

Policy and Guidance Notes on the use of the Disclosure and Barring Service (DBS)

1. Scope

1.1 This policy applies to all potential and current students, employees, contractors, sub-contractors, and volunteers.

It addresses the circumstances under which the University is permitted or required to carry out a criminal record check via the DBS and how that information will be used and stored. In doing this the University has regard to the requirements of relevant legislation, the DBS Code of Practice and the DBS document, 'A guide to eligibility for criminal records checks'.

The University of Bolton is a registered body and not an Umbrella Organisation and therefore can only undertake DBS checks on its own employees and students.

The University undertakes DBS checks via online platform using an Umbrella Organisation, currently eSafeguarding and via paper applications submitted by the University as a registered body.

2. Introduction

2.1 A DBS disclosure contains information relating to an individual's criminal record including cautions, convictions, and other relevant police information. Since 29 May 2013 certain old and minor criminal offences are removed from a DBS disclosure if the conditions in the DBS filtering rules are satisfied. Where appropriate a DBS disclosure will also contain details of whether a person is banned from working with children and/or vulnerable adults. They enable organisations to make safer recruitment decisions by identifying individuals who are prevented from, or unsuitable for, working in positions of trust.

2.2 Standard DBS disclosures are generally used for professions such as Accountancy and Legal Services. Enhanced disclosures are available, or required, for posts that involve a far greater degree of contact with vulnerable groups.

2.3 There are three levels of DBS disclosures these being; Basic check, Standard check, Enhanced check or Enhanced check with Children's Barred List information, Adults' Barred List information or both:

- a basic check can be used for any position or purpose. A basic certificate will contain details of convictions and cautions from the Police National Computer (PNC) that are considered to be unspent under the terms of the Rehabilitation of Offenders Act (ROA) 1974.
- The standard check is available for duties, positions and licences included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975, for example, court officers, employment within a prison, and Security Industry Authority (SIA) licences. A standard level certificate contains details of all spent and unspent convictions, cautions, reprimands and final warnings from the Police National Computer (PNC) which have not been [filtered in line with legislation](#).
- an enhanced check is available for specific duties, positions and licences included in both the Rehabilitation of Offenders Act 1974 (Exceptions Order 1975) and the Police Act 1997 (Criminal Records) regulations, for example, regularly caring for, training, supervising or being solely in charge of children, specified activities with adults in

receipt of health care or social care services and applicants for gaming and lottery licences. An enhanced level certificate contains the same PNC information as the standard level certificate but also includes a check of information held by police forces.

- an Enhanced check with barred list information:
 - Children's Barred List information is only available for those individuals engaged in regulated activity with children and a small number of posts listed in the Police Act Regulations 1997, for example prospective adoptive parents;
 - Adult's Barred List information is only available for those individuals engaged in regulated activity with adults and a small number of posts listed in the Police Act Regulations 1997.

Children's and Adult's Barred List information is only available for those individuals engaged in regulated activity with both sets of groups and a small number of posts listed in the Police Act Regulations 1997.**3. Policy Statement**

3.1 The University complies fully with the DBS Code of Practice. All applicants will be treated fairly and not discriminated against on any ground including race, colour, nationality, ethnic or national origin, gender, religion or religious belief, sexual orientation, marital or civil partnership status, age, disability or offending background.

3.2 The University promotes equality of opportunity and welcomes applications from a wide range of candidates. The University selects candidates based on their skills, experience, and qualifications required for the job or course of study.

3.3 Offer conditions will clearly state whether a DBS is required for entry onto the programme of study or employment applied for. Students undertaking a work-based placement as part of their programme of study for example, Initial Teacher Training (ITT) students and student Nurses/Midwives may be required to have a DBS check at the appropriate level.

4. Use of disclosures

4.1 When a disclosure is necessary, applicants will be notified of the procedure for providing information to the University. Prospective staff will be sent a link via email to complete a DBS application via an online platform by Human Resources, students will be emailed a link to a DBS application via an online platform or provided with a paper based application at the point of accepting their place on a course that requires a DBS check, or, if study has commenced, can request a DBS from the DBS Administrator if they have been advised by their academic staff that a DBS check is required for any placement they have to complete.

4.2 Once an online application has been submitted students are required to present valid ID documents to the Student Centre or designated person at an off-campus partner institution, staff are required to present valid ID documents to Human Resources. Once the DBS Administrator/HR Administrator has undertaken all necessary checks applications will be submitted to the Umbrella organisation for countersigning if using an online application or any paper based application will be checked and signed by a University Countersignatory. Paper based applications signed by a University Countersignatory will when complete be sent to the DBS by the University using recorded delivery. The applicant may check the status of their DBS application online via the online DBS Platform, by logging in and tracking the application.

4.3 Information contained in a disclosure will be considered and a decision will be made about whether an individual's appointment, place or offer of a place is to be confirmed, withdrawn or subject to an interview. For prospective students and enrolled students any disclosure

containing criminal records information will be reviewed by the relevant Head of School/Dean of Faculty, for prospective employees or existing staff, the Executive Director of HR or relevant HR Business Partner will undertake the review in conjunction with the individual's Line Manager.

4.4 Candidates who have a conviction but meet the criteria for the relevant course or job will not necessarily be barred and further information will be requested or an interview will be arranged to discuss the nature of the criminal record with the applicant. During the interview, the applicant should attempt to give a full account of the circumstances of the offence(s) and their efforts to avoid re-offending.

4.5 In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through the DBS check, the University will consider the following (non-exhaustive) factors before reaching a decision on whether to permit the applicant to commence employment or study:

- whether the conviction or other matter revealed is relevant to the position or course 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 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 applicant.

