



University of
Chester

UNIVERSITY OF CHESTER

Student Disclosure and Barring Service (DBS) & Screening Policy

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1. ACRONYMS AND DEFINITIONS

1.1. The following acronyms and definitions shall apply throughout this procedure:

- ACCD Annual Criminal Convictions Declaration.
- GCD Good Conduct Declaration Form.
- DBS Disclosure and Barring Service.
- DBS Certificate Hard copy or electronic info showing outcome of DBS Check.
- DBS Check Enhanced with a barred list Check for Regulated Activity.
- EDAF Electronic Disclosure Application Form
- PRSB Professional, Regulatory or Statutory Body
- Result Information Hard copy or E-document showing the results of a DBS Check.
- ROA Rehabilitation of Offenders Act 1974.
- SVGA Safeguarding Vulnerable Groups Act 2006.

1.2. Unless specifically stated as otherwise all references to a DBS Check or Enhanced Check should be interpreted as:

- A DBS Check at enhanced level which includes a check of the DBS barred lists.

1.3. The terms 'applicant', 'candidate' or 'student' are used interchangeably and do not necessarily denote the enrolment status of an individual undertaking a programme of study or study activity at the University.

1.4. Other than in the case of a University Counter-Signatory any action required by specified role holders at the University e.g. 'The Executive Dean of Faculty' may include the specified role holder or nominee.

2. POLICY STATEMENT

2.1. University of Chester recognises the need for responsible admissions and duty of care practices that enable the University to admit and enrol students from the widest pool of talent in ways that maintain its duty of care to its staff, students, customers and partner organisations and protect its business interests.

2.2. When admitting students, the University will:

- 2.2.1. Appoint a Senior Nominated Officer (Deputy Academic Registrar and Head of Registry Services) responsible for the screening process;
- 2.2.2. Encourage applicant honesty by stating that applicants will be considered on the basis of their abilities, skills, experience and qualifications as detailed on the application form;
- 2.2.3. Not include requests for spent or filtered convictions, unless the nature of the proposed study will give students substantial, unsupervised access, on a sustained or regular basis, to the vulnerable or involve regulated activity;
- 2.2.4. Identify programmes and/or modules and student volunteering² that due to the nature of content give students substantial, unsupervised access, on a sustained or regular basis, to the vulnerable, or maybe regarded as a regulated activity, and therefore require either an

² Defined as extra-curricular activities that do not carry academic credit eg Volunteering, Cygnets etc

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Enhanced Criminal Records Check, Barred List Check or both, through the Disclosure and Barring Service for the protection of the vulnerable, the University and partner organisations.

- 2.3. This Policy and Procedure should be read in combination, the Procedure is intended to supplement the policy and give more detailed day to day procedures on the use of Disclosure and Barring Service checks/disclosures for student screening across the various programmes or student activities.
- 2.4. This Policy and the Procedure will be reviewed in the light of changes to relevant legislation, institutional need and best practice guidance or every two years whichever is sooner.

3. SENIOR NOMINATED OFFICER

3.1. The Senior Nominated Officer is responsible, for:

- 3.1.1. Liaising with the DBS Lead Signatory as required
- 3.1.2. Maintaining the currency of the checking procedure and overseeing the operation of the procedure within the University (including training where necessary);
- 3.1.3. Ensuring that requests fall within the terms of the University Policy on Student Screening;
- 3.1.4. Ensuring that requests are made at the right time;
- 3.1.5. Ensuring that information received is released only to those who need to see it;
- 3.1.6. Ensuring that records are kept securely and destroyed after use.
- 3.1.7. Co-ordinating and leading the administrative processes required across University of Chester in support of applications and processes for Disclosure and Barring Service disclosures relating to students; and
- 3.1.8. Being a source of contact in relation to DBS disclosures both internally and externally.

4. REHABILITATION OF OFFENDERS ACT 1974 – AS AMENDED.

- 4.1. The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) Order (2013) outlines certain positions and occupations which are exempt from the ROA. The University regards certain programmes, modules and student volunteering that involve regular contact with children, vulnerable adults or include Regulated Activity as subject to exemption from the ROA
- 4.2. The Act enables some cautions or convictions to become spent (i.e. as if they had never occurred) after completing a specified rehabilitation period without further convictions.
- 4.3. An unspent conviction is any criminal conviction that an individual is still in the rehabilitation process for or that will stay on their criminal record.
- 4.4. The decision as to whether a programme or module of study is exempt from the provisions of the ROA 1974, and would therefore require students to complete a DBS check, will be taken during programme or volunteering planning and validation and will be recorded in the programme specification or module descriptor.
- 4.5. Certain offences as listed in Schedule 4 of the Criminal Justice and Court Services Act 2000 will automatically render students unsuitable for any student activity that may require substantial, unsupervised access, on a sustained or regular basis, to the vulnerable.

