

Date: July 2023

Disclosure and Barring Service (DBS) employment checks

From: Human Resources

1 About the procedure

- 1.1 Employers have a legal duty to ensure that candidates applying for jobs that involve carrying out a regulated activity, especially work involving vulnerable groups including children, are not prohibited from performing those roles.
- 1.2 To enable the University to meet its legal obligations, the [Disclosure and Barring Service \(DBS\)](#) perform criminal record checks, providing [eligibility guidance](#) on the type of jobs that are eligible.
- 1.3 DBS checks, if required, are normally done at the recruitment stage. Where a candidate is going to perform a regulated activity (e.g., working with children or vulnerable adults), any offer is conditional on receiving DBS clearance. The University needs to make this clear to candidates by including it in the job description and advert.
- 1.4 It is unlawful to employ a person in a role that requires a DBS check before the result of the check has been received. In very rare circumstances it may be possible to adjust duties temporarily to ensure they do not perform regulated activities that require a DBS check until it is received.

2 Types of check

- 2.1 The Police Act 1997 (Part V) makes provision for different levels of criminal records check. There are three levels. Each level results in the issue of a different kind of disclosure.
 - Basic
 - Standard
 - Enhanced
 - Enhanced with barred lists check (regulated activity)
- 2.2 A DBS check may not provide a complete view of an applicant's criminal record if they have lived outside of the UK. The Home Office ([Criminal records checks for overseas applicants - GOV.UK \(www.gov.uk\)](#)) provides information for employers on how to make criminal records checks for overseas applicants or for anyone who has lived overseas.

3 Unregulated activities

- 3.1 The requirement for a DBS check is only applicable to formal employment or official volunteer work.
- 3.2 Here is a list of some common activities or roles that do not fit the definition of a regulated activity:
 - Visiting a resident of a nursing home or children's home
 - Working in a public environment such as a store or gym, unless contact is regularly unsupervised
 - Occasional supervision, unexpected supervision of children or of vulnerable adults, for instance, if an adult brings their child to an office environment for the day.

3.3 At the University, our checks are for standard and enhanced. Basic checks can be carried out by the individual themselves and shared with the University.

4 Regulated activity

4.1 Regulated activity is a term used to describe work that someone barred from working with children or vulnerable people cannot do. This can mean direct contact or indirectly working in the vicinity of those vulnerable groups.

4.2 If the job holder will be performing regulated activity, an enhanced DBS check is required. If the activity is not deemed to be regulated, the role will not be eligible for an enhanced check, but a standard or basic DBS check may be appropriate.

4.3 Enhanced DBS checks are the highest level of background check (criminal record search) in the UK. An enhanced check reveals whether the individual has any spent or unspent convictions on their criminal record, as well as details of cautions, reprimands, and warnings.

4.4 Any job applicants and employees involved in a regulated activity should also be subject to a barred list check (adult, child, or both), alongside the enhanced DBS check. The barred list check makes sure that the individual is not listed on the DBS barred list which bans certain individuals from working with vulnerable adults or children.

5 Regulated activity with children

5.1 The definition of regulated activity with children includes activities that involve regular contact with children and working directly with children. See the DBS guidelines [Regulated activity with children in England](#).

5.2 To be classed as regulated activity, the activity must be performed in specific settings, (.e.g.: schools, nurseries, or children's hospitals) and involve any of the following:

- Teaching
- Training
- Instruction
- Care
- Supervision of children

5.3 If the role and setting both fit the criteria of regulated activity with children, the role will be eligible for an [Enhanced DBS check](#) with a Children's barred list check, as long as the job meets the following criteria:

- Work on more than 3 days in a 30-day period (or overnight between 2 am and 6 am with the opportunity for face-to-face contact with the children) and
- Have the opportunity, because of their job, to have contact with the children in the establishment and
- Work there for the purpose of the establishment and
- It is not temporary or occasional work and
- It is not a supervised volunteer role.

5.4 Examples of jobs and positions that would be classified as regulated activities are:

- Teachers
- Childcare workers
- Nursery staff
- Tutors
- Social workers
- Child healthcare practitioners

- Anybody working in an environment where children are present, in an unsupervised capacity.
- 5.5 Anyone working in these, or similar roles, that fit the description of a regulated activity will require an enhanced DBS check with Children's barred list check.
- 5.6 If the role is undertaking one of the specified activities in a specified establishment, is voluntary and the organisation decides that the role is sufficiently supervised, then the volunteer is not in regulated activity with children and is eligible for an Enhanced DBS check only.
- 5.7 Short-term workers or contractors working in an environment where children are present (e.g., a tradesperson working on a project in a school during term-time) are considered eligible for an Enhanced DBS check only, especially if they will be present more than three times over a 30-day window.

