

## 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.
- The Group may decide that further information is required before it makes its decision.
8. 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.

9. 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.
10. The member of staff/student/applicant will normally be informed of the Group's decision within five working days of its meeting.
11. 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.
12. 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.
13. 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.
14. The appeal panel will normally sit within fifteen days of the receipt of the appeal.
15. 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.
16. 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.
17. Where a member of staff / student / applicant's appeal is unsuccessful, the UCO will issue a Completion of Procedures letter.
18. The decision of the appeal panel is final.