5. FILTERING

- 5.1. The amendments to the Exceptions Order 1975 (2013) provide that certain spent convictions and cautions are 'protected' and are not subject to disclosure to employers and cannot be considered. As a result, the DBS removed certain specified old and minor offences from criminal record certificates. This process has been defined as 'Filtering'.
- 5.2. Under the filtering rules students will no longer need to declare certain convictions or cautions irrespective of whether the student is intending to engage in Regulated Activity. Therefore, the University will not be able to take certain old and minor cautions and convictions into account when making decisions about any individual.
- 5.3. However, all cautions and convictions for specified serious violent and sexual offences and other specified offences of relevance for posts concerned with safeguarding children and vulnerable adults will remain subject to disclosure. In addition, all convictions resulting in a custodial sentence will remain subject to disclosure as will all convictions where an individual has more than one conviction recorded.

A copy of the filtering rules and a list of those offences which will never be filtered from a criminal record check may be found on the DBS website:

<https://www.gov.uk/government/publications/dbs-filtering-guidance/dbs-filtering-guide>

<https://www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check>

6. SAFEGUARDING VULNERABLE GROUPS ACT 2006

- 6.1. The current system for vetting people who wish to work with children or vulnerable adults operates through employers obtaining criminal record certificates issued by the Disclosure and Barring Service ("DBS disclosures") for new job applicants. DBS disclosures give employers information about an individual's criminal records history, which informs their assessments about the individual's suitability to work with children or vulnerable adults.
- 6.2. The SVGA provided the legislative framework for barring unsuitable individuals on the basis of referrals and introduced the notion of Regulated Activity.
- 6.3. The Act provides that:
 - 6.3.1. There will be two barred lists – one for those who are barred from engaging in regulated activity with children (the "children's barred list"), and one for those who are barred from engaging in regulated activity with vulnerable adults (the "adults' barred list").
 - 6.3.2. The DBS will maintain the children's barred list and adults' barred list and will make decisions about whether an individual should be included in one or both barred lists.
 - 6.3.3. An individual who is included in the children's barred list must not engage in regulated activity in relation to children. An individual who is included in the adults' barred list must not engage in regulated activity in relation to vulnerable adults.
 - 6.3.4. Broadly, regulated activity will cover a range of specified activities that provide an opportunity for close contact with children or vulnerable adults, other activities in key settings such as schools and care homes which provide an opportunity for contact and key positions of responsibility such as the Children's Commissioner and the Director of Adult Social Services.

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6.4. A number of definitions are given in the Act, the following are relevant:

- 6.4.1. Child: - Any person who has not attained the age of eighteen and is still in full time education. Where an individual is over 16 and has left full time education they are considered an adult.
- 6.4.2. Regulated Activity: - Any activity which involves frequent or intensive contact with children or vulnerable adults and is of a specified nature (e.g. teaching, training, care, supervision, advice, treatment or transport) and/or any activity allowing frequent or intensive contact with children or vulnerable adults and is in a specified place (e.g. schools, children's care homes, etc).

Specific guidance outlining regulated activity relating to children and adults is available via <https://www.gov.uk/government/collections/dbs-referrals-guidance--2>
- 6.4.3. Regulated Activity Provider: - An employer who employs a person to work (paid or unpaid) in a regulated activity.
- 6.4.4. Relevant Conduct: - Behaviour or conduct which endangers or is likely to endanger a child or vulnerable adult including possession of sexual material relating to children or sexually explicit images depicting violence against others. In addition, it includes any conduct that may harm; cause to be harmed; put at risk of harm or incite another to harm a child or vulnerable adult.
- 6.4.5. Personnel Supplier: - Includes an educational institution which supplies to another person a student who is following a course at the institution, for the purpose of enabling the student to obtain experience of engaging in regulated or controlled activity. This includes HEI's and the University of Chester.
- 6.4.6. Vulnerable Adult: - Those in residential accommodation provided in connection with care or nursing or receiving domiciliary care services; health care; a welfare service of a prescribed description or direct payments from a social services authority or receiving services; or taking part in activities, aimed at people with disabilities or special needs because of their age or state of health and those who need assistance in the conduct of their affairs. The definition also includes those in lawful custody or under the supervision of a probation officer.

6.5. A number of offences and duties are also detailed in the act:

- 6.5.1. A barred individual must not undertake regulated activity. It will be an offence for a barred person to undertake regulated activity.
- 6.5.2. A Regulated Activity Provider must not engage a barred person in regulated activity. Any RAP taking on a person in a regulated activity will commit a criminal offence if they fail to check the status of a student, employee, or volunteer.
- 6.5.3. It will also be an offence for a Regulated Activity Provider or Personnel Supplier to permit a barred person, to work for any length of time (no matter how infrequent) in regulated activity.
- 6.5.4. Regulated Activity Providers and Personnel Suppliers, including the University, have a duty to refer any person who has engaged in relevant conduct and a duty to provide information to the Independent Barring Board upon request.

7. DISCLOSURE AND BARRING SERVICE

7.1. The Disclosure and Barring Service (DBS) is an executive agency of the Home Office and enables organisations to make safer recruitment decisions and prevent unsuitable individuals from working with vulnerable groups. The service involves searching police records, and in relevant cases, barred list information.

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7.2. There are four types of criminal records checks, known as Disclosures:

7.2.1. The Basic Disclosure

A basic DBS check is a criminal record check that an individual can request for themselves, or they may also be asked to request a basic check by their employer. A basic check will contain details of convictions and conditional cautions which are not 'spent' under the terms of the Rehabilitation of Offenders Act 1974.

