

# DISCLOSURE & BARRING SERVICE (DBS)



This document sets out the University's policy governing DBS checks.

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# 1. POLICY PRINCIPLES

- 1.1 This policy has been agreed by the Joint Unions Consultative Committee in consultation with the University.
- 1.2 Aston University fundamentally believes that students, staff and visitors have a right to protection and recognises that people of all ages may come into contact with our services and campus. The University prides itself on being a safe and healthy environment for its students, staff and visitors and this policy is one of the tools we use to achieve this. At all times the University aims to promote wellbeing and awareness and protect adults and children who may be at risk of harm.
- 1.3 In accordance with the University's Safeguarding Policy, safe recruitment practices are in place to ensure all staff, workers, volunteers, placements and associates who are involved in regulated activity are subject to the appropriate DBS clearance. This is a mandatory requirement.
- 1.4 This policy aims to ensure a consistent and robust decision-making process for all posts subject to DBS checks, ensuring the safety and protection of children and vulnerable adults.
- 1.5 The DBS process will form part of the pre-employment checks for all newly appointed staff, workers, volunteers and placements, and also for changes to established positions where they meet the eligibility criteria. Students who require a DBS as requirement for their course of study are not included as part of this process.
- 1.6 The University will ensure that disclosure information is treated fairly and without discrimination whilst ensuring a safe and robust recruitment process.
- 1.7 Adverse information contained in a Disclosure will not necessarily act as an automatic bar to employment with the University. For further information, see Aston University's policy on recruitment of ex-offenders.
- 1.8 Information about a person's criminal history will be handled sensitively and considered without prejudice. The University recognises that DBS checks are only one means of assessing a person's suitability for a role and should be considered alongside the wider range of information gained as part of the recruitment and employment process.
- 1.9 Those with specific responsibilities as set out in this Policy are expected to have read and understood their responsibilities, to have attended training, and to ensure that appropriate records are kept relating to DBS matters in accordance with the relevant data protection policies.
- 1.10 This policy does not form part of the employee's contract of employment.

## 2. SCOPE OF POLICY

2.1 This policy applies to:

- all staff within the University, including academic staff. However, for academic staff the procedure is not intended to diminish individual rights under the Statute XXV, part IV.
- job applicants
- workers (including agency)
- volunteers (paid and unpaid)
- placements (paid and unpaid)

2.2 Managers have a specific responsibility to ensure the fair application of this policy. The Recruitment Team and the HR Business Partners (HRBPs) are available to provide advice, support, and assistance to managers.

## 3. DEFINITIONS

3.1 This Policy and its associated procedures sets out:

- the process the University follows when recruiting to posts which require a DBS check, the associated issues which may arise and need to be assessed, the type of actions the university may take to manage issues and provide support,
- the process for carrying out DBS checks for those in employment and the associated issues which may arise and need to be assessed, and the type of actions the university may take to manage issues and provide support,
- the University's legal responsibilities and obligations

## 4. DISCLOSURE & BARRING SERVICE

4.1 The Disclosure and Barring Service (DBS) is an executive agency of the Home Office set up to help organisations in the public, private and voluntary sectors including educational institutions, identify candidates who may be unsuitable for certain work, especially that involving contact with children or other vulnerable members of society. A DBS disclosure is an impartial and confidential document that details an individual's criminal record and, where appropriate, details of those who are barred from working with children and vulnerable adults.

4.2 Through the Disclosure and Barring Service (DBS), the University will ensure that any staff, workers, or volunteers who have substantial unsupervised contact with children and adults in vulnerable situations will be checked for relevant criminal convictions whenever appropriate and within the constraints of legislation. An enhanced disclosure will normally be required.

- 4.3 A satisfactory check will need to be received by the University before a staff, worker or volunteer may start work or engage in relevant activities on an unsupervised basis.
- 4.4 For non-UK nationals or people who have lived overseas, a check may also be required from that country.

## 5. WORK EXPERIENCE PLACEMENTS HOSTED BY THE UNIVERSITY

- 5.1 Prior to any child under 18 years of age commencing work experience at the University, the responsible manager for the department must assess whether a DBS disclosure is required for the staff supervising the child's placement and ensure that the disclosure is received before the placement commences.