If the post or course involves regular contact with children or vulnerable adults, it is the University's normal policy to consider it a high risk to employ anyone who has been convicted at any time of any the following offences:

- murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence; or
- serious class A drug related offences, robbery, burglary, theft, deception or fraud.

4.6 A person with a criminal record is not required to disclose any spent convictions unless the course or position they are applying for is listed as an exception under the Rehabilitation of Offenders Act 1974 (Exceptions Order 1975). A failure to disclose a previous conviction (which should be declared) may lead to an application being rejected or, if the failure to disclose is discovered after employment or study has started, is likely to lead to disciplinary action which may result the termination of employment on the grounds of gross misconduct or removal from the course of study. A failure to disclose a previous conviction may also amount to a criminal offence depending on the circumstances.

4.7 Students may be suspended, suspended pending investigation or withdrawn from the course if the University determines that the DBS disclosure is unsatisfactory, if they refuse to obtain a disclosure where one is required for a placement or if they refuse to provide the University with the disclosure certificate.

4.8 The University will not accept an existing DBS certificate as this will only show information up to the date of the certificate unless the applicant is registered with the DBS Update Service and provides written permission for the DBS Administrator to facilitate a successful Update Service check. When update checks are being undertaken for a student who previously has a DBS Certificate the certificate must be at the same level as required by the University.

4.9 Applicants, employees and students must ensure that they keep their DBS disclosure certificate secure. Where a DBS certificate is misplaced the applicant may be required to apply for a new one.

5. Responsibilities

5.1 Line Managers of staff and academic staff who have students on placement are responsible for identifying if a DBS check is required, the appropriate level of DBS check required and the ongoing reassessment of the post/work to ascertain if the level and type of contact the individual has with children and/or vulnerable adults has changed and, if necessary, to initiate a new DBS check. Guidance on determining the appropriate level of disclosure required is contained in Appendix One.

Please note: where a role has some limited, short-term or supervised contact with children or adults in a vulnerable situation (for instance for work experience placements, summer schools, undertaking normal teaching duties or carrying out standard out-reach activities) this is unlikely to meet the definition of regulated activity and is not eligible for a DBS check.

5.2 Managers of staff must identify the appropriate level of DBS check that is required for the role when they complete their 'Staffing Request Form' for submission to the Staffing Committee. Line Managers must inform Human Resources of the level of DBS check required for staff appointments. Programme Leaders/Head of School must inform the DBS Administrator of the level of check required for students on courses that require a DBS check.

5.3 Where students have been granted an interruption in their studies, academic staff must ensure that another DBS check is completed for the individual unless the applicant is registered with the DBS Update Service and provides written permission for the DBS Administrator to facilitate a successful Update Service check.

5.4 University staff are required to immediately notify their relevant HR Business Partner if they are arrested, charged or convicted of any criminal offence or in receipt of a police caution, reprimand or warning. Failure to disclose such information may lead to disciplinary action being taken.

5.5 Students who are on a course which requires a DBS are required to immediately notify their Head of School/Dean of Faculty if they are arrested, charged or convicted of any criminal offence or in receipt of a police caution, reprimand or warning.

5.6 Since June 2013, the DBS only issues a DBS disclosure certificate to the subject of the check. A copy is not sent to the University. The subject of the check must therefore present the DBS certificate to the University within 10 working days of it being received by them. Where possible the certificate must be provided before the course/placement/employment is due to start.

5.7 The DBS Administrator/HR Administrator will provide you with a consent form allowing you to give permission for the University to store a photocopy of your disclosure for a period of 6 months. Any applicant who refuses to allow the university to retain a copy of the disclosure will be referred to the Executive Director of HR or their Head of School.

6. Overseas Applicants

6.1 DBS checks will still be requested for applicants with recent periods of overseas residence and those with little or no previous UK residence.

Applicants who have lived or worked in a country outside of the UK for a period of more than four months will be asked to provide further information from the relevant overseas jurisdiction, including a criminal record check or certificate of good conduct before work or study can commence.

For more information on obtaining a criminal records check outside the UK please visit the following website: <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

6.2 If an applicant/student is unable to provide a satisfactory overseas criminal record check or certificate of good conduct the decision to proceed and or commence on placement will be deferred to the Dean of Faculty/Head of School or their nominee. Cases will be dealt with on an individual basis. The applicant/student will need to evidence why they cannot comply with the request to present a certificate of good conduct. The Dean/Head of School or their nominee will consider the reason provided, the period of time spent overseas and also the nature of the work the student will undertake whilst on placement, including the level of supervision. This information will form the basis of a risk assessment (Appendix Four) and the final decision will be the responsibility of the Dean of Faculty.

6.3 If an applicant/student is experiencing delays in obtaining an overseas criminal record check or certificate of good conduct the decision to proceed and or commence on placement will be deferred to the Dean of Faculty/Head of School or their nominee. If the delay is going to impact on the student's ability to commence on their placement/complete the course the Dean/Head of School or their nominee may permit a student to commence on placement following completion of a risk assessment as above in 6.2. The final decision will remain that of the Dean of Faculty.

7. Volunteers

7.1 A volunteer refers to 'A person engaged in an activity which involves spending time, unpaid (except for travel and other approved out-of-pocket expenses), doing something which aims to benefit some third party other than, or in addition to, a close relative.' DBS checks can be carried out on all volunteers who undertake regulated activity with children or adults.

Students on work placement will not be considered volunteers as the work placement is primarily undertaken to benefit the student or may be a mandatory requirement of the course.