7.2.2. The Standard Disclosure

These are primarily for positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975. They will also be issued in other circumstances such as for those providing health services and for those entering certain professions such as accountancy. Standard Disclosures contain details of all convictions on record (including 'spent' convictions), plus details of any cautions, reprimands or warnings held on the Police National Computer which are not subject to filtering. An individual cannot apply for a standard check by themselves. There must be a recruiting organisation who needs the applicant to get the check.

7.2.3. The Enhanced Disclosure

These are for those roles that are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and Police Act Regulations. Regulated Activity, as defined by the safeguarding Vulnerable Groups Act 2006, usually involves regularly caring for, training, supervising or being in sole charge of children or vulnerable adults. Enhanced Disclosures will also be issued in respect of other positions such as those seeking judicial appointments.

All Enhanced Disclosures involve an extra level of checking with local police force records in addition to checks with the Police National Computer (PNC).

7.2.4. The Enhanced Disclosure Including a Barred List check

In addition to the information included in the enhanced disclosure, this also includes whether the individual is on the vulnerable adults' &/or children's barred list(s) as appropriate.

8. THE DISCLOSURE AND BARRING SERVICE CODE OF PRACTICE

8.1. As an organisation using the Disclosure and Barring Service (DBS) Disclosure service to help assess the suitability of students for positions of trust, University of Chester complies fully with all aspects of the DBS Code of Practice including the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information

<https://www.gov.uk/government/publications/dbs-code-of-practice>

8.2. 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.

9. OTHER RELEVANT SAFEGUARDING CHECKS

9.1. The University will ensure that it complies with and conducts any other necessary and relevant safeguarding checks as required by Statute or relevant Professional, Regulatory or Statutory Bodies in the admission of students to programmes of study or other activities that include Regulated Activity at the time of admission.

PROCEDURE

10. RELEVANT PROGRAMME OF STUDY/STUDENT ACTIVITY

10.1. The decision as to whether a programme or module of study is exempt from the provisions of the ROA 1974 will be taken during programme or volunteering planning and validation. The decision should relate to the programme, module or activity, not individual students. To facilitate this process the following should be taken into account when deciding on the relevance of offences to particular areas of study:

- Does the student activity³ involve one-to-one contact with children, or other vulnerable groups such as employees, members of partner organisations or customers and clients?
- May the student activity be regarded as a 'regulated' activity under the Safeguarding Vulnerable Groups Act 2006
- Does the student activity involve direct contact with the public?
- Does the student activity involve direct responsibility for resources, finance or other items of value?
- What level of supervision will the students receive?
- Will the nature of the student activity present any opportunities for students with a criminal conviction to re-offend?

10.2. The definitive Programme Specification or Module Descriptor should then state whether the student activity in question:

10.2.1. Requires a Standard Disclosure as it is exempt from the provisions of the Rehabilitation of Offenders Act 1974 and the Exceptions Order 1975 (amended 2013 & 2022);

10.2.2. Requires an Enhanced Disclosure as it involves substantial, unsupervised access, on a sustained or regular basis, to children, young persons and the vulnerable .

10.2.3. Or may be regarded as regulated activity.

10.3. Programme documentation will advise students whether admission onto the programme requires a Disclosure and Barring Service (DBS) check.

10.4. In the case of current students registering for modules of study or other student activities which involves substantial, unsupervised access, on a sustained or regular basis, to the vulnerable; this will be detailed in the relevant module &/or course descriptor. Students will be required to apply for an Enhanced Check for Regulated Activity prior to commencement of the activity.

10.5. A list of student activities that require a DBS Check is attached in the appendices. Registry Services will assist in assessing DBS requirements for student activities on request for divisions/faculties.

11. CONTINUED CONDITION OF ENTRY, ENROLMENT AND COMMENCEMENT OF STUDY

11.1. In the case of applicants to undergraduate, postgraduate and post-experience programmes that involve regulated activity all offers of acceptance, full entry to studies or complete enrolment on the programme will remain conditional upon, the applicant applying for and receiving a satisfactory DBS Check through the University.

11.1.1. Similarly, where applicants are required to undergo other relevant suitability checks regarding conduct e.g. Occupational Health or medical checks, provisional registration with a professional body or checking of various statutory prohibition lists; full entry to studies or

³ Programmes of Study, Modules of Study or Student Volunteering

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complete enrolment on the programme will remain conditional upon the satisfactory completion of the required checks.

11.1.2. Candidates will not normally be required to apply for a DBS Check or undergo other suitability checks on conduct until an unconditional firm (UF), or similar, offer has been made.

11.2. Pre-Interview Screening (Post Graduate Certificate of Education):

Applications for the PGCE programme are made through the 'Get in to Teaching' application process. Applicants are invited to disclose any safeguarding issues such as a criminal record or professional misconduct. Where a self-disclosure is made the application is referred to the Dean of Faculty/School or nominee. Where a decision is made not to proceed with an application an external or headteacher panel may be convened to confirm/ratify the decision.

11.3. Candidates for all programmes that include regulated activity will also receive information from Registry Services that informs them that any offer of a place will remain provisional upon receipt of the relevant DBS check and any other safeguarding checks as required.