## 6. POSTS WHICH REQUIRE A DBS CHECK

- 6.1 Posts which meet the definitions set down in legislation and government guidance will require the applicant or postholder to comply with the DBS check process. More detail on this is available from Human Resources.
- 6.2 Examples of the types of job roles for which DBS disclosure is required include (please note this is not an exhaustive list):

Security  
Sport  
Marketing  
Medical  
Clinical Teaching Fellows  
Clinical academics

## 7. LEVELS OF DBS CHECKS

- 7.1 There are different levels of DBS checks. Each type of check has different eligibility criteria. The types of check are as follows:
  - a basic check, which shows unspent convictions and conditional cautions
  - a standard check, which shows spent and unspent convictions, cautions, reprimands and final warnings.
  - an enhanced check, which shows the same as a standard check plus any information held by local police that's considered relevant to the role

- an enhanced check with a check of the barred lists, which shows the same as an enhanced check plus whether the applicant is on the adults' barred list, children's barred list or both.

7.2 The University engages an umbrella body to manage the DBS checking process. They will confirm the level of check required based on the particulars of the role.

## 8. APPLICATION PROCESS FOR JOB VACANCIES

- 8.1 Aston University's policy requires all applicants and those it engages to carry out work on its behalf to disclose any 'unspent' criminal convictions on the University application form, in line with the Rehabilitation of Offenders Act 1974.
- 8.2 If the application process is being carried out by a third party on behalf of the University this will form part of the recruitment process.
- 8.3 Agency workers, casual workers and contractors are required to undergo the same pre-employment screening where a role requires a DBS disclosure. Managers are responsible for ensuring that agency workers and contractors have been DBS checked at the appropriate level by the agency/supplier, with confirmation in writing, before commencing work at the University.
- 8.4 Under the Rehabilitation of Offenders Act 1974 (ROA) a person over 18 convicted of a criminal offence but who does not re-offend during a specified period from the date of conviction (the rehabilitation period) is considered to be rehabilitated and their conviction becomes 'spent'. However, during the rehabilitation period, the conviction is unspent, and should be disclosed.
- 8.5 There are exceptions to the general principle that spent convictions do not have to be declared, including those who work with children (anyone under 18), provide care services to vulnerable adults\* or who provide health services. Such individuals are obliged to disclose spent convictions, in addition to any that are unspent. Further, such occupations qualify for checking by the University via the Disclosure and Barring Service (DBS), by means of a standard or enhanced DBS certificate.
- 8.6 Aston University will not discriminate unfairly against applicants with a criminal record. Having a criminal record will not necessarily bar an applicant from working for Aston; the nature of a disclosed conviction and its relevance to the post in question will be considered. This is with the exception of where it is a criminal offence to employ a person in a 'regulated position' where they have been barred from working with vulnerable groups.
- 8.7 Where a conviction has been disclosed in an individual's application for a post at the University, an open and measured discussion and risk assessment regarding any offences and its relevance to the position will be undertaken. The applicant will be informed of the outcome. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment. Failure to reveal information relating to unspent convictions will lead to withdrawal of an

offer of employment, or termination of employment.

- 8.8 For advice on disclosing criminal offences applicants should contact the recruitment team for confidential discussion.
- 8.9 This policy and the University's Recruitment of Ex-Offenders Policy will be made available to applicants at the outset of the recruitment process where a DBS request for disclosure of their criminal record will be required as part of the application process.

\*An adult (a person aged 18 or over) is classed as vulnerable when they are receiving one of the following services: healthcare, relevant personal care, social care, assistance in relation to household matters by reason of age, illness or disability, assistance in the conduct of their own affairs or conveying (due to age, illness or disability).

## 9. OFFERS OF EMPLOYMENT

- 9.1 Where the role held by the Individual is one in respect of which a Basic, Standard or Enhanced DBS check can be undertaken, it is a condition of starting employment that an applicant consents to the University undertaking the applicable DBS check and the University being satisfied with the outcome of that check.
- 9.2 Where an individual who is offered employment refuses to agree to an application to the DBS or a DBS check is completed but the individual will not allow the University to see the DBS certificate, the individual will be treated as not having satisfactorily completed the DBS check and the offer will be withdrawn.
- 9.3 The University may, in exceptional circumstances, make a risk-based decision to allow individuals to take up their appointment before the outcome of their DBS check is known. Exceptional circumstances include where individuals are required to complete a period of induction or training in advance of them starting in their role. Where practical, it may also include allowing individuals to start work or volunteer in a limited capacity, for example, restricting duties to non-regulated activity until the outcome of the check is known. In circumstances where an individual is allowed to commence work, it must be made clear that their continued employment is conditional upon their successful completion of a DBS check, and that their employment will be brought to an end in the event that they are unable to comply with this requirement in a timely fashion.
- 9.4 The decision will be reached on completion of a risk assessment and a review of the recruitment information available. The risk assessment must be approved by the Head of Department/College and HR. In this instance, the offer of employment is still subject to the University being satisfied with the outcome of the DBS check and the University may bring their employment to an end if the DBS check is not satisfactory.

