



University of
Chester

UNIVERSITY OF CHESTER

Student Screening Policy

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UNIVERSITY OF CHESTER

STUDENT SCREENING POLICY

1. POLICY STATEMENT

- 1.1. 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.
- 1.2. When admitting students, the University will:
 - 1.2.1. Appoint a Senior Nominated Officer responsible for the screening process;
 - 1.2.2. 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;
 - 1.2.3. Not include requests for spent or filtered convictions, unless the nature of the proposed study gives/will give students substantial, unsupervised access, on a sustained or regular basis, to the vulnerable or involve regulated activity;
 - 1.2.4. Identify programmes and/or modules of study and student volunteering¹ 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 as such for the protection of the vulnerable, the University and partner organisations; require either an Enhanced Criminal Records Check, Barred List Check or both, through the Disclosure and Barring Service.

2. REHABILITATION OF OFFENDERS ACT 1974 – AS AMENDED.

- 2.1. It is estimated that one fifth of the population has a criminal record. Studying in Higher Education can be part of a rehabilitation process. The purpose of the Rehabilitation of Offenders Act 1974 (ROA 1974) is to make life easier for persons who have been convicted of criminal offences and who have subsequently changed their lifestyle, so as to help them become law-abiding and productive members of society. A scale of arbitrary rehabilitation periods is provided by the Act and, after completing such a period without further convictions, the individual can regard his or her conviction as spent (i.e. as if it had never occurred) when applying for all jobs and study in Higher Education, other than those that are exempted.
- 2.2. A spent conviction may not be used as ‘a proper ground for dismissing or excluding a person from any office, profession, occupation or employment, or for prejudicing him or her in any way in any occupation or employment’ (s.4(3) ROA 1974), subject to certain occupational exemptions.
- 2.3. The provisions relating to the non-disclosure of spent convictions do not apply to certain offices and employments and related occupations. Within the University, certain programmes, modules of study and student volunteering that involve regular contact with children, vulnerable adults or include Regulated Activity (as listed in the Student Screening Procedures) are regarded as subject to exemption from the ROA.
- 2.4. 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. It should be noted that the decision would relate to the programme, module or activity, not individual students. To facilitate this process the following will be taken into account when deciding on the relevance of offences to particular areas of study:

¹ Defined as extra curricular activities that do not carry academic credit eg Millennium Volunteering, Cygnets etc

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- 2.4.1. Does the student activity² involve one-to-one contact with children, or other vulnerable groups such as employees, members of partner organisations or customers and clients?
 - 2.4.2. May the student activity be regarded as a 'regulated' activity under the Safeguarding Vulnerable Groups Act 2006
 - 2.4.3. Does the student activity involve direct contact with the public?
 - 2.4.4. Does the student activity involve and direct responsibility for resources, finance or other items of value?
 - 2.4.5. What level of supervision will the students receive?
 - 2.4.6. Will the nature of the student activity present any opportunities for students with a criminal conviction to re-offend?
- 2.5. The fact that an individual is applying for a student activity that is considered exempt from the ROA 1974 and he/she has a criminal record will not automatically render her/him unsuitable. The University will make a judgement as to the individual's suitability taking into account only those offences that may be relevant to the particular activity in question. A Senior Nominated Officer or the Disclosure Panel will make the decision.
- 2.6. To facilitate this process the applicant's criminal record will be assessed in relation to the tasks he or she will be asked to perform and the circumstances in which the work is to be carried out. In deciding the relevance of convictions the following points will be considered:
- 2.6.1. 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;
 - 2.6.2. The circumstances leading up to the offence, for example the influence of domestic or financial difficulties;
 - 2.6.3. Repeat offences, i.e. whether the offence was a one-off, or part of a history of offending;
 - 2.6.4. The length of time since the offence(s) occurred;
 - 2.6.5. Whether the applicant's circumstances have changed since the offence was committed, making re-offending less likely;
 - 2.6.6. The degree of remorse, or otherwise expressed by the applicant and their motivation to change.
 - 2.6.7. Certain offences as listed in Schedule 4 of the Criminal Justice and Court Services Act 2000 (Student Screening Procedures: Appendix I) will automatically render applicants unsuitable for any student activity that may require substantial, unsupervised access, on a sustained or regular basis, to the vulnerable.
- 2.7. 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 taken into account. As of 29th May 2013 the DBS removed certain specified old and minor offences from criminal record certificates. This process has been defined as 'Filtering'.
- 2.8. Under the filtering rules applicants will no longer need to declare certain convictions or cautions irrespective of whether the applicant 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.
- 2.9. 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

² Programmes of Study, Modules of Study or Student Volunteering

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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.