8. Commencement of work prior to receipt of DBS disclosure

8.1 Where an individual has started a course with the University prior to receiving a DBS certificate, the individual will not ordinarily be able to begin their placement or work with children or vulnerable persons until the return of a satisfactory DBS certificate. In the event that the University is not satisfied with the DBS certificate or an overseas certificate of good conduct cannot be provided, the University may revoke the individual's position with the University (see paragraphs 4.3 to 4.5 and 6.1 to 6.3 above).

8.2 Where members of staff have submitted their DBS application via the online platform and submitted valid ID documents to Human Resources, but have not received the DBS certificate they may, where appropriate, commence their employment, subject to necessary safeguarding arrangements being put in place. In the event that the University is not satisfied with the DBS disclosure once received, the offer of employment may be revoked or, if work has commenced, employment may be terminated (see paragraphs 4.3 to 4.5 above).

9. Payment

9.1 The applicant is required to make payment of £40 with their application via the online platform.

9.2 Where an application is undertaken via paper application form, payment of £40 must be made to the University of Bolton Finance Office. This can be done via cash, card or cheque. Cheques should be made payable to the 'University of Bolton'; without payment the application will not be processed. If the applicant wishes to pay by credit or debit card, they should contact Financial Services on 01204 903180 with their student number to hand.

9.3 Where a University employee requires a DBS disclosure the University will pay the relevant fee.

10. Update Service

10.1 Any applicant who applies for, or receives, their DBS certificate is eligible to join the online DBS Update Service within 30 days of receiving their certificate. There is an annual charge of £13.00 for membership to the online Update Service which is payable by the applicant. It is free for volunteers.

10.2 The DBS Update Service enables individuals to take their DBS certificate from role to role, within the same workforce, where the same type and level clearance is required.

10.3 When using the Update Service employers will only have to request a new DBS check if they are informed that new information has arisen since the date of the DBS certificate provided by the individual (or if they require a different level of check)..

11. Secure storage, handling, use retention and disposal of disclosure information

11.1 DBS certificates contain sensitive personal data which is protected by the Data Protection Act 2018, as per the General Data Protection Regulation (GDPR). Certificates are always kept secure in lockable, non-portable storage containers with strict access confined to those whose duty it is to see it.

11.2 Information on the DBS is only used for the purpose for which it was requested. The University does not keep certificate information for any longer than is necessary. This is usually for a period of up to six months unless in exceptional circumstances it may be necessary to retain the information for longer.

11.3 Once the retention period has expired, the certificate will be securely disposed of such as by shredding or burning.

11.4 Further information is available in the DBS Data Storage Policy available in Appendix Two.

12. Further Information

For questions, queries or comments, please contact us on the address provided below.

Disclosure & Barring Service
Student Services
Student Centre
Chancellor's Mall
University Way, Bolton
BL3 5AB

01204 903484
dbs@bolton.ac.uk

Human Resources
University of Bolton
Deane Road
Bolton
BL3 5AB

01204 903574
hr@bolton.ac.uk

Disclosure and Barring Service
<https://www.gov.uk/government/organisations/disclosure-and-barring-service>

13. Equality Impact Assessment

The University of Bolton is committed to the promotion of equality, diversity and a supportive environment for all members of our community. Our commitment to equality and diversity means that this policy has been screened in relation to the use of plain English, the promotion of the positive duty in relation to race, gender and disability and avoidance of discrimination to other equality groups related to age, sexual orientation, religion or belief or gender reassignment. All University policies are subject to periodic review under the equality impact assessment process.

14. Related Policies and Procedures

- Data Protection Policy
Equal Opportunities Policy
- DBS Data Storage Policy
- Admissions Policy
- Procedure for the support of Under 18s
- Recruitment Policy
- Safeguarding Policy and Procedure

15. Monitoring and Review

15.1 Overall responsibility for policy implementation rests with the Deputy Student Services Manager as Lead Countersignatory or successor in title. However, all staff and/or students are obliged to adhere to, support and implement this policy.

15.2 This policy will be reviewed annually or in line with changes to relevant legislation.

16. Dissemination of and Access to the Policy

16.1 All University policies, once approved will be held electronically in a document repository on the University intranet (Policy Zone).

TITLE OF POLICY Disclosure and Barring Service Policy	
Policy ref:	
Version number	5
Version date	04/05/2022
Name of Developer/Reviewer	Student Services Team Leader (Countersignatory)
Policy Owner (Group/Centre/Unit)	Student Services
Person responsible for implementation (post holder)	Deputy Student Services Manager
Approving committee/board	
Date approved	06 th April 2017
Effective from	06 th April 2017
Dissemination method e.g. website	Website
Review frequency	Annual
Reviewing committee	Deputy Student Services Manager (Lead Countersignatory), Student Services Team Leader (Countersignatory) and Human Resources.
Consultation history (individuals/group consulted and dates)	Consultation with HR in 2016 and 2021 Consultation with Heads of School and Recruitment and Admissions in 2021.
Document history (e.g. rationale for and dates of previous amendments)	February 2022, update to role and Lead Countersignatory. May 2022, update to overseas certificate of good conduct. Addition of Appendix Four.

Appendix 1

DBS Eligibility Flow Charts

The flow chart and supporting guidance is designed to enable you to identify:

1) if a check is required, and

2) if it is, what type of check is appropriate

The definitions provided in this document are to establish eligibility for a DBS check. The university countersignatories have a duty to ensure it is not unnecessarily undertaking checks which could result in a breach of the Rehabilitation of Offenders Act 1974 (Exceptions) 1975.