11.4. Where a DBS Check has been applied for and not received by the University but the student has commenced studies and/or enrolled for the programme the student's place will remain provisional until a satisfactory DBS Check and where necessary, other relevant suitability checks is received. Such students may be required to complete a statutory declaration as testimony to their good conduct and/or the University may undertake a Children's Barred list (previously called List 99) check, or any other safeguarding checks it believes are necessary to ascertain the good character and conduct of the applicant.

11.5. Under no circumstances may any person commence any placement, which involves regulated activity, unless the University has received confirmation of a satisfactory DBS Check including having their identity confirmed as part of the DBS process through the University as a DBS Registered Body.

12. APPLICATION PROCESS: NEW STUDENTS/APPLICANTS

12.1. Upon receipt of an 'Unconditional' (UF) or similar offer applicants will receive information regarding the application process for an Enhanced Check for Regulated Activity from Registry Services. See section 8 (Applying for Disclosure-E-Bulk) for further details. Students applying for entry on PGCE programmes will receive information regarding the application process when they are given their conditional offer.

12.2. Where a DBS Check has been applied for and the result not received by the University but the student has commenced studies and/or enrolled for the programme the student's place will continue to remain provisional until a satisfactory disclosure through the DBS is received and other safeguarding checks completed as necessary. If there is a substantial delay to the student receiving their result it may be necessary for them to defer their entry onto the programme or interrupting their studies.

12.3. The University may undertake any other safeguarding checks it believes are necessary to ascertain the good character of the applicant, including a Children's Barred list (previously known as List 99) check, through the relevant check on the Department for Education's prohibition list.

12.4. See Appendix A for process diagram.

13. APPLICATION PROCESS: CURRENT STUDENTS

- 13.1. There may be occasions where a current student, during their programme of study, chooses to undertake a student activity that will require an Enhanced Check for Regulated Activity. This may include:
- some areas of research as part of a dissertation
 - work based learning activity or certain volunteering projects
 - apprentice learners if they undertake a placement not with their employer.
- 13.2. Once a student has indicated that they wish to undertake this type of student activity the organising department/Faculty must submit the student's details to Registry Services. Students will then receive information from Registry Service regarding the application process. See section 15 (Applying for Disclosure-E-Bulk) for further details.

14. APPLICATION PROCESS: TRANSGENDER APPLICATIONS

- 14.1. The DBS offers a confidential checking service for transgender applicants known as the sensitive applications route. This route gives transgender students the choice not to have any gender or name information disclosed on their DBS certificate that could reveal their previous gender identity.
- 14.2. Further information is available via the following webpage:
<https://www.gov.uk/guidance/transgender-applications>
- 14.3. A current student who, since starting their studies, has changed their name legally as part of their legal transition can request to have a new DBS Certificate while they are studying. Students would be asked to provide documented evidence as confirmation.
- 14.4. Students should contact Registry Services for further information.

15. APPLYING FOR DISCLOSURE - EBULK

- 15.1. Students will normally be required to complete the DBS application using the on-line service or via Portal.
- 15.2. Registry Services will email the student with details of the individual's username and password to access the site, instructions regarding the completion of the on-line form and dates and times of ID checking appointments.
- 15.3. Students will also be directed to the University's website at <http://www.chester.ac.uk/dbs> for further information including the process and dates of ID checking appointments. Current students will also be able to access information via Portal.
- 15.4. Students applying for a DBS Check are required to supply the following information on their online application form:
- Full name and title
 - Any previous names used and dates of use
 - Current address
 - All previous addresses during the previous five years including overseas and temporary student addresses.
 - Date of Birth
 - Place of Birth
 - Nationality

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- Details of ID documents

- 15.5. Students will be sent regular reminders to engage with the DBS check process. Any students who do not begin the process will receive a final notice that they must take action by a pre-agreed deadline or their studies will be terminated for not meeting the entry requirements of their programme. If a student does not begin their DBS application by that deadline their studies will be terminated.
- 15.6. Once the student has completed the on-line process they will be asked to make an appointment for an ID checking session.
- 15.7. Students will be required to attend an ID checking session to present their identity documents, submit their GCD and pay for the check if appropriate. There will be no exceptions to students having a face-to-face identity check carried out.
- 15.8. The DBS requires that applicant state whether they have any unspent criminal convictions on the eDAF; therefore, students will also be asked to answer 'Yes' or 'No' to the question "Do you have any convictions, cautions, reprimands or final warnings which would not be filtered in line with current guidance"
- 15.9. Any applicant answering in the positive will be referred to Registry Services who may consult with the Faculty and ask the student to provide further information.
- 15.10. Once the identity of the applicant has been verified by a university ID checker and confirmed by a registered person (Counter-signatory), the appropriate fee paid and the GCD has been signed by the applicant the EDAF will be sent to the DBS.
- 15.11. The DBS application should be completed to allow sufficient time for the disclosure to be received by the applicant and the University before any placement is commenced.
- 15.12. Upon receipt of the DBS E-Certificate information Registry Services will record the Disclosure number and date of disclosure on the individual student's record on the student record system.
- 15.13. Where an E-Disclosure details evidence of a conviction, caution, reprimand or warning that applicant will be asked to present their original copy of the certificate to Registry Services and to possibly attend an interview as per section 22 below of this procedure.
- 15.14. Under no circumstances may the student commence any placement that involves Regulated Activity, where a satisfactory Enhanced check for Regulated Activity has not been received by the University.
- 15.15. Where a DBS Check has been applied for and not received the student's placement will continue to remain provisional and they will not be able to commence that placement until a satisfactory disclosure is received.

