Staff DBS Checks and Employing Ex-offenders:

Guide to Policy and Procedures for Managers of Applicants
INDEX

1. Introduction
2. Recruiting ex-offenders
3. Disclosure and barring service (DBS) checks – procedural notes
   a. Instructions for staff subject to a DBS check
   b. Frequently asked questions
4. Secure storage, handling, use, retention and disposal of information
5. Sources of further information
Introduction

The Disclosure and Barring Service (DBS) helps employers to make safer recruitment decisions and to prevent unsuitable people from working with vulnerable groups, including children. It replaces the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA).

The DBS is responsible for:

- processing requests for criminal records checks
- deciding whether it is appropriate for a person to be placed on or removed from a barred list
- placing or removing people from the DBS children’s barred list and adults’ barred list for England, Wales and Northern Ireland

When will we carry out DBS checks?

The DBS also searches police records and, in relevant cases, barred list information, and then issues a DBS certificate to the applicant.

The DBS recognises that information released on DBS certificates can be extremely sensitive and personal. Therefore a code of practice for recipients of DBS certificates has been developed to ensure that any information they contain is handled fairly and used properly.

A list of guidance documents about the DBS checking service is available on this website.

This policy outlines the University of Reading’s approach to recruiting ex-offenders and provides procedural guidance for conducting employee DBS checks. This policy is available as part of the recruitment process to all job applicants who are subject to a DBS check as a condition of employment.
Having a criminal record will not necessarily bar an applicant from working at the University of Reading. The University complies fully with the DBS code of practice, which is issued under section 122(2) of the Police Act 1997. The University will not unlawfully discriminate against any subject of a DBS check on the basis of conviction or other information revealed on the certificate issued by the DBS. Any action taken on the basis of such information will depend upon the nature of the position and the circumstances and background of the offence.

DBS checks are not a substitute for any of the full range of existing pre-appointment checks, including the taking up of references and enquiring into the person’s previous employment history. DBS checks are complementary to existing recruitment practices and will be sought, when relevant, after a candidate has been made a provisional offer of employment. However, where a DBS check is to form part of the recruitment process we encourage all applicants called for interview to provide details of their criminal record at an early stage in the application process. We request that the information is sent under separate, confidential cover, to the University’s DBS Lead Signatory (in Human Resources) and we endeavour to ensure this information will only be seen by those who need to see it.

What information is available through a DBS check?

As an educational institution with a variety of roles, the University uses DBS checks as appropriate to the nature of the post. A DBS check can provide access to a range of different types of data, such as, information:

- held on the Police National Computer (PNC), including convictions, reprimands, cautions, and warnings in England and Wales, relevant convictions in Scotland and Northern Ireland may also be included. (The DBS has reserved the right to add new data sources);
- held by local police services and other agencies, relating to relevant non-conviction information;
- other data sources such as British Transport Police; the Royal Military Police; the Ministry of Defence Police
- Scottish DBS/CRB – if you have spent any time living in Scotland
For positions where a DBS check is required, further particulars and offers of employment will contain a statement that an offer will be subject to such a check. Recruiting managers will liaise with Human Resources to ensure that this procedure is fully implemented. We ensure recruiting panels have received appropriate training in equality and diversity and the relevant legislation relating to the employment of ex-offenders, i.e. the Rehabilitation of Offenders Act 1974.

All staff are obliged to declare any ‘unspent’ convictions as defined in the Rehabilitation of Offenders Act (ROA) 1974 in the recruitment process. When recruiting for roles which are not subject to a DBS check we only ask about ‘unspent’ convictions in accordance with the ROA 1974.

If an applicant refuses to consent to an Enhanced DBS check for a position identified as subject to such a check, which are posts involving regulated activity with children or adults, the University will not take the application any further.

It is the responsibility of the recruiting manager in consultation with Human Resources to determine whether an individual’s conviction(s) may present a genuine risk. Normally, we will undertake to discuss any matter revealed in a DBS check with the person seeking the position before withdrawing a conditional offer of employment. At interview, or in a separate discussion, we endeavour to ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position.

In dealing with persons with a criminal record, the University will consider a number of factors, which will include:

- Whether the conviction or other matter revealed 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 the other relevant matters; and
- Where appropriate, the circumstances surrounding the offence and the explanation(s) offered by the convicted person.
Schedule 4 Offenders and individuals banned from working with children and/or regulated activity to adults

Under the Criminal Justice and Court Services Act 2000 it is a criminal offence for people with certain convictions (including various violent and sexual offences) to apply for and work with children and regulated activity to adults. It is also an offence to knowingly offer work to such an individual.

If such circumstances are apparent as a result of a DBS check the individual must be reported to the police immediately. If employee is an existing member of staff, he or she would be subject to disciplinary action (up to and including dismissal).