2.10. 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.

3. THE POLICE ACT 1997

3.1. Part V of the Police Act 1997 includes measures that will enable all organisations in England and Wales, irrespective of whether they are likely to ask exempted questions under the terms of the Rehabilitation of Offenders Act, to obtain criminal record information about prospective employees and volunteers from a centralised source – the Disclosure and Barring Service – an executive agency of the Home Office.

3.2. There are three types of criminal records checks, known as Disclosures:

3.2.1. The Basic Disclosure - not currently available

All employers and volunteering organisations will be entitled to ask prospective employees/volunteers to obtain a Basic Disclosure. This Disclosure will be available to all members of the public and be obtainable directly from the DBS without the need to go through an employer or volunteering organisation. The Basic Disclosure will show all convictions held at national level which are not 'spent' as defined under the terms of the Rehabilitation of Offenders Act (ROA) 1974. This service will be introduced only when the DBS is meeting Service Level Agreements for Standard and Enhanced Disclosures, and when the regulations that were deferred back in 2002, for Care Homes, agency nurses and domiciliary workers, etc. have been reintroduced.

3.2.2. The Standard Disclosure

These are primarily for positions 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.

(Spent convictions - A person convicted of all but the most serious criminal offences and who receives a sentence of no more than 4 years in prison, benefits from the Rehabilitation of Offenders Act if they are not convicted again during a specified period. This is called the rehabilitation period. In general terms, the more severe a penalty is, the longer the rehabilitation period. Once a rehabilitation period has expired and no further offending has taken place, a conviction is considered to be 'spent'.)

3.2.3. The Enhanced Disclosure Including a Barred List check

These are for those who undertake 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, this 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, and certain statutory licensing purposes.

All Enhanced Disclosures involve an extra level of checking with local police force records in addition to checks with the Police National Computer (PNC) and the government department lists held by the Disclosure and Barring Service, where appropriate. Local police information can be contained on both copies of the Disclosure. It is up to the Chief Constable of the relevant

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police force or forces to decide what, if any, information is disclosed. Chief Constables can decide that some information may be relevant to the position but do not wish the prospective employee to see the information. This information will be sent separately to the person who countersigned the application only.

4. SAFEGUARDING VULNERABLE GROUPS ACT 2006

- 4.1. 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.
- 4.2. Prior to October 2009 there were three separate lists of persons who are barred from working with children or, as the case may be, vulnerable adults. These lists operate under different legislation and with different criteria and procedures: List 99 (a list of those in respect of whom directions under section 142 of the Education Act 2002 have been made), the Protection of Children Act (POCA) List (maintained under the Protection of Children Act 1999) and the Protection of Vulnerable Adults (POVA) List (maintained under Part 7 of the Care Standards Act 2000). Disqualification orders made by a court (under Part 2 of the Criminal Justice and Court Services Act 2000) also bar individuals from working with children.
- 4.3. The SVGA provided the legislative framework for barring unsuitable individuals on the basis of referrals and introduced the notion of Regulated Activity.
- 4.4. The Act provides that:
 - 4.4.1. 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”).
 - 4.4.2. There will be a Disclosure and Barring Service (“DBS”). 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.
 - 4.4.3. There will be four routes to inclusion on one or both of the barred lists
 - 4.4.3.1. Automatic inclusion on one or both of the barred lists as a result of receiving a caution or conviction for specified offences, or other criteria which may be specified (such as orders, foreign orders or directions, and inclusion on a foreign barred list). There will be no right for the individual to make representations nor a right of appeal in these cases.
 - 4.4.3.2. Automatic inclusion on one or both of the barred lists as a result of receiving a caution or conviction for certain other specified offences or as a result of having met some certain other specified criteria. There will be a right to make representations and a right of appeal following inclusion.
 - 4.4.3.3. Specified behaviour (the term “relevant conduct” is used in the Act) that leads to consideration for inclusion on one or both of the barred lists. This includes, for example, conduct which harms a child in the case of the children’s barred list, or conduct which harms a vulnerable adult in the case of the adults’ barred list, or conduct involving child pornography for both lists.
 - 4.4.3.4. Risk of harm: where evidence suggests that an individual may present a risk of harm to children or vulnerable adults, this will lead to consideration for inclusion on the appropriate list.

