

University of Gloucestershire

Disclosure of Criminal Records Policy

1. Purpose

- 1.1 The University is committed to the creation and support of a balanced, inclusive and diverse community. It also has a duty to ensure that it makes safe decisions about who to accept onto its programmes.
- 1.2 Normally to refuse to offer an individual a place on a programme because of a spent conviction is unlawful; however some exemptions to activities and professions are specified under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and Police Act 1997. Organisations have a duty to ensure that they do not recruit someone to a programme who is barred to undertake activities or work deemed 'regulated activity' by legislation.
- 1.3 The Disclosure and Barring Service (DBS), previously known as the Criminal Records Bureau, was set up by the Home Office to improve access to these criminal records. This is done via a Disclosure Check, which is a process for gathering information about someone's spent and unspent criminal convictions and other cautions, reprimands and final warnings given by the Police. This service enables organisations in the public, private and voluntary sectors to make safer recruitment decisions by identifying candidates who may be unsuitable, or present a risk, for certain work, especially when working with children and/or adults classed as vulnerable.
- 1.4 The results of the check are printed on a document officially known as a Disclosure.
- 1.5 This policy sets out how the University of Gloucestershire will meet its obligations to conduct Disclosures where necessary.

2. Scope

- 2.1 This policy applies to all applicants and current students at the University of Gloucestershire including students who may have temporarily withdrawn from study.
- 2.2 Portability of a paper Disclosure Check between organisations is not endorsed by the DBS. Accordingly, the University will not accept a Disclosure obtained for a position in another organisation. However, the University will accept disclosures which have been registered with the update service.
- 2.3 People under the age of 16 are unable to apply for a Disclosure Check and therefore will not be engaged in activities that require criminal records disclosure.

3. General Principles

- 3.1 Having a criminal record will not always prevent the individual from studying at the University. This will depend on the nature of the course, the circumstances and the background of the offences.
- 3.2 The University must ensure that it is entitled to ask a person to reveal their conviction history under the associated legislation before requesting a Disclosure Check, and that it is entitled to check the barred list where appropriate.
- 3.3 Following the DBS filtering process, Checks will reveal spent and unspent convictions, cautions, reprimands and final warnings held on the Police National Computer. An enhanced check will also include local Police records. Local police agencies will disclose any non-conviction information if they reasonably believe it to be relevant to the programme proposed.

Further information relating to the DBS filtering processes can be found via DBS Filtering Guidance.

- 3.4 The University is a registered organisation for the application of standard, enhanced and enhanced plus barred list Disclosure applications.
- 3.5 The University is responsible for assessing which courses require a Disclosure application to be made, and the appropriate level of check required. This assessment will be based on the nature of, and responsibilities within the course. This information will be assessed in line with the eligibility guidance issued by the Disclosure and Barring Service.

4. Definitions of Regulated Activity

- 4.1 Under the Safeguarding Vulnerable Groups Act 2006 and amended by the Protection of Freedoms Act 2012, a child is defined as someone who has not yet attained the age of 18. Regulated activity in relation to children focuses on work which involves close and unsupervised contact, specifically:
 - 4.1.1 Regularly undertaking unsupervised activities: teach, train, instruct, care for or supervise children, or provide advice/guidance on well-being, or drive a vehicle only for children;
 - 4.1.2 Regularly working for a limited range of establishments ('specified places') with opportunity for contact: for example, schools, children's homes, childcare premises, but not work by supervised volunteers;
 - 4.1.3 Relevant personal care, for example washing or dressing; or health care by or supervised by a professional, even if on a 'one-off' occasion.
 - 4.1.4 Registered child minding and foster-carers.

- 4.1.5 Day to day management, on a regular basis, of an individual undertaking regulated activity.
- 4.2 'Regularly' means a regulated activity carried out by the same person either once a week or more, or, on 4 or more days in a 30 day period or in some cases overnight between 2am and 6am.
- 4.3 Under the Safeguarding Vulnerable Groups Act 2006 and amended by the Protection of Freedoms Act 2012, regulated activity in relation to adults focuses on work which involves close and unsupervised contact with an adult that may then lead to them being considered vulnerable at a particular time. There are six categories of regulated activity for adults:
- 4.3.1 Providing health care (healthcare professionals)
- 4.3.2 Providing personal care (i.e. washing, dressing, eating and drinking)
- 4.3.3 Providing social work in connection with health or social services
- 4.3.4 Assistance with cash, bills and/or shopping;
- 4.3.5 Assistance in the conduct of a person's own affairs (i.e. power of attorney)
- 4.3.6 Transporting an adult because of their age, illness or disability to or from a place where they have or will receive, health care, personal care or social care.

5. Courses Requiring Disclosure

- 5.1 Where a course has been identified as requiring any level of Disclosure application to be made, the offer of study made by the University will be subject to the outcome of the Disclosure application.
- 5.2 In the event that a student declines to apply for Disclosure where it is deemed a requirement, the University will be entitled to withdraw any offer of study that may have been made.
- 5.3 In the case of a substantial record of overseas residence, a Police certificate of good conduct, if applicable to that country, or Disclosure from that country may also be required.
- 5.4 The University will work with its stakeholders in applying this Policy to student applicants and ensure that associated procedures meet the needs of those with an interest in safe recruitment decisions.
- 5.5 Applicants required to undertake a Disclosure will be informed either via the course information pages on the University's website or in communication with the Admissions

Team on receipt of your application.

- 5.6 The University uses the services of an external organisation to process Disclosures. Applicants will receive instructions about applying for a Disclosure following receipt of the application.
- 5.7 Any student who has temporarily withdrawn from their programme, transferring from other courses or re enrolling after a period of absence, will be required to restart the DBS application process. This will include re-completing any risk assessments with university academic staff and business/placement partners that may be a condition of your offer to study.
- 5.8 Any student starting a course that requires DBS clearance in order to commence a placement must have this in place prior to starting the programme. Any risk assessment meetings will, where possible take place prior to course start date. If this is not possible (for example admissions through clearing) separate acknowledgement should be gained from the student prior to accepting their place, that should any disclosures on their DBS deem them unsuitable for study, and this decision is made after the first two weeks of study, that the student accepts they will be asked to leave the programme and also sacrifice 25% of their course fee.

6. Handling Disclosure Data

- 6.1 The University policy and associated procedure have been produced to comply with the regulations outlined in the DBS Code of Practice and also operate within the remit of the General Data Protection Regulations.

7. Policy Review

- 7.1 This policy will be reviewed on a regular basis to ensure it remains compliant with any DBS legislation revisions and good employment practice.
- 7.2 Students and staff should refer to our [DBS Procedures](#) for more information about the process.

This Disclosure of Criminal Records Policy is due for review October 2020