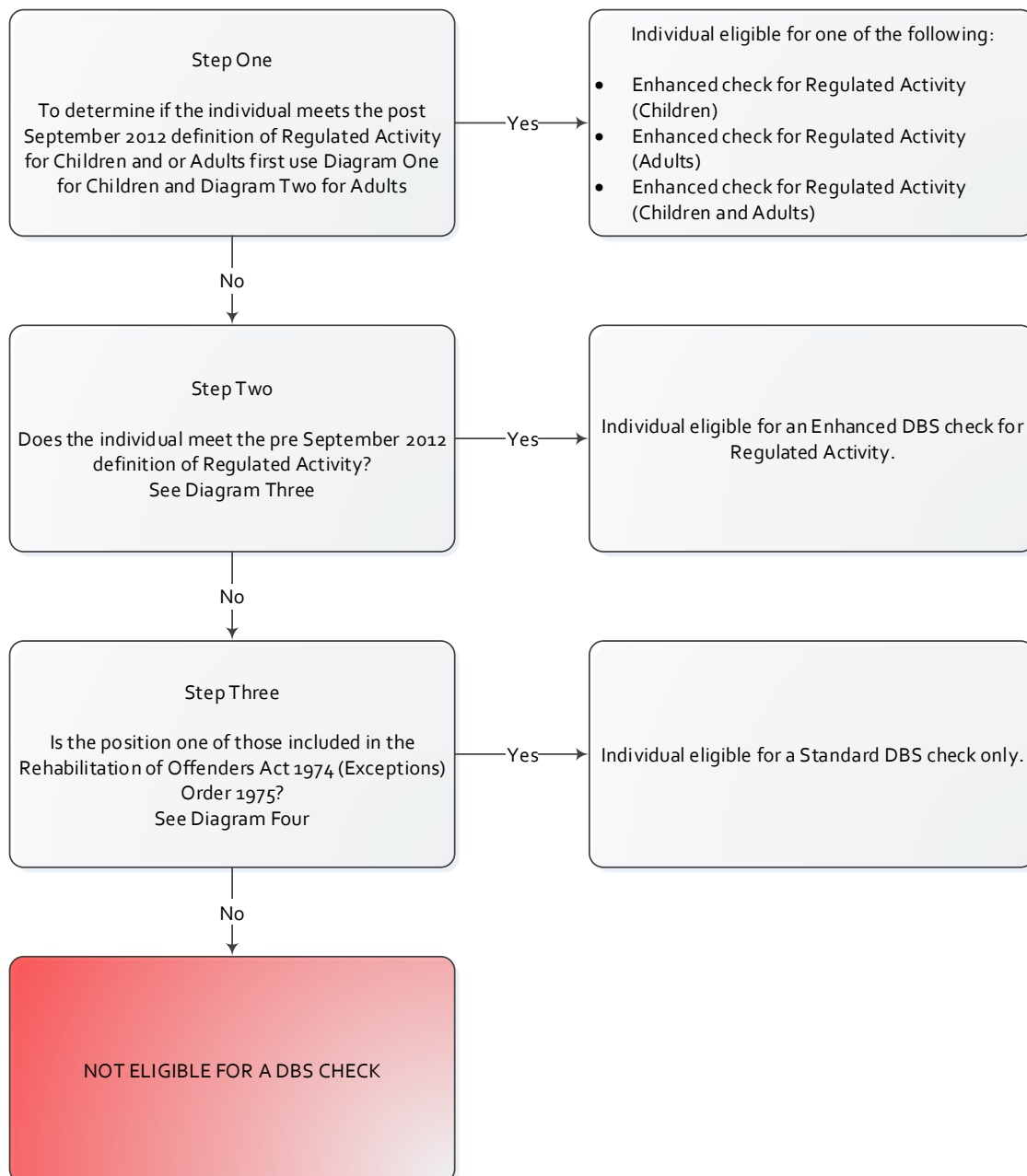


Diagram One

Regulated Activity relating to Children (Post September 2012 Definition)