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- 4.4.4. 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.
- 4.4.5. 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.

4.5. A number of definitions are given in the Act, these are as follows:

- 4.5.1. **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 fulltime education they are considered an adult.
- 4.5.2. **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).
- 4.5.3. **Regulated Activity Provider:** - An employer who employs a person to work (paid or unpaid) in a regulated activity.
- 4.5.4. **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. More over relevant conduct 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.
- 4.5.5. **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 undoubtedly includes HEI's and the University of Chester.
- 4.5.6. **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.

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

- 4.6.1. A barred individual must not undertake regulated activity. It will be an offence for a barred person to undertake regulated activity for any length of time.
- 4.6.2. A Regulated Activity Provider must not engage in regulated activity a barred person. Any RAP taking on a person in a regulated activity will commit a criminal offence if they fail to check the status of an applicant, employee, or volunteer.
- 4.6.3. 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.
- 4.6.4. 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.

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5. PROTECTION OF FREEDOMS ACT 2012

- 5.1. The Protection of Freedoms Act 2012 amended aspects of the Safeguarding Vulnerable Groups Act, abolished the requirement for individuals to be registered or monitored by the Independent Safeguarding Authority, abolished the notion of ‘Controlled Activity’, redefined ‘Regulated Activity’ and merged the Criminal Records Bureau and Independent Safeguarding Authority into the Disclosure and Barring Service.
- 5.2. The Act has also strengthened the portability of DBS Disclosures in allowing applicants to register for the on-line Update Service whilst restricting the issuing of Disclosure Certificates to the applicant only (Single Certificate) and introducing the minimum age of 16 for the application of a DBS check. .

6. DISCLOSURE AND BARRING SERVICE CHECKS

- 6.1. The decision to carry out a Disclosure and Barring Service check through the Disclosure Service will be taken during programme or volunteering planning and validation. It should be noted that the decision would relate to the post, not an individual student.
- 6.2. In addition to the factors identified above in paragraphs 2.4 and 2.6 the University will also take into account the following advice and guidance.
- 6.3. In accordance with the advice given in DfEE Circular No 9/93 – “Protection of Children: Disclosure of Criminal Background of Those with Access to Children” and subsequent publications such as “Keeping Children Safe in Education: Statutory guidance for schools and colleges, July 2015”, the arrangements described in the Procedure concern procedures for making checks on the criminal background of people who are applying for or undertaking work which is regarded as a Regulated Activity.
- 6.4. When deciding whether a student activity would meet the above criteria the activity planning team³ should ask the following illustrative questions which should generally be considered together, though there may be individual circumstances where one factor alone would be enough to justify a check:
 - Does the student activity involve one to one contact?
 - Is the student activity unsupervised?
 - Is the situation an isolated one?
 - Is there regular contact?
 - Are the children particularly vulnerable?
- 6.5. The fact that an individual has a criminal record does not automatically render her/him unsuitable for work with children. The University will make a judgement as to the individual’s suitability taking into account only those offences that may be relevant to the particular post in question. On the other hand, it is not only sexual offences that may render a person unsuitable. An individual’s suitability will be looked at in the light of all the information available. Where a conviction comes to light, either detailed on a disclosure certificate or by other means such as admission by an individual student, the decision regarding entry or continued enrolment on a programme of study or other activity is detailed in the Procedure.