## 10. OFFERS OF EMPLOYMENT

- 10.1 This applies to:
- nationals of other countries
  - UK nationals who have had significant periods of residence overseas.
- 10.2 In instances where an individual has been resident in the UK for at least one month, and a DBS disclosure is required, it is noted that the disclosure is likely to be of limited value where the period of UK residence has been of a short duration. In such cases an individual will be required to produce evidence of their conduct overseas (usually a Certificate of Good Conduct or equivalent document). The University through its DBS provider will contact the embassy or High Commission of the individual's country of residence to check on their criminal record.
- 10.3 Where it is genuinely not possible to obtain an overseas police check, the University will need to base the recruitment decision on the wider range of information available and risk assessment.

## CURRENT STAFF

### 11. FREQUENCY OF RENEWAL

- 11.1 It is the University's policy that an assessment of the post will determine the frequency of how often a DBS check is renewed. In some incidences the frequency is determined by external organisations whom the member of staff, worker or volunteer is undertaking work for.
- 11.2 Where an individual changes roles they may be requested to undertake a DBS check, even in the circumstances that a DBS check is in place. This may be necessary due to the level of DBS check held not being at the right level or the time that has elapsed since the last DBS check. Any request for a repeat check should be proportionate to risk.
- 11.3 Where concerns have come to the attention of the University, an individual may be requested to undertake a DBS check renewal.
- 11.4 HR will notify the individual and their line manager of the need to submit a new disclosure application. If the individual has subscribed to the DBS Update Service, subject to their consent and having seen the original DBS certificate, their existing DBS certificate can be used and a Status Check run by HR. If new information is disclosed a new DBS application will need to be made.
- 11.5 Employees are expected to cooperate with the University in this periodic checking process by giving consent to the University to conduct such checks as and when the University asks the employee to do so.
- 11.6 Aston University makes every subject of a criminal record check submitted to DBS aware of the existence of the DBS code of practice and makes a copy available on request.



## 12. REPORTING OF A CHANGE IN DBS STATUS

- 12.1 All individuals for whom a DBS check is required are obliged to inform the University of any change in their status that might affect their role in the University. In the event that an individual is charged with or convicted of a criminal offence they are required promptly to disclose details to the University in order for the University to make an assessment as to whether this may affect their suitability for continued employment.
- 12.2 We understand that this can be daunting for individuals, and they may approach either their line manager or a member of HR for a confidential discussion.
- 12.3 Line managers should report any changes to their HRBP, and a risk assessment should be carried out. The risk assessment is important to ensure we do not unfairly rule out individuals who are the best candidate for the role, meet all other necessary check criteria, and no risks have been identified against the duties they would be required to perform.
- 12.4 In the event that the risk assessment identifies risks that cannot be mitigated the individual will be invited to a formal meeting. In circumstances where the disclosure impacts the job role, and no adjustments can be made it may disqualify an employee from the position/role and lead to formal action by the University.

## 13. CURRENT EMPLOYEES AND DBS STATUS FOR POST CHANGES

- 13.1 There are circumstances which result in a post requiring a DBS check or a post no longer needing a DBS check. Examples of why this might occur:
- the job role has changed
  - The stakeholder group changes in age
  - Introduction of new practices
- 13.2 In the event that a role at the University changes or is to change such as to become one in respect of which a Standard or Enhanced DBS check can be undertaken, it is a condition of undertaking that role that the individual consents to the University undertaking the applicable DBS check and being satisfied with the outcome of that check.
- 13.3 Failure to comply with a request to submit for a DBS check may disqualify an employee from the position/role and lead to formal action by the University.
- 13.4 Employees who are concerned about taking the DBS check should speak with their line manager or contact HR for a confidential discussion.

## 14. DBS DISCLOSURES

14.1 Whether or not your role is one for which a DBS check is required, in the event that you are charged with or convicted of a criminal offence (other than a minor motoring offence) you are advised promptly to disclose details to the University in order for the University to make an assessment as to whether this may affect your suitability for continued employment.

## 15. REPORTING TO EXTERNAL AUTHORITIES - REFERRALS TO THE DISCLOSURE AND BARRING SERVICE

15.1 The University may be under an obligation to pass on concerns to relevant professional bodies/agencies under certain circumstances. Prior to taking any action, you should contact your HRBP for advice and guidance. It may also be necessary to seek guidance from the University Safeguarding Leads prior to referrals to external bodies.