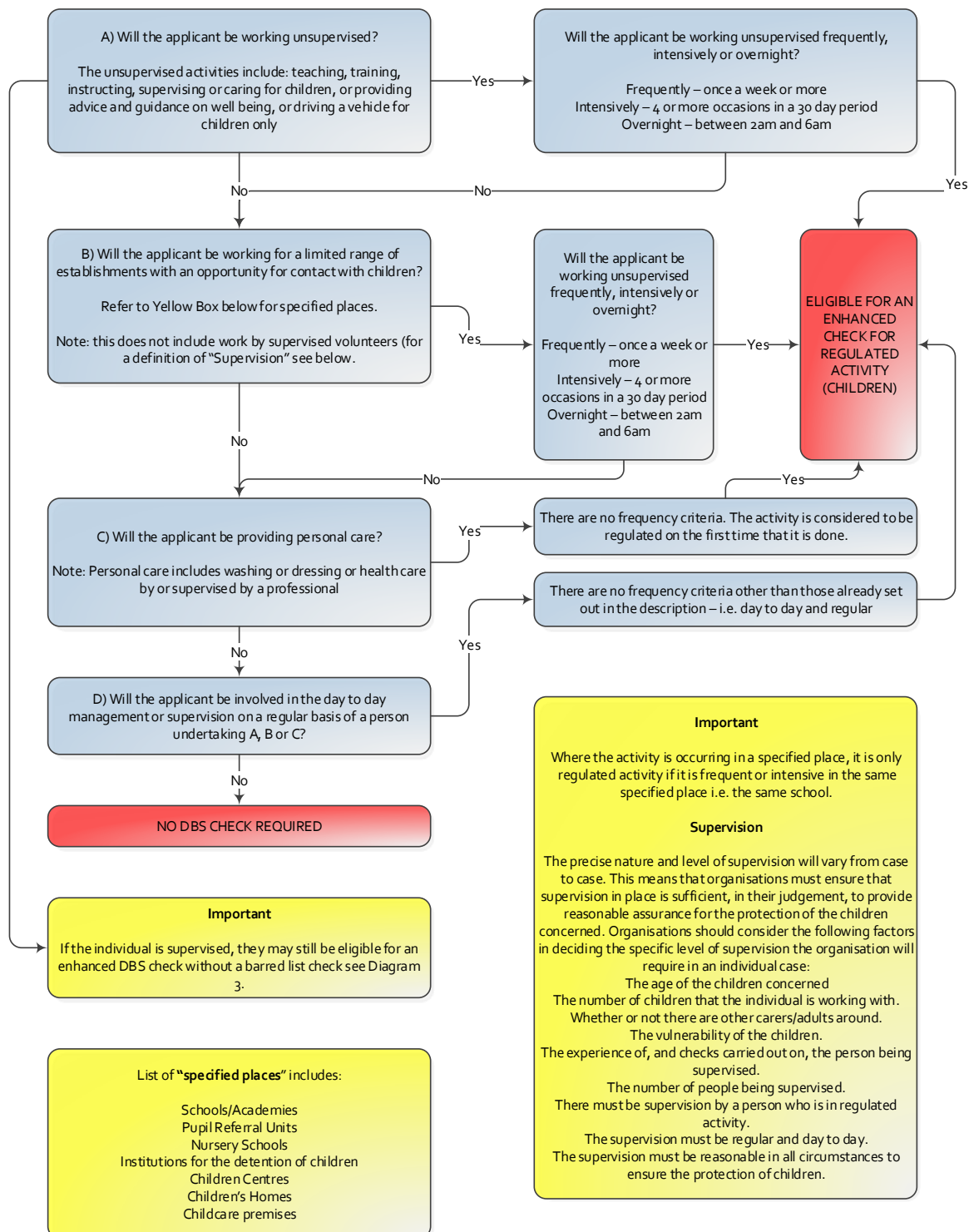


Diagram Two

Regulated Activity relating to Adults (Post September 2012 Definition)

Regulated activity relating to adults identifies activities which, if any adult requires them, lead to that adult being considered vulnerable at the particular time. There is not a requirement to do the activity a certain number of times before it is considered as engaging in regulated activity. Anyone meeting the six definitions below (including a person who provides day to day management or supervision of those people) is eligible for an enhanced DBS Check with an adults barred list check.