7. DISCLOSURE PANEL

- 7.1. A Disclosure Panel will be established to consider disclosures, and only those disclosures, that detail convictions and offences where the Dean of School or nominee wishes to seek further guidance.
- 7.2. All considerations by the panel regarding disclosures detailing convictions will be considered in a redacted form so as to protect the identity of the individual applicant.

³ Programme Planning Team, Module Tutor, Volunteering Leader

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- 7.3. The Disclosure Panel will not consider any disclosures which detail that the applicant is barred from regulated activity by the DBS. Any such persons will be immediately required to withdraw from the programme, or any offer of study will be withdrawn. The University will also refer such persons to the DBS as statutorily required.
- 7.4. 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.
- 7.5. 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 applicant will be advised that they may not continue with the student activity and the offer withdrawn.
- 7.6. Where the Disclosure reveals evidence of a conviction(s), as listed in Schedule 4 of the Criminal Justice and Court Services Act 2000, the applicant will be advised that they may not continue with the student activity and the offer withdrawn.
- 7.7. The membership and working of the Disclosure panel will be outlined in the Procedure.

8. COST OF DISCLOSURES

- 8.1. The Disclosure and Barring Service determines the cost of disclosure prospective students and current students are expected to meet the cost and any additional administration costs as appropriate.

9. SENIOR NOMINATED OFFICER

- 9.1. The Director of Legal Services is designated as the Senior Nominated Officer and is responsible, on behalf of the Lead Signatory, for:
 - 9.1.1. Overseeing the operation of the checking procedure within the University (including training where necessary);
 - 9.1.2. Ensuring that requests fall within the terms of the University Policy on Student Screening;
 - 9.1.3. Ensuring that requests are made at the right time;
 - 9.1.4. Ensuring that information received is released only to those who need to see it;
 - 9.1.5. Ensuring that records are kept securely and destroyed after use.
 - 9.1.6. Co-ordinating and leading the administrative processes required across University of Chester, and its satellite campuses in support of applications and processes for Disclosure and Barring Service disclosures relating to applicants and to current students; and
 - 9.1.7. Being a source of contact in relation to DBS disclosures both internally and externally.
- 9.2. The Institutional Compliance Officer will act on behalf of the Senior Nominated Officer as appropriate or necessary.

10. PROCEDURE FOR CARRYING OUT SCREENING

- 10.1. There will be a written Procedure (the Procedure) for the following:

- Applicant self declaration
- DBS checks
- Annual self declaration
- Use of the vetting and barring scheme
- Any other associated process deemed necessary.

- 10.2. The Procedure may be amended as and when necessary with approval of the Senior Nominated Officer.

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11. OFFENCES COMMITTED WHILST ENROLLED AS A STUDENT

11.1. Should a student be convicted of an offence during the course of his/her studies this will be treated as a disciplinary matter through the University Disciplinary or Professional Suitability Procedure as necessary and appropriate action taken.

12. DISCREPANCIES AND DISAGREEMENTS

12.1. Where the information provided by the Disclosure and Barring Service differs from that provided by the applicant, and is of significance, the Senior Nominated Officer will discuss the discrepancy with the individual, to ascertain the facts, before referring the matter to the relevant Dean of School or nominee or the Disclosure Panel, who will reach a decision in light of the above criteria as outlined in paragraphs 2.4 and 2.6.

12.2. Where there is disagreement, the individual will be provided with the opportunity to discuss the information provided. An individual believing the information to be incorrect and who wishes to make representations to the Disclosure and Barring Service should do so in the first instance as per the guidelines published by the Disclosure and Barring Service.

13. THE DISCLOSURE AND BARRING SERVICE CODE OF PRACTICE

13.1. As an organisation using the Disclosure and Barring Service (DBS) Disclosure service to help assess the suitability of applicants 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. 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 and has a written policy on these matters, which is available to those who wish to see it on request.

14. PROCESSING, STORAGE AND DESTRUCTION OF DISCLOSURES

14.1. 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 Data Protection Act 1998.