16. DBS UPDATE SERVICE

- 16.1. The University does not currently accept a pre-existing DBS certificate even if the student had registered with the update service. It requires all applicants to apply for a new DBS check through the University as a Registered Body prior to them starting any relevant study or placement.

17. UK NATIONALS WHO HAVE SPENT TIME OVERSEAS

- 17.1. Students who are UK nationals and declare they have lived overseas for more than 3 months within the last 5 years will be asked to provide evidence that they have no criminal convictions (a 'certificate of good conduct' or similar) from each country that they have lived in.

18. APPLICATIONS FROM OVERSEAS STUDENTS

- 18.1. The DBS cannot currently access overseas criminal records or other relevant information as part of its Disclosure service. However, it aims to be able to provide information on contact details to enable employers to make their own enquiries to appropriate overseas authorities.
- 18.2. Applicants from overseas will be required to complete a GCD and apply for a DBS Check in the normal way. Moreover, applicants from overseas will also be required to produce a 'certificate of good conduct' or similar from their home country.
- 18.3. Where a 'certificate of good conduct' or similar is not available candidates from overseas will be required to make a Statutory Declaration as detailed in section 12 below. Students may also be asked to provide a suitable reference from relevant employment or an individual that can confirm the applicant's good character.
- 18.4. Students are also advised to check the UK Home Office guidance for further information on how to make an application.
- 18.5. In exceptional cases a Statutory Declaration Form may be used for applicants from overseas who have been unable to supply a certificate of good conduct, The form is similar to the GCD self-declaration other than the declaration is made in the presence of a Solicitor or Commissioner for Oaths and constitutes a legal oath under the provisions of the Statutory Declarations Act 1835.
- 18.5.1. The student is required to complete the form and sign it in front of a practising solicitor or Commissioner for Oaths, who should also sign and stamp the form. The student would be liable for any associated fees.
- 18.5.2. Completed forms should be returned to Registry Services and retained until a certificate of good conduct is received.

19. COSTS

- 19.1. The Disclosure and Barring Service determines the cost of the enhanced check for regulated activity and the update service. Prospective and/or current students are expected to meet these costs and any associated administration costs as appropriate.
- 19.2. The cost of the DBS for students registered on Nursing, Midwifery and Nutrition and Dietetics are met separately; however, in the event of the payment not being covered the student will be rendered liable.
- 19.3. For existing students, the DBS does not charge for checks on volunteers so long as the "person is engaged in any activity which involves spending time, unpaid (except for travelling and other approved out-of-pocket expenses), doing something which aims to benefit someone (individuals or groups) other than or in addition to close relatives"⁴. Therefore, students undertaking volunteering projects where no form of remuneration, including academic credit towards a qualification, is received will not be charged for the Enhanced Check for Regulated Activity.

20. GOOD CONDUCT DECLARATION FORM

- 20.1. All candidates for entry to programmes, that require a DBS Check, will be required to complete a Good Conduct Declaration Form (GCD). Completed forms should be returned to Registry Services.

⁴ DBS definition of a volunteer: - <http://www.DBS.gov.uk/default.aspx?page=2228>

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- 20.2. The GCD will be available on Portal and the University website and brought to the attention of students at either the ID check interview or in the correspondence initiating the DBS process. At no point does the GCD replace the need for either a DBS Check or any other suitability check that the University is required to undertake.
- 20.3. The GCD is designed to alert the University to any student who may have a criminal conviction or any other issue that may indicate that they are potentially unsuitable to work with the vulnerable.
- 20.4. The GCD also acts as an 'honesty broker' and will be compared to the DBS Certificate if necessary. Where a DBS Certificate contains a conviction, this will be compared with the GCD to ascertain if the applicant did self-disclose any relevant convictions.
- 20.5. In the case of a major discrepancy between the GCD and the DBS Certificate the candidate will be interviewed, and the offer of a place may be withdrawn. See section 23 for further information.
- 20.6. Students who declare a conviction, or similar, will not necessarily be excluded from the programme unless the conviction is so severe that in the interests of safeguarding the vulnerable the student would be reasonably deemed unsuitable.
- 20.7. In some cases, the University may be statutorily required to refer the student's details to the DBS.
- 20.8. The GCD will be held until as such time as a DBS result is received and a recruitment decision made. The GCD and any accompanying DBS result information will be shredded following no more than twelve months after the recruitment decision.

21. OTHER RELEVANT SAFEGUARDING CHECKS REGARDING CHARACTER AND CONDUCT

- 21.1. Due to the professional or statutory nature of particular programmes, students on these programmes may be required to submit for additional safeguarding checks regarding their character or conduct.
- 21.2. Where this is the case individual applicants will be informed of the need for the relevant check and what action, if any, they are required to take to satisfy the required safeguarding check.
 - 21.2.1. Where a student is required to self-declare that they have not been prohibited, banned, disqualified or similar; individual students will be asked to do so on the GCD or annual declaration.
 - 21.2.2. Where the University is required to undertake or initiate a specified check, eg DFE Prohibition Order, Registry Services or relevant Executive Dean of Faculty or Dean of School shall undertake the check and record the results on the Student Record System or relevant Faculty record.