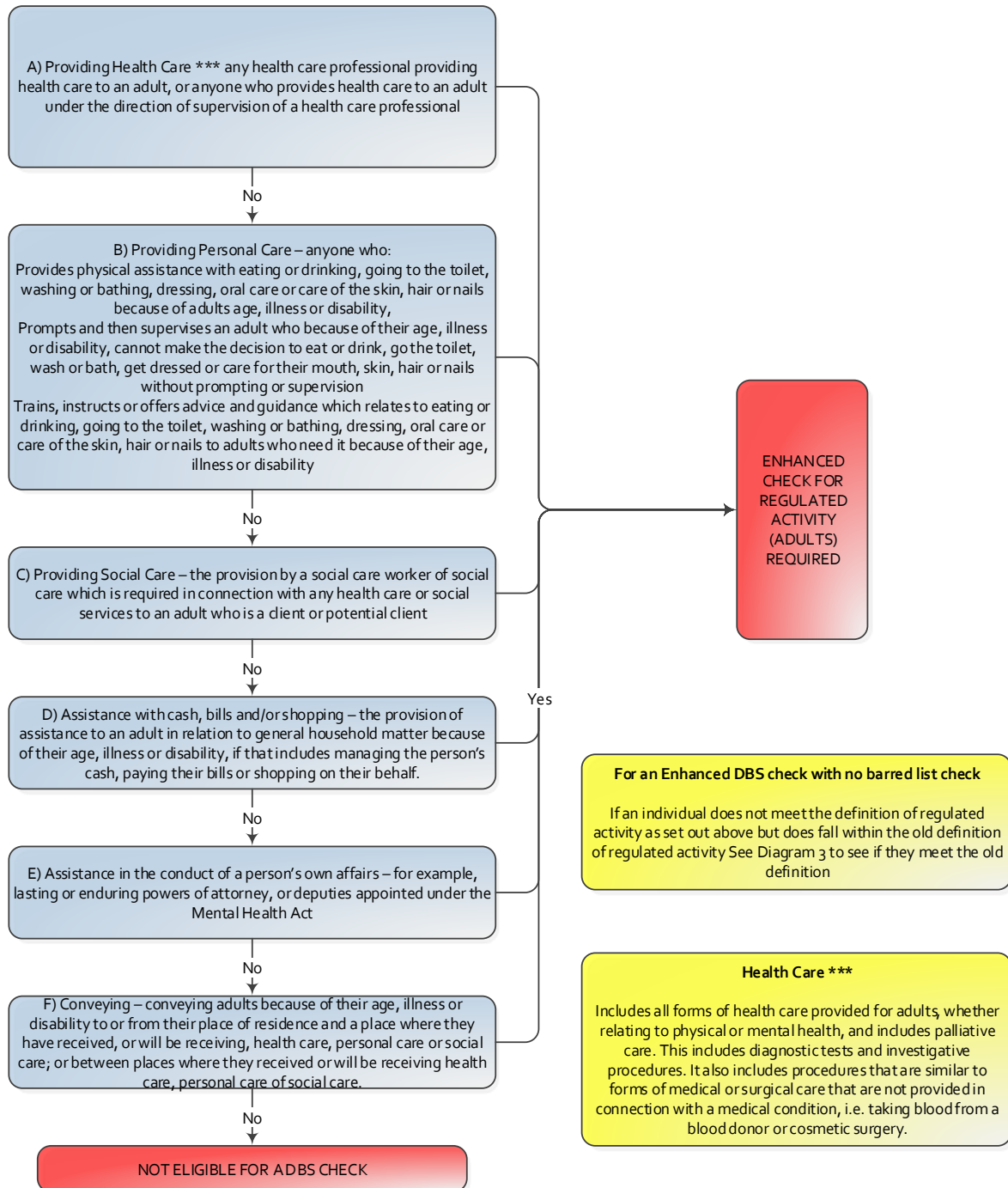
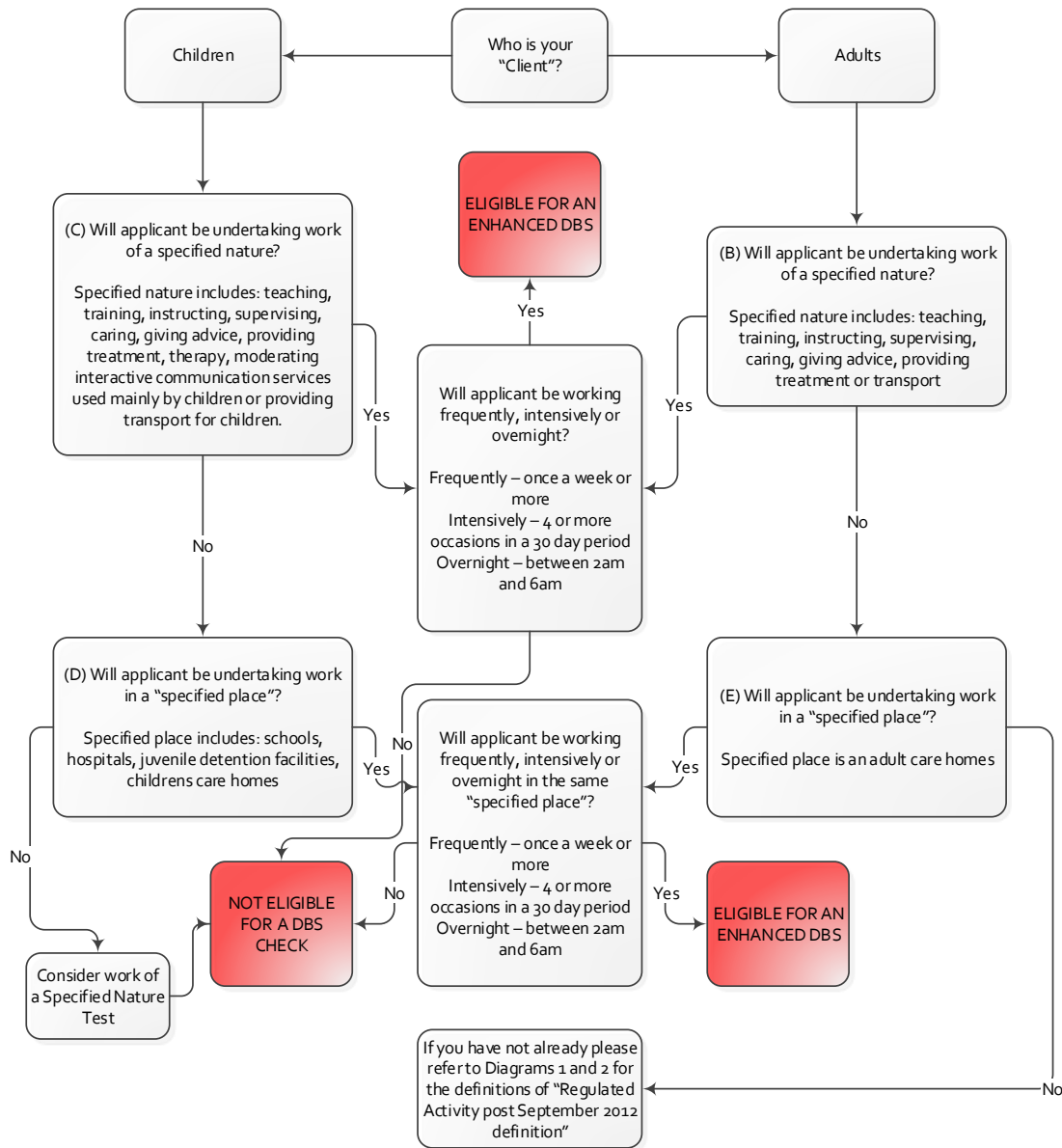


Diagram Three

Regulated Activity (Pre September 2012 definition)



Important

Where the activity is occurring in a specified place, it is only regulated activity if it is frequent or intensive in the same specified place i.e. the same school.

Supervision

The precise nature and level of supervision will vary from case to case. This means that organisations must ensure that supervision in place is sufficient, in their judgement, to provide reasonable assurance for the protection of the children concerned. Organisations should consider the following factors in deciding the specific level of supervision the organisation will require in an individual case:

- The age of the children concerned
- The number of children that the individual is working with.
- Whether or not there are other carers/adults around.
- The vulnerability of the children.
- The experience of, and checks carried out on, the person being supervised.
- The number of people being supervised.
- There must be supervision by a person who is in regulated activity.
- The supervision must be regular and day to day.
- The supervision must be reasonable in all circumstances to ensure the protection of children.

