



Staff Criminal Convictions, Disclosures and Barring Policy

1. Scope and Purpose

- 1.1 This policy outlines our arrangements on the recruitment of staff with criminal convictions, the use of disclosures, the storage and use of information on convictions which has been disclosed by the Disclosure and Barring Service (DBS).
- 1.2 This policy applies to all staff groups, including contractors, individuals who have an honorary contract with Anglia Ruskin, temporary workers, volunteers for International Community Experience (ICE) projects and individuals engaged by Anglia Ruskin University on a self-employed basis. Applicants will be directed to the policy at the outset of the recruitment process

2. Recruitment of Staff with Criminal Convictions

- 2.1 The Rehabilitation of Offenders Act 1974 (ROA) provides that ex-offenders are not usually required to disclose to prospective employers, convictions defined as 'spent' under the Act. It is our policy to require applicants to disclose any 'unspent' criminal convictions as part of their application, except in the case of applications for jobs which are eligible for a disclosure where all convictions should be disclosed. Having a criminal record will not necessarily bar an applicant from working for us; the nature of a disclosed conviction and its relevance to the job will be considered.
- 2.2 Where a conviction has been disclosed in an individual's application for a job with us, a discussion will take place to consider and determine the relevance of the offence to the position. Failure to reveal information relating to unspent convictions could lead to withdrawal of an offer of employment or disciplinary action for existing staff.

3. The Disclosure and Barring Service

- 3.1 The DBS assists employers in making safe recruitment/employment decisions by identifying candidates who are unsuitable for certain work, particularly work which involves undertaking Regulated Activity. It may also be relevant for occupations which are exceptions to the ROA.
- 3.2 Anglia Ruskin University is a registered user of the DBS and will comply with their [code of practice](#) and undertakes to treat all applicants/employees fairly and consistently. We will not discriminate unfairly on the basis of conviction or other information revealed in a disclosure.
- 3.3 Requesting a Disclosure

There are three different levels of disclosure; Basic, Standard and Enhanced. In addition with an enhanced disclosure it is possible to obtain a barred list check to identify whether an individual is barred from working with either children or certain adults. [Further details](#) are available on the DBS website.

A disclosure will only be requested for roles in accordance with the [DBS eligibility guidance](#). Managers should establish the level of check required by completing the [online check](#) and provide a copy to HR Services confirming the level of check required. Appendix 1 indicates those jobs within Anglia Ruskin University which are likely to meet the requirements for a disclosure. All employees undertaking 'Regulated Activity' will require a check. There may also be a legal or

contractual requirement to check for certain roles (e.g. from OFSED or the NHS).

Where a disclosure is required for a new position, the advertisement and person specification will include a clear statement to this effect.

Standard and Enhanced disclosures are applied for by Anglia Ruskin University whereas employees will need to request the Basic disclosures by applying [directly to the DBS](#). They will be reimbursed for any costs via the expenses process.

3.4 Undertaking Regulated Activity Prior to Receipt of DBS Check

Employees and new starters should not undertake regulated activity until HR Services have confirmed that the disclosure certificate is acceptable. Individuals will be sent a copy by the DBS and will be required to provide a copy of the original certificate to HR Services as soon as they receive it. Line managers are responsible for checking that this has taken place.

The only exception is where we can obtain a [DBS Adult First check](#) and this confirms that a person can be permitted to start work, under supervision, with vulnerable adults before a DBS certificate has been obtained.

3.5 Disclosure Certificate

The DBS will remove certain specified old and minor offences in line with the DBS filtering rules.

If the disclosure identifies convictions or other relevant information the following information should be considered:

- The seriousness of the offence and its relevance to the safety of other employees/students/members of the public.
- The length of time since the offence occurred.
- Whether the offence was a one-off or part of a history of offending.
- Any relevant information offered by the applicant about the circumstances that led to the offence being committed.
- Whether the individual has disclosed the offence.

The Chair of the appointment panel or Dean/Director will make a decision in conjunction with HR Services about whether any action needs to be taken. For new appointments if the decision is not to appoint, a letter will be sent to the applicant withdrawing the offer of employment and stating the reasons for this decision.

3.6 Re-checking of DBS Status

All individuals who require a disclosure will need to be rechecked every 3 years and/or after a break in service. Certain groups of staff, e.g. those who require a research passport may be required to have a check more frequently.

The DBS Update Service allows individuals to keep their DBS Certificate up-to-date and take it with them from role to role or within the same workforce where the same type and level of check is required. There is a fee for subscribing to the update service although it is free for volunteers. Employees who due to the nature of their role are required to have on-going regular DBS checks will be able to reclaim the cost of subscribing to the Update Service

The DBS update service allows us to undertake a status check to see if any information has come to light since the certificate was issued. Re-checks can be done using the update service where appropriate.