22. DISCLOSURES OR GCD CONTAINING CONVICTIONS

- 22.1. University Faculties may, due to professional body requirements, adopt their own bespoke procedure. However, any such procedure should be broadly based upon the following.
- 22.2. Where a student self declares a conviction on the GCD Registry Services will contact the student for further details to allow the Executive Dean of Faculty, Dean of School, or nominee, to make an informed decision.

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- 22.2.1. The Executive Dean, or nominee, will be informed of the details of the GCD once all facts have been established. However, unless the offence is sufficiently serious⁵ no final decision will be made until the DBS Certificate is received by the University.
- 22.3. Where a conviction is detailed on the DBS Certificate this will be compared with the GCD to ascertain if the student self-disclosed and be compared with any further information supplied by the student including their copy of the DBS Certificate supplied directly to the student by the DBS.
- 22.3.1. Where an E-Disclosure details evidence of a conviction, caution, reprimand, warning or local intelligence the student will be required to present their original copy of the certificate to Registry Services, who will compare the details with the GCD.
- 22.3.2. Where no details were disclosed on the GCD Registry Services will contact the student for further information and the student may be interviewed by the Dean, or nominee, to ascertain further details. A Registry Services representative will facilitate and attend the meeting.
- 22.3.3. The Faculty will not consider any disclosures which detail that the student is barred from regulated activity by the DBS. The Vice-Chancellor will be informed and require the student to be immediately withdrawn from the programme, or any offer of study to be withdrawn. The University will also refer such persons to the DBS as statutorily required.
- 22.4. The fact that an individual is applying for a student activity that is considered exempt from the ROA 1974 and they have a criminal record will not automatically render them unsuitable. The University will make a judgement as to the individual's suitability considering only those offences that may be relevant to the activity in question. The student's criminal record will be assessed in relation to the tasks they will be asked to perform and the circumstances in which the work is to be carried out.
- 22.5. In making a judgement regarding an individual's suitability the Dean, or nominee, should consider the following in relation to the programme of study or student activity:
- Does the student activity⁶ involve one-to-one contact with children, or other vulnerable groups such as employees, members of partner organisations or customers and clients?
 - May the student activity be regarded as a 'regulated' or 'controlled' activity under the Safeguarding Vulnerable Groups Act 2006
 - Does the student activity involve direct contact with the public?
 - Does the student activity involve any direct responsibility for resources, finance or other items of value?
 - What level of supervision will the student receive?
 - Will the nature of the student activity present any opportunities for students with a criminal conviction to re-offend?
- 22.6. The Dean, or nominee, will also consider the relevance of the convictions and in particular:
- The seriousness of the offence and its relevance to the safety of other students, partner organisations, members of the public with whom the student may come in to contact, resources and property.
 - The circumstances leading up to the offence, for example the influence of domestic or financial difficulties.
 - Repeat offences, i.e. whether the offence was a one-off, or part of a history of offending.

⁵ convictions that would result in immediate removal from a programme e.g. sex or violent offences and applicants/students on the barred list

⁶ Programmes, Modules of Study or Student Volunteering

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- The length of time since the offence(s) occurred.
 - Whether the student's circumstances have changed since the offence was committed, making re-offending less likely.
 - The degree of remorse, or otherwise expressed by the student and their motivation to change.
- 22.7. Where the Disclosure reveals evidence of a conviction(s), and this is deemed to have no bearing on the person's enrolment on the student activity, no further action will be taken.
- 22.8. Where the Executive Dean of Faculty, Dean of School or nominee wishes to seek further guidance they may either:
- Seek guidance from a senior professional in a relevant partner organisation and/or
 - refer the decision to the Disclosure Panel as detailed below.
- 22.9. Where the Disclosure reveals evidence of a conviction(s), and this is deemed to be unsuitable or have an unsatisfactory bearing on the person's enrolment on the student activity, the student will be advised that they may not continue with the student activity and the offer withdrawn.
- 22.10. Where the Disclosure reveals evidence of a conviction(s), as listed in Schedule 4 of the Criminal Justice and Court Services Act 2000, the student will be advised that they may not continue with the student activity and the offer withdrawn.
- 22.11. Where required the University will supply the relevant Regulatory Body with a copy of either the GCD or DBS Certificate, or both, to allow the relevant Regulatory Body to make an informed decision regarding registration.

23. DISCREPANCIES AND DISAGREEMENTS

- 23.1. Where the information provided by the Disclosure and Barring Service differs from that provided by the student, and is of significance, the student will have the opportunity to discuss the information provided. The matter will be referred to the relevant Executive Dean of Faculty, Dean of School (or nominee) or the Disclosure Panel for consideration.
- 23.2. The student is also entitled to raise the matter with the Disclosure and Barring Service if they believe the information is incorrect.