14.1.1. Moreover, the University will abide by its own policies in relation to Data Protection and Information Security including provisions relating to Principle 7 of the Data Protection Act 1998.

14.2. 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.

14.3. The terms 'Disclosure', 'Disclosure Information' or 'Certificate' in this section will be taken to include the following:

14.3.1. a hard copy disclosure certificate provided to the University by the Disclosure and Barring Service.

14.3.2. a hard copy disclosure certificate provided to the University by the individual applicant.

14.3.3. online result information provided by the Disclosure and Barring Service through the E-Bulk Service.

14.3.4. an online result provided by the Disclosure and Barring Service through the Update Service.

14.3.5. printout of online result information provided by the Disclosure and Barring Service through either the E-Bulk or Update Service.

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- 14.4.**Storage and Access:** Disclosure information, including printed online result information, is never kept on an applicant'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. Moreover, access to data, including online results, is restricted through system access being granted only to approved personnel.
- 14.5.**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. Whilst, the University will maintain a record of all those to whom Disclosures or Disclosure information has been revealed and we recognise 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.
- 14.6.**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. The printing of electronic results will be prohibited unless under exceptional circumstances as determined and undertaken by the relevant Countersignatory.
- 14.7.**Retention:** In the case of disclosures pertaining to students, 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 generally once the disclosure certificate number and date of disclosure has been logged on the student record system, as per OfSTED guidance relating to the Single Central Record, and a final recruitment decision made. The disclosure or online result will then be disposed of in a secure manner.
- 14.7.1. 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 give full consideration to 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.
- 14.8.**Disposal:** Once the retention period has elapsed, the University will ensure that any Disclosure information is immediately 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 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, representation or electronic records of the contents or results of a Disclosure Certificate.
- 14.8.1. 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 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.
- 14.9. Any information revealed by an individual applicant 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.

15. CHECKS ON APPLICANTS FROM ABROAD

- 15.1. The Disclosure and Barring Service is currently not able to conduct overseas enquiries. However, it hopes to be able to provide information on contact details to enable employers to make their own enquiries to appropriate overseas authorities.
- 15.2. Certificates of good conduct may be obtained from some EU countries, although the level of detail provided varies from country to country. Further advice may be sought from the Institutional Compliance Officer or DBS.

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16. OTHER RELEVANT SAFEGUARDING CHECKS

16.1.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.

17. PROVISION OF DELIBERATELY FALSE OR MISLEADING INFORMATION

17.1.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.

17.2.Such action may result in an individual student being withdrawn from study or an offer of a place at the University being withdrawn.

18. POLICY REVIEW

18.1.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.

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Appendix A

Summary of the new definition of regulated activity

The full, legal definition of regulated activity is set out in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006, as amended (in particular, by the Protection of Freedoms Act 2012) and may be found at <https://www.gov.uk/government/collections/dbs-referrals-guidance--2>

Regulated activity still excludes family arrangements, and personal, non-commercial arrangements.

1. Regulated activity relating to children

The new definition of regulated activity relating to children comprises only:

- (i) Unsupervised activities: teach, train, instruct, care for or supervise children, or provide advice/guidance on well-being, or drive a vehicle only for children;
- (ii) Work for a limited range of establishments ('specified places'), with opportunity for contact: for example, schools, children's homes, childcare premises. Not work by supervised volunteers;

Work under (i) or (ii) is regulated activity only if done regularly. We are providing statutory guidance about supervision of activity which would be regulated activity if unsupervised.

- (iii) Relevant personal care, for example washing or dressing; or health care by or supervised by a professional;
- (iv) Registered child-minding; and foster-carers.

2. Regulated activity relating to adults

The new definition of regulated activity relating to adults no longer labels adults as 'vulnerable'. Instead, the definition identifies the activities which, if any adult requires them, lead to that adult being considered vulnerable at that particular time. This means that the focus is on the activities required by the adult and not on the setting in which the activity is received, nor on the personal characteristics or circumstances of the adult receiving the activities. There is also no longer a requirement for a person to do the activities a certain number of times before they are engaging in regulated activity.