6 Regulated activity with vulnerable adults

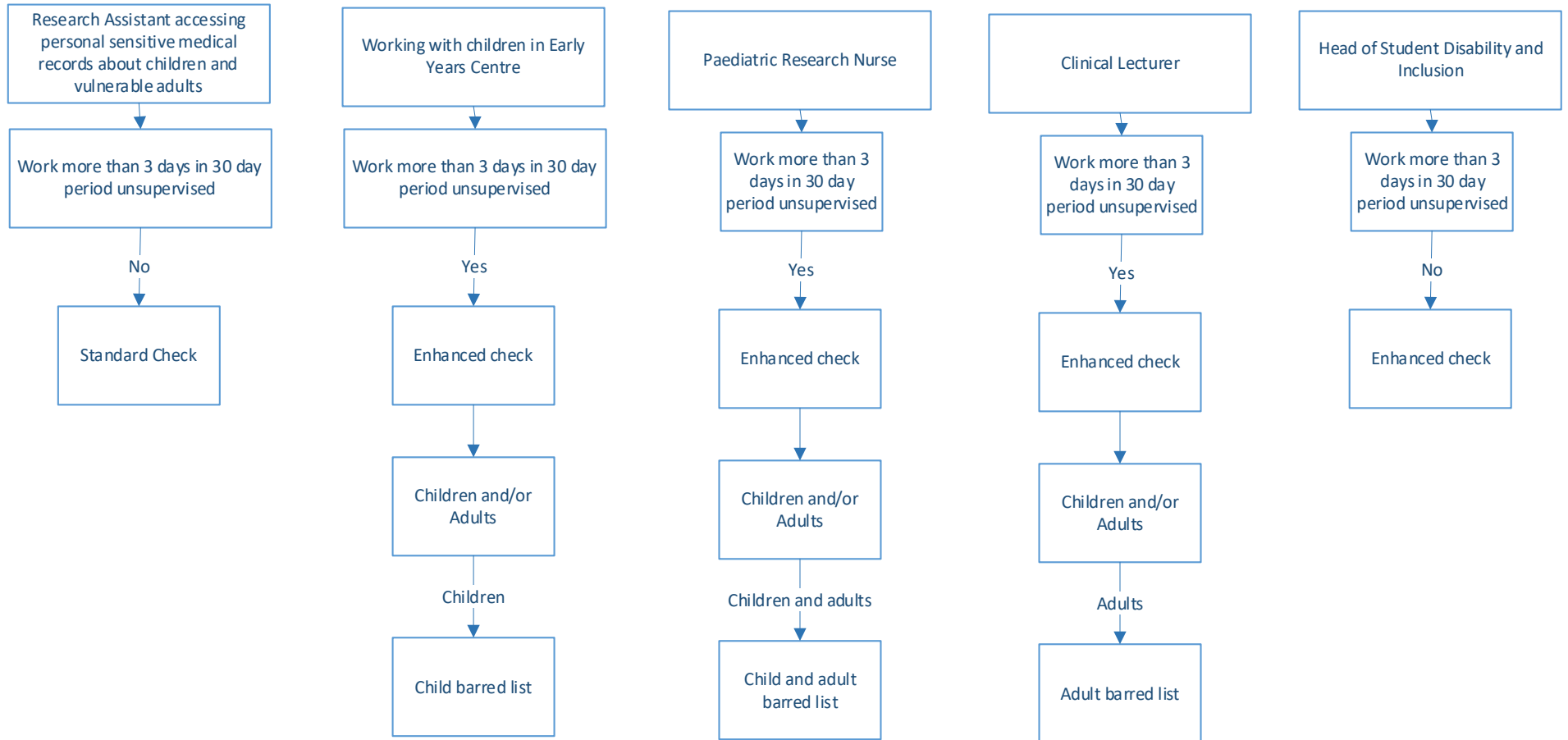
- 6.1 A vulnerable adult is defined by the Department of Health as a person who is aged 18 or over, who may need care services, because of a disability (mental or other), age, or illness. A person is considered vulnerable if they are unable to look after themselves, protect themselves from harm or exploitation, or are unable to report abuse. See [Regulated activity with adults in England](#)
- 6.2 Regulated activity with adults focuses on the specific activities provided and not the setting in which they take place. The categories define a regulated activity with adults:
- **Healthcare** – any role that involves providing healthcare to a vulnerable adult including essential tasks such as counselling, psychotherapy, and palliative care
 - **Personal care** – a role that you undertake involves providing personal care to a vulnerable adult, which can include feeding, washing and helping to use the toilet
 - **Social work** – any job which involves providing social care to a vulnerable adult
 - **Transporting vulnerable adults** – to or from their healthcare, personal care or social work appointments
 - **Assistance with personal affairs** – responsible for helping conduct their personal affairs
 - **Assistance with household matters** – assist a vulnerable person with tasks such as managing their money, paying their bills or shopping on their behalf.