24. DISCLOSURE PANEL

- 24.1. A Disclosure Panel will be established to consider disclosures, and only those disclosures, that detail convictions and offences where the Executive Dean of Faculty or nominee wishes to seek further guidance. If necessary, the procedure may be adapted to meet professional body requirements.
- 24.2. The Disclosure panel will consist of:
- the Executive Dean or nominee and one representative from the relevant Faculty or School,
 - a representative from a partner organisation and
 - the Director of Legal Services.

Registry Services will attend the Disclosure Panel to service the meeting but are not members of the Panel.

This membership may vary as necessary but should always include a member of a partner organisation and at least one member of the faculty and a member of Legal Services.

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- 24.3. Students will normally be given 5 working days' notice of the date of the panel meeting and may be accompanied by one 'Companion' who shall be a fellow student or Students' Union representative. The name of the Companion should be shared with Registry Services prior to the Panel meeting, and they are not permitted to answer questions on behalf of the student.
- 24.4. All considerations by the Panel regarding disclosures detailing convictions will be considered in a redacted form to protect the identity of the individual student.
- 24.5. All disclosures detailing convictions will be considered on a case-by-case basis and the requirements of the relevant student activity.
- 24.6. The Disclosure Panel will reach a decision on a case-by-case basis noting the following guidance:
- where the Disclosure reveals evidence of a conviction(s), and this is deemed to have no bearing on the person's enrolment on the student activity, no further action will be taken.
 - Where the Disclosure reveals evidence of a conviction(s), and this is deemed to be unsuitable or have an unsatisfactory bearing on the person's enrolment on the student activity, the student will be advised that they may not continue with the student activity and the offer withdrawn.
 - Where the Disclosure reveals evidence of a conviction(s), as listed in Schedule 4 of the Criminal Justice and Court Services Act 2000, the student will be advised that they may not continue with the student activity and the offer withdrawn.
- 24.7. Therefore, Panel's decision can include but is not restricted to the following:
- Student is clear to undertake regulated activity
 - Transfer to a course without regulated activity
 - Additional references &/or supporting information required before decision can be taken.
 - Termination of studies with no option to return to university
 - Applicant may not continue with the student activity and the offer is withdrawn.
 -
- Decisions of the Disclosure Panel are final, and no right of appeal exists.
- 24.8. All information whether it is discussed, written, printed or copied by the Disclosure Panel will be treated in accordance with the DBS Code of Practice and will not be discussed with anyone not directly involved in the decision. In addition, any information circulated to the Panel will be collected at the end of any meetings and destroyed.
- 24.9. Under no circumstances may the student commence any placement until the Panel has reached their decision and cleared them to undertake regulated activity.

25. PROVISION OF DELIBERATELY FALSE OR MISLEADING INFORMATION

- 25.1. Where it is subsequently discovered that a student deliberately gave false or misleading information, either on the relevant initial Application Form or during the interview, this will be treated as a disciplinary matter subject to the University Disciplinary or Professional Suitability Procedure.
- 25.2. Such action may result in an individual student having their studies terminated or an offer of a place at the University being withdrawn.

26. OFFENCES COMMITTED WHILST ENROLLED AS A STUDENT

- 26.1. It is the responsibility of the student to inform the University immediately should they be convicted of an offence at any point during their studies; this would be treated as a disciplinary matter through the University Disciplinary or Professional Suitability Procedure as necessary and appropriate action taken.

27. ANNUAL DECLARATION

- 27.1. A number of regulatory bodies have introduced a requirement that all students undertaking programmes that lead to registration with the body should declare on an annual basis that they have not received any (further) criminal convictions since their last DBS check. However, in all cases a student must inform the University immediately if their status changes, in line with 26.1 (above)
- 27.2. In view of this requirement the University has introduced an annual declaration for students on programmes where the relevant regulatory body has stated that such a check is necessary and where entry to the programme would require a DBS Check. A copy of the Annual Declaration Form (ACCD) will be available on Portal.
- 27.3. Where successful entry to a programme is dependent upon completion of a DBS check but the relevant regulatory body does NOT require an annual check, the relevant programme may undertake annual checks if deemed necessary.
- 27.4. Registry Services are not responsible for the ACCD. If a Faculty decides that an ACCD is required for a programme it is their responsibility to manage this process and completed forms will be retained by the Faculty.
- 27.5. Where a student declares that they have received a conviction, or there has been a change to their DBS status since initial enrolment on the programme the student may be required to apply for a new DBS Check. The Faculty will notify Registry Services to instigate the process, the Faculty will also decide whether the student is required to be interviewed by the relevant Dean, or nominee, who will decide as to whether the Student Disciplinary or Professional Suitability Procedures should be invoked.
- 27.5.1. The Faculty may also prevent the student from attending any placement pending confirmation from the relevant Dean that no risk of harm exists.

28. PROFESSIONAL OR REGULATORY BODY REGISTRATION

- 28.1. A number of Regulatory Bodies require students or trainees to register with the body as part of their training.
- 28.2. This registration usually requires the student and/or the University to declare and certify that either the student does not have any convictions or to disclose any convictions.
- 28.3. The Regulatory Body may make a recommendation as to the suitability of the student to be placed on or remain on the appropriate register.
- 28.3.1. Where required the University will confirm to the relevant Regulatory Body the outcome of the screening procedure for a particular student on request to allow the relevant Regulatory Body to make an informed decision regarding registration.
- 28.4. Where the Regulatory Body deems that a student may not be placed on the appropriate register the student will have their studies terminated on the relevant programme of study.