3.7 Portability of Disclosures

If an individual already has a check of the same type and level and has subscribed to the Update

Service we will accept disclosures obtained by other organisations.

4. **Barring**

- 4.1 The DBS will assess relevant information on individual applicants and, where they believe this indicates that the individual poses a risk, bar them from working in a regulated activity with children and/or adults. They will not bar every single individual with a criminal conviction only those who pose an obvious risk.
- 4.2 A person who is barred from undertaking regulated activity will be breaking the law if they work or volunteer, or try to work or volunteer with those groups. If we knowingly employ someone in a job undertaking regulated activity who is barred from undertaking regulated activity we will also be breaking the law.

We are required to refer information about individuals who may pose a risk to the DBS. This will be undertaken in line with the DBS guidance on making referrals.

5. **Secure Storage, Handling, Use, Retention and Disposal of Disclosures & Disclosure Information**

- 5.1 We comply with our obligations under the General Data Protection Regulation (GDPR), Data Protection Act 2018 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of certificate information. We are regulated by the DBS and the Information Commissioner's Office
- 5.2 Disclosure information is stored securely with access controlled and limited to those who are entitled to see it as part of their duties.
- 5.3 Disclosure information will only be shared with those who are authorised to receive it in the course of their duties.
- 5.4 Employees processing personal data are appropriately trained in procedures and system use.
- 5.5 Once a recruitment (or other relevant) decision has been made, we do not keep disclosure information for any longer than is necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints. In some circumstances it will be kept longer than 6 months, for example; if you are a Tier 2 worker when we are required to retain documents for 12 months after sponsorship has ended. This period is defined by Appendix D of the Sponsor Guidance.
- 5.6 Once the retention period has elapsed, we will ensure that any disclosure information is destroyed securely.

We will only keep a photocopy of the disclosure with the individual's permission. We will keep a record of the date of issue of a disclosure, the name of the subject, the type of disclosure requested (including whether barred list checks were obtained), the position for which the disclosure was requested, the unique reference number of the disclosure and the details of the decision taken.

- 5.7 Any third parties engaged as data processors in the DBS check process are aware of the Data Protection principles and are engaged through contractually binding written instructions on secure handling and storage of information. For data protection purposes, information passed to us (as a Registered Body and a Data Controller) by DBS remains our responsibility even if passed to a third party as a Data Processor.
- 5.8 We will ensure business continuity and disaster recovery measures are in place to ensure the availability of DBS Data.

6. Review

This policy will be reviewed on a regular basis in line with changes to legislation, and in any case no later than three years following approval.

Originally approved by CMT on 17 June 2013
Reviewed December 2013
Terminology updated September 2015
Updated following a change to the DBS process March 2016
Latest approval by CMT 22 November 2018

Non Exhaustive Examples of ARU Jobs Requiring a DBS Check

Job Title	Faculty/Service	Type of Check	Children's Barred List Check	Adults Barred List Check
Academic staff/Associate Lecturers ¹ /Visiting Tutors in Education (including EYPS Consultants) who regularly go into schools.	HEMS	Enhanced	Yes	No
Academic staff/Associate Lecturers/Visiting Tutors in Social Work who supervise trainee social workers on placements.	HEMS	Enhanced	Yes (if undertaking social work with children)	Yes (if undertaking social work with adults)
Academic staff/Associate Lecturers/Visiting Tutors in Nursing/Midwifery who undertake link activity or other types of regulated activity.	HEMS	Enhanced	Yes (if they work with children)	Yes (if they work with adults)
Clinical Skills Tutors	HEMS	Enhanced	Yes (if they work with children)	Yes (if they work with adults)
Academic staff/Associate Lecturers/who teach/supervise students who under the age of 18 at least once a week or on at least 4 days in a 30 day period	Any	Enhanced	Yes	No
Disabled Students Allowance Assessors	Student Services	Basic	n/a	n/a
Dyslexia and Disability Advisors	Student Services	Basic	n/a	n/a
Schools and Colleges Liaison Officers	Corporate Marketing	Enhanced	Yes	No
HE Champions	Corporate Marketing	Enhanced	Yes	No
ICE Volunteers	Chaplaincy	Enhanced	Yes (if they work with children)	Yes (if they work with adults)
Associate Chaplain	Chaplaincy	Enhanced	No	No
Counsellors and Mental Health Advisors	Student Services	Enhanced	No	Yes

¹ Previously known as Hourly Paid Lecturers (HPLs)