Misrepresentation of conviction details

All staff are obliged to declare any unspent convictions in the recruitment process regardless of whether or not their position is subject to a DBS check. If it becomes apparent (through a DBS check or otherwise) that an individual has fraudulently, negligently or otherwise misrepresented their conviction history or other relevant information, by not disclosing it when given the opportunity to do so on application or by making misleading or untrue statements, the applicant’s job offer will be withdrawn or the member of staff will be subject to disciplinary action (up to and including dismissal).

Allegations of criminal behaviour and/or convictions

Claims made by a third party regarding the alleged criminal behaviour and/or conviction history of an individual should be viewed with caution. Managers are advised to speak to Human Resources should they receive such information.
DBS Checks – procedural notes

Instructions for staff and applicants subject to a DBS check.

A DBS application form will be sent to all relevant new staff along with the employment contract and covering letter. Please review the DBS application form and accompanying instruction materials and complete the DBS application form as directed. For further guidance on completing the DBS application, the DBS offers an application form e-guide.

Once you have completed the application form, please make contact with hroperations@reading.ac.uk to arrange an appointment to show your identity documents or to discuss the forms of identification that the University can accept and to clarify any queries you may have on the process.

When completing question e55 on the DBS application form, please answer the question as if you were being asked “Do you have any convictions, cautions, reprimands or final warnings which would not be filtered in line with current guidance?” The DBS filtering guidelines can be found online on the DBS website.

The DBS will send the results of the DBS disclosure to the individual named on the form; when this is received, please contact HR Operations to enable the team to review the disclosure and record the DBS certificate number in the HR system.

Secure storage, handling, use, retention and disposal of information

The University complies with the DBS code of practice regarding the correct handling, use, storage, retention and disposal of DBS disclosure information. It also complies with its obligations under the Data Protection Act 1998. The University will ensure that information contained in DBS certificate is available only to those who need to have access in the course of their duties.

All recipients of DBS certificate information must treat such information with care and responsibility. Where additional information has been released (as a separate letter from the Chief Police Officer) this additional information must be handled, stored, retained and used in exactly the same way as any other DBS certificate information in accordance with the Code of Practice. However, the information contained within this letter
must never be revealed to the applicant or be shown to any person not involved in the recruitment decision.

Storage, access and retention

DBS certificates are not retained by the University. Upon production of the DBS certificate the HR team will take a copy to enable the input of the certificate number and issue date into the HR system. Following the data entry the copy of the certificate will be destroyed by secure means. The Human Resources team will not retain or copy the certificate. The original will be retained by the applicant/employee.

Handling

In accordance with section 124 of the Police Act 1997, DBS certificate information is only passed to those who are authorised to receive it in the course of their duties (e.g. Human Resources and the recruiting manager(s)). It is a criminal offence to pass this information to anyone who is not entitled to see it.

Usage

Information contained within the DBS certificate is only used for the specific purpose for which it is acquired and for which the applicant’s full consent has been given.

Disposal

Once the retention period has elapsed, we will ensure that any DBS certificate information is destroyed by secure means. While awaiting destruction, certificate information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack).

Sources of further information

If you would like further information in relation to the DBS service, this can be found on their website.
Frequently asked questions

How much does a DBS certificate cost and who pays for it?

The current fee for a DBS check is £44.00. The relevant University department will pay for the fee for staff DBS checks.

How long does a DBS check take – what safeguards should be put in place whilst the check is being carried out?

The DBS tries to ensure that certificates are issued in the shortest time possible (the DBS service standard is to complete the enhanced certificates within 4 weeks). Some certificates take only a matter of days, whilst others can take considerably longer.

Arrangements for existing staff who have not yet received a DBS clearance, but are going to be in contact with children and/or carrying out regulated activity to adults must be organised at management level with advice from Human Resources. It may be that temporary supervision is needed or that a project must wait until clearance has been received for example.

In most cases, a new employee will not be permitted to commence employment until a satisfactory DBS check has been completed.

What if I am not from the UK or have lived abroad for a substantial period of time?

If the applicant is from overseas, the University can ask him or her to get a criminal records check, or ‘Certificate of Good Character’, from his or her country of origin. In some cases it may also be possible for the University to get such a check through the relevant embassy in the UK, but the applicant must give his or her permission. Processes for getting criminal records checks abroad vary between countries.

For how long is a DBS certificate valid?

Each DBS certificate will show the date on which it was printed. DBS certificate do not carry a pre-determined period of validity because a conviction or other matter could be recorded against the subject of the DBS check at any time after it has been issued. An enhanced DBS check could also involve additional information being provided by the relevant Chief Police Officer which the applicant will not have seen. Therefore, it is possible that the DBS check alone does not provide a full picture of an individual’s
suitability for employment. It is therefore the policy of the University not to accept DBS certificates which the applicant has previously been issued.

**What if the information on my certificate is incorrect?**

If you believe the information contained in the DBS certificate is incorrect or not yours, you should contact the DBS’s dedicated dispute team and the University’s lead signatory. Consideration of the DBS certificate should be deferred until the issue has been resolved.

**What is the procedure for DBS checking of students?**

For information on student policy and procedure, please access the guidelines on the management of student check of criminal convictions in the context of volunteering and placement learning.