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28.5. Where the Regulatory Body deems that a student may be placed on the appropriate register the University will still consider the relevance of the convictions as per section 16 of this procedure.

29. PLACEMENTS

- 29.1. Programmes that require Enhanced Check for Regulated Activity invariably contain some form of placement or experiential learning that brings the student into contact with children or vulnerable adults e.g. clinical placements or school experience.
- 29.2. Students are usually required to successfully complete the placement to allow progression between levels and ultimately successful completion of the programme and registration with the appropriate regulatory body.
- 29.3. Students on placements should not be regarded as 'agency staff' or part of the 'volunteer' workforce.
- 29.4. Students who go on placement overseas as part of their programme, will be expected to obtain an ACRO (Criminal Records Office) Police Certificate and/or ACRO ICPC (International Child Protection Certificate). The University will not require these students to complete a DBS check, however if the overseas placement provider requests this additional check the Faculty will notify Registry Services so the DBS process can be completed by the student in sufficient time prior to the placement start date.
- 29.5. In line with guidance published by the Department for Education and Department of Health & Social Care students are required to have an Enhanced Check for Regulated Activity for entry to the programme but are not required to have additional checks for each placement which is an integral part of the relevant programme.
- 29.6. Therefore, placement providers should not require students to submit for a further DBS check or an Update Service check.
- 29.7. The University does not promote or condone placement providers requiring students to undertake an additional DBS or Update Service check. Advice would be sought from DBS if any Placement Providers wished to undertake additional checks.
- 29.8. It would be a criminal offence for the University, as a Registered Body, to share information contained on a disclosure with any third party. Therefore, the University is unable to divulge the contents of a DBS Certificate, whether it lists a conviction or not, to placement providers. The University can provide placement providers with the result of the University's screening decision, the enhanced disclosure reference number and date of issue.

30. PROCESSING, STORAGE AND DESTRUCTION OF DISCLOSURES

- 30.1. The University complies fully with all aspects of the DBS Code of Practice including the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information
- 30.2. The processing of all personal data in pursuance of obtaining a DBS certificate and associated matters will be conducted in accordance with the rights of a data subject and other provisions as detailed in the relevant data protection legislation.
 - 30.2.1. Moreover, the University will abide by its own policies in relation to Data Protection and Information Security including provisions relating to the principles of the processing of personal data as detailed in the relevant data protection legislation.

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- 30.3. Irrespective of the medium used for communicating Disclosure information, be it hard copy or electronic, the University will ensure at all times that DBS requirements as detailed in the DBS Code of Practice, the Police Act 1997 are adhered to.
- 30.4. The terms 'Disclosure', 'Disclosure Information' or 'Certificate' in this section will be taken to include the following:
- 30.4.1. a hard copy disclosure certificate provided to the University by the individual student.
 - 30.4.2. online result information provided by the Disclosure and Barring Service through the E-Bulk Service.
 - 30.4.3. printout of online result information provided by the Disclosure and Barring Service through either the E-Bulk or Update Service.
 - 30.4.4. an online result provided by the Disclosure and Barring Service through the Update Service. (note the University does not normally accept results provided through the Update Service)
- 30.5. Storage and Access: Disclosure information, including printed online result information, is never kept on a student's personal 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. Access to data, including online results, is restricted through system access being granted only to approved personnel.
- 30.6. Handling: 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. The University will maintain 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. Disclosure information, including electronic results, will not be disclosed or communicated, in any form, to any person outside the University.
- 30.7. Usage: Disclosure information is only used for the specific purpose for which it was requested and for which the student's full consent has been given. The printing of electronic results will be prohibited unless under exceptional circumstances as determined and undertaken by the relevant Counter-signatory.
- 30.8. Retention: In the case of disclosures pertaining to students, once a decision has been made, the University does not keep Disclosure information for any longer than is necessary. This is generally once the disclosure certificate number and date of disclosure has been logged on the student record system, the disclosure or online result will then be disposed of in a secure manner.
- 30.9. In very exceptional circumstances, if it is considered necessary to keep Disclosure information for longer, the University will consult the DBS about this and will consider the Data Protection and Human Rights Acts in relation to individual subjects before doing so. Throughout this time, the usual conditions regarding safe storage and strictly controlled access will prevail.
- 30.10. Disposal: Once the retention period has elapsed, the University will ensure that any Disclosure information is suitably destroyed by secure means, irrespective of medium i.e. by shredding, pulping, burning or securely purging from electronic records. While awaiting destruction, Disclosure information will be kept securely. The University will not keep any photocopy or other image of the Disclosure or any copy, representation or electronic records of the contents or results of a Disclosure Certificate.
- 30.10.1. Where an online DBS application is not completed in full, this will be automatically removed from the system after 90 days. The system will facilitate this by having a 20-day

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reminder message and a 30-day prompt built into the system which will go to the Disclosure Service to cancel incomplete applications and to purge the data.

30.11. Any information revealed by an individual student as part of the University's application process for study may be retained on the individual student's record and will be held in accordance with the University's Data Protection Policy.

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APPENDIX A: DBS APPLICATION PROCESS DIAGRAM