7 Rechecks

- 7.1 There is no legal requirement to undertake rechecks for existing staff, however, if there is a requirement for the employee to be regularly checked (e.g. if an external agency requires it), the employee can sign up to the [DBS Update Service](#) and claim back the cost as a work-related expense.

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8 Examples of checks



Positive DBS disclosure risk assessment (employees)

This Risk Assessment form assesses the suitability of the applicant where a Disclosure Certificate has revealed offences.

You **must** disregard any offences declared by the applicant that do not appear on the certificate.

The information and evidence referred to in this form will be relied on to make an employment decision in relation to staff working with vulnerable groups. It is important that it is fully completed and includes evidence rather than a series of statements.

This form consists of four sections - ensure each section is completed including a full account of offences disclosed.

Section 1 - Summary details	
Name of applicant	
Post title	
Disclosure ref number	
Disclosure issue date	
Vacancy number	
Hiring manager undertaking risk assessment	

Section 2 – document conviction(s) declared by individual and all information discussed

Document convictions as they appear on the DBS Certificate		Provide explanation of circumstances that led to the offence
Offence		
Date		
Sentence received		
Age at time		
Length of time since conviction		
Offence		
Date		
Sentence received		
Age at time		
Length of time since conviction		
Add sections to table as required to document details of additional convictions		

Section 3 – Complete during discussion between hiring manager and applicant/staff member

Question	Yes	No	Response provided by applicant/staff member
Did the applicant declare the offence(s)/trace(s) on a self-declaration form and at the interview?	<input type="checkbox"/>	<input type="checkbox"/>	If no ask for explanation
Did the applicant agree that the information on the DBS Certificate was correct?	<input type="checkbox"/>	<input type="checkbox"/>	If no ask for explanation - if individual is disputing the certificate contents, halt RA meeting and continue once dispute has been finalised
Have the applicant's circumstances changed since the offence (eg location, friends, partner, education)?	<input type="checkbox"/>	<input type="checkbox"/>	
is the applicant stating any mitigating circumstances (eg peer pressure, financial need or lack of judgement)?	<input type="checkbox"/>	<input type="checkbox"/>	
Did the offences/traces disclosed form any pattern (eg is there a cycle or history, reoccurrence, repeat offences)?	<input type="checkbox"/>	<input type="checkbox"/>	
Did the applicant demonstrate any efforts not to re-offend (eg rehabilitation course)?	<input type="checkbox"/>	<input type="checkbox"/>	
Will the nature of the post present any realistic opportunities for re-offending?	<input type="checkbox"/>	<input type="checkbox"/>	

Question	Yes	No	Response provided by applicant/staff member
Does the post have any direct contact with the public and how vulnerable are they?	<input type="checkbox"/>	<input type="checkbox"/>	
Does the applicant have any gaps in employment history?	<input type="checkbox"/>	<input type="checkbox"/>	If yes explain
Have two satisfactory employment references been received?	<input type="checkbox"/>	<input type="checkbox"/>	If no explain
Do references match dates and jobs on the application form?	<input type="checkbox"/>	<input type="checkbox"/>	
What is the nature of the contact the individual will have with children/vulnerable adults?	Please describe		
Can safeguards be implemented to reduce/remove any risk?	<input type="checkbox"/>	<input type="checkbox"/>	If yes, is supervision available and how will it be used to mitigate risk?
How did the applicant regard the offence(s)/trace(s) with hindsight and what is their attitude towards the matters now?			
What would they have done/do differently now?			

Declaration by applicant and any other supporting comments

I understand that any offer of employment will be subject to the information I have supplied and that this is complete and correct. False information, or failure to supply the details required, could result in a withdrawal of off of employment.

Print name	Signature	Date

Section 4 - Hiring manager assessment

Do you wish to proceed with employment?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Provide supporting statement
Additional comments		
Print name	Signature	Date

Section 5 - Head of School, Dean and/or HR Business Partner

Are the any conditions attached to this offer eg recommendations, restrictions, safeguards to be implemented	Yes <input type="checkbox"/> No <input type="checkbox"/>	Provide supporting statement
Outcome	Continue <input type="checkbox"/>	Withdraw <input type="checkbox"/>
Print name	Signature	Date