There are six categories of people who will fall within the new definition of regulated activity (and so will anyone who provides day to day management or supervision of those people). A broad outline of these categories is set out below. For more information please see the Safeguarding Vulnerable Groups Act 2006, as amended by the Protection of Freedoms Act 2012.

(i) Providing health care

Any health care professional providing health care to an adult, or anyone who provides health care to an adult under the direction or supervision of a health care professional. Please see the Safeguarding Vulnerable Groups Act 2006, as amended by the Protection of Freedoms Act 2012, for further details about what is meant by health care and health care professionals.

(ii) Providing personal care

Anyone who:

provides physical assistance with eating or drinking, going to the toilet, washing or bathing, dressing, oral care or care of the skin, hair or nails because of an adult's age, illness or disability; prompts and then supervises an adult who, because of their age, illness or disability, cannot make the decision to eat or drink, go to the toilet, wash or bathe, get dressed or care for their mouth, skin, hair or nails without that prompting or supervision; or

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trains, instructs or offers advice or guidance which relates to eating or drinking, going to the toilet, washing or bathing, dressing, oral care or care of the skin, hair or nails to adults who need it because of their age, illness or disability.

(iii) Providing social work

The provision by a social care worker of social work which is required in connection with any health care or social services to an adult who is a client or potential client.

(iv) Assistance with cash, bills and/or shopping

The provision of assistance to an adult because of their age, illness or disability, if that includes managing the person's cash, paying their bills or shopping on their behalf.

(v) Assistance in the conduct of a person's own affairs

Anyone who provides various forms of assistance in the conduct of an adult's own affairs, for example by virtue of an enduring power of attorney. Please see the Safeguarding Vulnerable Groups Act 2006, as amended by the Protection of Freedoms Act 2012, for the further categories which are covered here.

(vi) Conveying

A person who transports an adult because of their age, illness or disability either to or from their place of residence and a place where they have received, or will be receiving, health care, personal care or social care; or between places where they have received or will be receiving health care, personal care or social care. This will not include family and friends or taxi drivers.

<http://www.homeoffice.gov.uk/publications/agencies-public-bodies/dbs/corporate-publications/disclosure-and-barring-changes/leaflet-england-wales?view=Binary>

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REFERENCE DOCUMENTS

Employing People With Conviction – written by HR Connect Ltd. With the help and advice of the Chartered Institute of Personnel and Development (CIPD) and supported by:

The Confederation of British Industry (CBI)
The Trades Union Congress (TUC)
The Federation of Small Businesses (FSB)
The Advisory, Conciliation and Arbitration Service (ACAS)
The Disclosure and Barring Service (DBS)
Nacro

Disclosure and Barring Service – Disclosure Service

DFE (July 2015) Keeping Children Safe in Education: Statutory Guidance for Schools and College

DfEE Circular 9/93 ‘Protection of Children: Disclosure of Criminal Background of Those With Access to Children’

DfEE Circular 10/95 ‘Protecting Children from Abuse: The Role of the Education Service’

DfEE Circular 11/95 ‘Misconduct of Teachers and Workers with Children and Young Persons

DfEE Guidance Document on ‘Recruitment and Selection Procedures: Vetting Teachers and Other Staff who will have Contact with Children’

Chartered Institute of Personnel and Development (CIPD) Guidance Document on ‘Employing People with Criminal Records’

Home Office Guidance Document ‘Caring for Young People and the Vulnerable? Guidance for Preventing Abuse of Trust’

Her Majesty’s Government, (2012). ‘*Changes to disclosure and Barring: What you need to Know*’, available from <http://www.homeoffice.gov.uk/publications/agencies-public-bodies/dbs/corporate-publications/disclosure-and-barring-changes/leaflet-england-wales?view=Binary>

Staff Handbook Section 2D Employee Screening – Policy and Procedure Feb 2002

Teaching & Development Agency for Schools – Handbook of Guidance

The Protection of Children Act 1999.

The Safeguarding Vulnerable Groups Act 2006

The Protection of Freedoms Act 2012