any relevant circumstances that may have impacted on their actions.
 - b) A brief, reflective personal statement from the member of staff/student/applicant regarding the offence, including their perspective on the possible impact on their employment/course of study.
 - c) A pre-sentence report.
 - d) A probation report.
 - e) A reference from a recognised external body who knows the member of staff/student/applicant in the light of any unspent/unprotected conviction, caution, reprimand or warning.
 - f) Comments from the HR Manager/Student Support Manager regarding what support can be provided for the member of staff/student.
6. During the meeting of the DBS Risk Assessment Group, the Group should ask and discuss the following questions:
 - a) Based on the information we have, does the member of staff/student/applicant's continuation in post / on the pre-registration programme of study pose any risk to:
 - i. Patients

- ii. Students
 - iii. Staff
 - iv. Members of the general public
 - v. The pre-registration programme concerned
 - vi. The property of the UCO
- b) Is there any risk of re-offence?
- c) Is there any evidence that any student, patient or staff member has raised any questions about the acceptability of the staff/student/applicant's behaviour in the UCO?
- d) Is there anything the UCO can do to mitigate and manage any risk? (This may include a behavioural/conduct agreement.)
- e) Does the Group need to ask for further information to be able to make a decision on the risks involved?
- f) Are there any consequences for the UCO's Capability Procedure / Student Fitness to Practise and Professional Behaviour Policy?
7. The Group should decide to agree which of the following courses of action is most appropriate:
- a) That the member of staff/student/applicant is asked to leave their post/the course/the applicant has their request for a place on the course declined.
 - b) That the member of staff/student/applicant is allowed to continue in post/with their course of study.
 - c) That the member of staff/student/applicant is allowed to continue in post/with their course of study subject to certain requirements and support arrangements.
8. The Group may decide that further information is required before it makes its decision.
9. The Group may also wish to discuss what action should be taken in relation to the member of staff/student/applicant should her/his behaviour at the UCO not be of an acceptable level. The action may include:
- a) Whether the behaviour of the member of staff/student/applicant should trigger the UCO Capability Procedure / Student Fitness to Practise and Professional Behaviour Policy.
 - b) Requirement to adhere to a support programme.
 - c) Other.
10. The Group should also discuss and decide:
- a) If appropriate, who is responsible for monitoring the member of staff / student / applicant's future behaviour.
 - b) Which UCO staff should be informed of any special requirements or conditions that may be attached to the member of staff/student /applicant continuing in post/with their course.

- c) Who at the UCO needs to be advised of the circumstances of the member of staff/student's continuation in post/on the course or applicant's admission to the course.
11. The member of staff/student/applicant will normally be informed of the Group's decision within five working days of its meeting.
 12. Within five working days of the Groups decision, the member of staff/student/applicant may appeal in writing to the Vice-Chancellor, stating the full grounds of the appeal. If, in the view of the Vice-Chancellor, the appeal letter casts doubt on the validity of the decision, an appeal hearing will be convened to re-examine the case in the light of the member of staff/student/applicant's additional evidence.
 13. The appeal panel for staff may consist of:
 - a) The Vice-Chancellor.
 - b) Either a Deputy Vice-Chancellor or member of the Senior Management Team (who should not been involved in the case so far).
 - c) HR representative who has not been involved in the case so far.
 14. The appeal panel for applicants / students will consist of:
 - a) The Vice-Chancellor.
 - b) Either a Deputy Vice-Chancellor or member of the Senior Management Team (who should not been involved in the case so far).
 - c) A member of the osteopathic profession who is also a Faculty member who has not been involved with the case so far.
 15. The appeal panel will normally sit within fifteen days of the receipt of the appeal.
 16. The outcome of the appeal will normally be communicated to the member of staff/student by letter within five working days of the hearing, and a copy of the letter will be sent to the HR Manager/Registrar.
 17. Where a member of staff / student / applicant's appeal is successful, the case will be referred back to the DBS Risk Assessment Group, who will reconsider the case in the light of the appeal panel's comments and representation from the member of staff/student/applicant.
 18. Where a member of staff / student / applicant's appeal is unsuccessful, the UCO will issue a Completion of Procedures letter.
 19. The decision of the appeal panel is final.