Diagram Four

Eligible Positions for a DBS Standard Check

Finance

Accountant
Actuary

Legal

Barrister
Foreign Lawyer
Legal Executive
Receiver appointed by the Court of Protection

Others

Vet

Standard Disclosure is required for the following types of work:

Health Services **

Managers of abortion clinics

Legal

In the Crown Prosecution Service
Justices' chief executives, justices clerks and their assistants

Licensing

Licence issued by the new Security Industry Authority
Taxi licence
Alcohol licence only require a Basic Disclosure

Others

Employment in HM Customs and Excise
Financial services sector
Firearms dealers
Gaming industry
Monitoring internet communications for the purpose of child protection
RSPCA
Safeguarding national security

Police/Prisons

Employment in the National Crime Squad or the National Criminal Intelligence Service
Employment in the Serious Fraud Squad
Police Officers
Probation officers
Staff who work in probation and bail hostels
Traffic wardens
Work in a prison or high security psychiatric hospital

**** Any employment or other work which is concerned with the provision of health services and which is of such a kind as to enable the holder of that employment or the person engaged in that work to have access to persons in receipt of such services in the course of their normal duties. Access relates to physical, direct contact with patients e.g. observation, interviews, focus groups.**

This list is not exhaustive; if none of the positions/statements listed are applicable but you believe that the student/staff role is eligible for a Standard check, you will need to consult the DBS eligibility guidelines and provide the relevant reference number and a detailed description of the role when you contact the DBS Counter Signatory in either Student Services or Human Resources.

DBS Eligibility guidelines - <https://www.gov.uk/government/publications/dbs-check-eligible-positions-guidance>

Appendix Two

Definitions, Important Information and further sources of Information

What is the definition of young people / children?

A person who is under the age of 18.

What is regulated activity in relation to children?

In summary regulated activity relating to children is defined as work that a barred person must not do. It is as follows:

Category 1:

- Teaching, training, instructing, caring for or supervising children in an unsupervised capacity;
- Providing advice/guidance on well-being to children in an unsupervised capacity;
- Driving a vehicle for children only in an unsupervised capacity;
- It is work that is done on a 'regular' basis i.e. one or more times a week or on 4 or more days in a 30-day period.

Category 2:

- Relevant personal care e.g. washing or dressing a child; or healthcare by or supervised by a professional, even if done only once
- Registered childminding
- Foster carers.

A DBS check is not required in respect of the activities in categories 1 and 2 if the person undertaking these activities:

- is supervised at a reasonable level (refer to guidance on supervision).
- is providing treatment or therapy (instead of 'health care').
- is a supervised volunteer – supervised at a reasonable level
- is carrying out occasional or temporary services e.g. window cleaners.
- is an office holder e.g. governors

Paid work which is undertaken in a specified place, such as a school, will be regulated if undertaken on a 'regular' basis even if it is supervised.

General exceptions:

Regulated activity relating to children does not include:

- Family arrangements, and personal, non-commercial arrangements.
- Activity by a person in a group assisting or acting on behalf of, or under direction of, another person engaging in regulated activity in relation to children.

A full description of Regulated Activity can be found here:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/550197/Regulated_activity_in_relation_to_children.pdf

What is the definition of an adult?

An adult is any person aged 18 years or over.

What is the definition of a vulnerable adult?

From 10 September 2012 there is no longer a specific definition of a vulnerable adult. An adult will, however, be considered vulnerable when they are the subject of any of the activities set out below.

Prior to 10 September 2012 an adult was considered to be vulnerable if they were 18 or over and were:

- living in accommodation and nursing or personal care in a care home; or
- receiving personal care in their own home through a domiciliary care agency; or
- receiving health care services provided by an independent hospital, independent clinic, independent medical agency or National Health Service body; or
- an expectant or nursing mother living in residential care;
- receiving direct payments from the council in lieu of social care services; or
- receiving services provided in an establishment catering for a person with learning difficulties.

and in consequence of any one, or any combination, of the following factors:

- a substantial learning or physical disability; or
- a physical or mental illness, chronic or otherwise, including an addiction to alcohol or drugs;

or

- a substantial reduction in physical or mental capacity due to advanced age;
- they are substantially dependent upon others in performing basic physical functions, or their ability to communicate with those providing services or to communicate with others is severely impaired, and, as a result, they would be incapable of protecting themselves from assault or other physical or mental abuse, or there is a potential danger that their will or moral well-being may be subverted or over powered.

What is regulated activity in relation to adults?

In summary regulated activities relating to adults are outlined below. There is no requirement to carry out these activities a certain number of times before a person is deemed to be engaging in regulated activity with adults:

- Work undertaken by regulated health care professional e.g. health care assistants, physiotherapists.
- Work undertaken by a person under the direction or supervision of a health care professional
- Personal care provided to an adult e.g. assistance with washing and dressing, eating, drinking and toileting or teaching someone to do these tasks
- Social work: provision by a social care worker of social work which is required in connection with any health services or social services.
- Providing assistance to an adult e.g. with a person's cash, bills or shopping because of their age, illness or disability e.g. collecting a pension
- Providing assistance with the conduct of an adult's own affairs e.g. lasting or enduring powers of attorney or deputies appointed under the Mental Health Act
- Conveying adults for reasons of age, illness or disability to, from or between places where they receive healthcare, personal care or social work.

General exception:

Regulated activity relating to adults does not include:

- Activity by a person in a group assisting or acting on behalf of, or under direction of, another person engaging in regulated activity relating to adults.

A full description of Regulated Activity can be found here:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/216900/Regulated-Activity-Adults-Dec-2012.pdf

Supervision of Regulated Activity

A person whose role includes the day to day management or supervision of any person who is engaging in regulated activity, is also in regulated activity.