15.2 In addition to these responsibilities, the University is under obligations to notify the Disclosure and Barring Service (DBS) if it decides to dismiss or remove an employee, worker, volunteer or personnel supplier from regulated activity at the University or to prevent them from working with children or vulnerable adults (or would or may have if the person had not left or resigned). The Safeguarding Vulnerable Groups Act (2006) places a legal duty on the University to make a referral to the DBS in certain circumstances. The duty to refer to the DBS applies even when a referral has been made to a body such as other professional regulators regardless of whether that body has also made a referral to the DBS about the person.

15.3 The DBS sets out the conditions to be met for a referral. All such referrals should be made in conjunction with HR. The DBS set out advice on this issue:

<https://www.gov.uk/guidance/making-barring-referrals-to-the-dbs>

## 16. CONFIDENTIALITY AND THE RETENTION OF RECORDS

16.1 The information provided to the University as part of a DBS check, disclosure of a current criminal conviction or pending criminal proceedings will be processed lawfully

and in accordance with our Data Protection Policy. We recognise that such data is sensitive and will handle it in a confidential manner.

- 16.2 Any individual involved in the processing or management of cases, whether as an administrator, manager, witness or participant should ensure that they maintain confidentiality. They should not discuss the process with any third party not involved in the process. Any failure to maintain confidentiality may be treated as a disciplinary offence.

## 17. TRAINING

- 17.1 All staff whose roles and responsibilities include regular contact with children or adults who are potentially vulnerable must be made aware of this Policy, Procedure and any other related guidance or training.
- 17.2 DBS and Safeguarding training will be completed by all staff in roles which require a DBS check.

## 18. RELATED POLICIES AND DOCUMENTATION

- 18.1 This policy is related to, and should be read in conjunction with:

Recruitment and Selection Policy and Procedure  
Recruitment of Ex-Offenders Policy  
Safeguarding Concern Policy  
Handling of DBS certificate information  
Code of Practice for Disclosure and Barring Service Registered Persons –  
<https://www.gov.uk/government/publications/dbs-code-of-practice>  
Privacy Notice – Working at Aston

## 19. DBS FEES

- 19.1 Fees are payable for new disclosures and subscription to the DBS online update service (with the exception of volunteer roles, as defined by the DBS). These fees will be paid for by the University for staff who require a DBS check to carry out their role.

## Role and Responsibilities

Role	Responsibility
Employee	<ul style="list-style-type: none"> <li>• Familiarise themselves with the Policy.</li> <li>• In the event that you are charged with or convicted of a criminal offence you are required promptly to disclose details to the University.</li> <li>• Contribute to a respectful and productive working environment.</li> <li>• Ensure that strict confidentiality and discretion are maintained.</li> <li>• We recommend that you:               <ul style="list-style-type: none"> <li>• are open in conversations with managers, Human Resources (HR).</li> <li>• Speak to your HR Business Partner or Trade Union Representative if you feel unable speak to your line manager.</li> </ul> </li> <li>• Rest assured that confidentiality is respected at all times.</li> </ul>
The manager	<p>All managers should:</p> <ul style="list-style-type: none"> <li>• Ensure that strict confidentiality and discretion are maintained.</li> <li>• Familiarise themselves with the Policy and associated policies and procedures.</li> <li>• Be ready to have open discussions with staff, treating any discussions sensitively and professionally and appreciating the personal nature of these discussions.</li> <li>• Review and agree with the individual how they can best be supported, and any adjustments they may require.</li> <li>• Undertake with HR periodic reviews of posts to ensure the DBS status is correct.</li> <li>• To undertake risk assessments with applicants and staff.</li> <li>• Attend the relevant training.</li> </ul>
HR	<ul style="list-style-type: none"> <li>• Offer guidance to managers and employees on the interpretation of this Policy.</li> <li>• Signpost to appropriate sources of help and advice.</li> <li>• Ensure the timely renewal of DBS checks.</li> <li>• Implement training for line managers.</li> <li>• Monitor and evaluate the effectiveness of this policy in respect of safeguarding.</li> </ul>

	<ul style="list-style-type: none"><li>• Support employees in securing an alternative routes to support, for example, pam assist.</li><li>• Undertake with line managers periodic review of post to ensure the DBS status is correct.</li><li>• To undertake risk assessments with applicants and staff.</li></ul>
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