APPENDIX 4: DBS RISK ASSESSMENT FORM

| |
|---|
| Name of member of staff/student: |
| GOsC/UCAS Number: |
| Role/Course: Year: |

| | | | |
|---|---|----|---|
| What was/were the offence(s)? | 1. 2. 3. (Use additional forms if insufficient space) | | |
| Did the applicant disclose past convictions, cautions, reprimands or warnings on the UCAS/UCO application form? | Yes | No | <p>If NO, pause the process at this point while the applicant is asked why. When information is received: If acceptable mitigating circumstances exist, continue assessment. If no mitigating circumstances exist, or circumstances are unacceptable, end application process at this stage If YES, continue this assessment.</p> |
| Has applicant submitted a statement reflecting on the offence(s) committed? | Yes | No | <p>If NO, pause the process at this point while a statement is requested. If YES, continue with assessment.</p> |
| RISK LEVEL IN RELATION TO QUESTIONS: | <div style="display: flex; justify-content: space-around;"> HIGH MEDIUM LOW </div> | | |

| | | | | | |
|--|--|--|--|--|---|
| <p>At what age was the offence committed? What is the applicant/registrant's age now?</p> <p>Was the offence committed as an adult, or as a child or adolescent, and is it still relevant? Offences that took place a number of years ago may have less relevance now, with the exception of serious violent or sexual offences.</p> | <p>State age at which offence committed:</p> <p>State age of applicant/registrant now:</p> | | <p>High</p> <p>Offence still highly relevant</p> | <p>Medium</p> <p>Offence still somewhat relevant</p> | <p>Low</p> <p>Offence not relevant</p> |
| <p>When was the offence committed?</p> <p>Offences that occurred a long time ago may be less relevant than ones that are more recent.</p> | <p>1.</p> <p>2.</p> <p>3.</p> | | <p>High</p> <p>In the past 3 years</p> | <p>Medium</p> <p>Between 3 and 10 years</p> | <p>Low</p> <p>More than 10 years before</p> |
| <p>What was the sentence?</p> | | | <p>High</p> <p>Custodial</p> | <p>Medium</p> <p>Suspended, community, conditional discharge</p> | <p>Low</p> <p>Warning, caution, reprimand, fine, absolute discharge</p> |
| <p>Is there a pattern of specific offences?</p> | <p>Yes</p> <p>No</p> | | <p>High</p> <p>Yes</p> | <p>Medium</p> <p>Some instance</p> | <p>Low</p> <p>No</p> |
| <p>Are you satisfied with the applicant/registrant's explanation of the circumstances of the offence?</p> | | | <p>High</p> <p>No</p> | <p>Medium</p> <p>Unsure</p> | <p>Low</p> <p>Yes</p> |

| | | Additional Notes | | Risk Assessment | | |
|--|-----------------------------|------------------|--|---|--|--|
| | Overall assessment of risk: | | | If LOW, move to declaration and decision. | | |
| | High | | | If MEDIUM or HIGH, pause the process at this stage while additional references are requested. References should be from bodies who have known the applicant in a professional capacity in the full knowledge of the offences committed. | | |
| | Medium | | | | | |
| | Low | | | A MEETING OF THE FULL RISK ASSESSMENT GROUP SHOULD NOW BE CONVENED. | | |

This section should be completed by the full Risk Assessment Group (if required)

| | | Additional Notes | | Risk Assessment | | |
|--|-----|------------------|--|---------------------------------------|----------------------------------|-------------------------------------|
| Additional reference(s) received? | Yes | No | | High | Medium | Low |
| | | | | Referees declare applicant unsuitable | Referees share some reservations | Referees declare applicant suitable |
| Do the referee(s) declare the applicant suitable for attendance at the institution and participation in the life of the institution? | Yes | No | | | | |

| | | | |
|--|---|--|--|
| <p>Any aggravating factors to take into account (e.g. intent/harm/exploitation/breach of trust):</p> | <p>What has changed since offence occurred? (e.g. treatment etc)</p> <p>Applicant's attitude towards offence/s?</p> | | |
| <p>Who supplied additional references? (partner agencies/probation officer/former employer etc):</p> | <p>Name: Position: Date consulted:</p> | <p>Name: Position: Date consulted:</p> | <p>Name: Position: Date consulted:</p> |

DBS RISK ASSESSMENT GROUP – DECLARATION AND DECISION

The Group understands the UCO's policy on the recruitment of applicants with criminal convictions and has recognised this in its deliberations.

On consideration of the risk assessment form and other materials submitted by the member of staff/student and others the Group believes that:

Staff

- The member of staff should have their offer of employment for the role in question rescinded
- The member of staff should be allowed to continue in post
- The member of staff should be allowed to continue in post subject to certain other requirements and support arrangements

Applicant/student

- The student/applicant should leave the course/have their offer of a place rescinded
- The student/applicant should be allowed to continue with or begin their course of study
- The student/applicant should be allowed to continue with or begin their course of study subject to certain other requirements and support arrangements.

Please provide reasons for this decision:

You have the right of appeal against this decision. If you feel that this decision is unfair you may appeal in the first instance to the Vice-Chancellor.

Signed: _____ (Chair of Risk Assessment Group) Date: _____

Date applicant informed: _____