Further Sources of Information - External

DBS:

<https://www.gov.uk/government/organisations/disclosure-and-barring-service>

DBS Guide to Eligibility:

<https://www.gov.uk/government/collections/dbs-eligibility-guidance>

Regulated Activity with Children:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/550197/Regulated_activity_in_relation_to_children.pdf

DBS Child Workforce:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/517064/DBS_Child_Workforce_v8.pdf

DBS Adult Workforce:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/517065/Adult_workforce_guidance_v8.pdf

DBS Other Workforce:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/517067/2014-07-28_Other_Workforce_v6.pdf

Supervision Guidance:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/280881/supervision_of_activity_with_children_which_is_regulated_activity_when_unsupervised.pdf

Appendix Three

DBS Data Storage Policy

1. Background

The University of Bolton is a registered body of the Disclosure and Barring Service (DBS) and can, therefore, use the Disclosure service to help assess the suitability of applicants for degree programmes, volunteering opportunities and/or jobs that will bring them into contact with children and vulnerable adults. As a recipient of Disclosure information, the University is obliged to comply fully with the DBS's Code of Practice. Amongst other things, this obliges the University to have a written policy on the correct handling and safekeeping of Disclosure information.

2. General Principles

The University of Bolton complies fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information. It also complies fully with its obligations under the Data Protection Act and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information.

3. Storage & Access

The University treats Disclosure information as sensitive information under the terms of the Data Protection Act 2018, as part of the General Data Protection Regulation (GDPR). Consequently, Disclosure information is never kept on a student's personal file or an applicant's personnel file. This information 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.

4. Handling

Disclosure information is only passed to those who are authorised to receive it in the course of their duties. The University of Bolton maintains a record of all those to whom Disclosures or Disclosure information has been revealed and it is recognised that it is a criminal offence to pass this information to anyone who is not entitled to receive it.

5. Usage

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

6. Retention

Once a recruitment (or other relevant) decision has been made, the University does not keep Disclosure information for any longer than is absolutely necessary. This is for a period of up to six months, to allow for the DBS Data Storage Policy consideration and resolution of any disputes or complaints.

7. Disposal

Once the retention period has elapsed, the University will ensure that any Disclosure information is immediately destroyed by secure means, i.e. by shredding, pulping or burning. While awaiting destruction, Disclosure information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack). The University will not keep any photocopy or other

image of the Disclosure or any copy or representation of the contents of a Disclosure. However, notwithstanding the above, the University may keep a record of the date of issue of a Disclosure, the name of the subject, the type of Disclosure requested, the degree programme/volunteering opportunity/position for which the Disclosure was requested, the unique reference number of the Disclosure and the details of the admissions/recruitment decision taken.

Appendix Four

Approval to Work without Overseas Criminal Record Check (CRC) or Certificate of Good Conduct (CofGC) Risk Assessment

Purpose: This risk assessment form is only to be used where evidence of a Overseas Criminal Record Check or Certificate of Good Conduct is not available or there is going to be a delay in obtaining this information and the delay will impact on the students ability to attend placement/complete the programme of study. A copy of this risk assessment will be retained by Student Services and the Student Record system will be updated to reflect this.

Reason: The Disclosure and Barring Service (DBS) only access criminal records held on the Police National Computer and, therefore, cannot conduct overseas criminal records checks. An Overseas Criminal Record Check or a Certificate of Good Conduct is a requirement for people who have spent significant periods (four months or more) abroad within the last 5 years. Discretion to waive the requirement should be done on a case by case basis and be used in exceptional cases only.

The relevant level of disclosure clearance must be carried out in all cases.

Name of Student:

Date of Birth:

Student Number:

Programme of Study:

Overseas Country(s) resided in (list all and dates):

Key information for consideration:

- How long had the individual lived overseas?
- The age of the person and how much of their lifespan was spent overseas?
- Age of Criminal Responsibility for the relevant Country?
- What were the reasons for them being overseas?
- Are there any other grounds for concern?

Relevant Guidance: “Keeping Children Safe in Education” (DfE 2021), Home Office Criminal Record Checks for overseas applicants.

Please state why a Certificate of Good Conduct cannot be obtained:

- Has the individual completed the DBS process with the University of Bolton (if no is this in progress)? Please give details:
- Has the individual disclosed any criminal convictions or other relevant information through the application/enrolment process? Please give details:
- The individual was in the Country for a very short period of time and/or a long time ago.
- The individual was in the Country prior to the age of criminal responsibility (please note this varies from Country to Country). Please give details:

- The Country no longer holds the information. Please give details and attach correspondence from Country:
- Attempts have been made to obtain the certificate but it is proving to be problematic. Please provide further details and any correspondence:
- If applicable have satisfactory references been received and validated from recent employers/educational/providers?
- Has the placement provider been consulted with (if applicable) and had any input in to the risk assessment? Please give details:
- Has consideration been given to the level of supervision that will be extended to the individual whilst on placement? Please give details:
- Other reasons (e.g. refugee status) – provide explanation (overleaf if necessary):

Important: A disclosure clearance is not a standalone check, it is part of a wider package of pre-employment/placement checks, which together are used to assess a person's suitability for a post.

- I certify that the above checks have been completed.
- (**Proceed**) I understand and take responsibility for the risk incurred through not having a full disclosure from abroad

and

- The individual is still required to provide a Overseas Criminal Record Check or a Certificate of Good Conduct by
- The individual is not required to provide a Overseas Criminal Record Check or a Certificate of Good Conduct

or

- (**Cannot Proceed**) I have communicated with the individual that until a Overseas Criminal Record Check or a Certificate of Good Conduct is obtained that the individual **cannot** commence/undertake a placement

Signature: _____

Date: _____

Print Name: _____

Position: Date: _____

School/Faculty: _____