

Policy and procedures relating to the disclosure of relevant Criminal Records, Health Clearance requirements and students under the age of 18

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1: Introduction

This guide is intended to outline the University of East London's (UEL) procedures with regards to applicants and students who have declared criminal convictions, cautions etc. and the procedure for obtaining a formal Disclosure and Barring Service (DBS) certificate for UEL applicants, students and associates whose programmes of study or work requires them to have close contact with children and/or vulnerable adults.

The guide also contains information about obtaining satisfactory health clearance (Fitness to Teach) and Disqualification by Association legislation for our Initial Teacher Training courses and our policy in relation to applicants under the age of 18.

2: The Disclosure and Barring Service

The Disclosure and Barring Service (DBS) is an executive agency of the Home Office that helps organisations based in England and Wales to make more informed recruitment decisions and therefore reduce the risk of employing or admitting someone who may have an unsuitable background for particular types of work or programmes of study.

By way of an authorised Disclosure Application Form, the DBS provides access to information held on the Police National Computer (PNC) and by local forces, as well as lists held by the Department of Health (including a list of those banned from working with vulnerable adults) and the Department for Children, Schools and Families (DCSF) of people banned from working with children. This information is then presented to the requesting body and the applicant in a secure, user-friendly format

All DBS applicants from the University of East London, whether it be staff or students, who through their activity will meet the definition of “**Regulated Activity**” will be asked to apply for an **Enhanced** Disclosure.

The University of East London is a Registered Body with the Disclosure and Barring Service (DBS). This means that we are entitled to request and carry out DBS checks and to ask exempted questions under the Exceptions Order to the Rehabilitation of Offenders Act (ROA) 1974 Exceptions Order 1975.

The role of the University of East London as a Registered Body is to:

- Clearly state in the course information if a mandatory DBS check is required
- Upon firm acceptance of an offer to one of the listed programmes, we will register the applicant with our partner GBG OnlineDisclosures for them to administrator the submission of the DBS Form

- GBG OnlineDisclosures will act as a DBS Counter-signatory and will manage all associated administrative processes in relation to the application for DBS clearance, this will include but not limited to:
 - Check and validate the information provided by the applicant on the DBS application form
 - Countersign applications to confirm that the organisation has an entitlement to access criminal record information

Where a clearance check reveals a criminal conviction the applicant will be required to forward a copy of the DBS Certificate to the Student Hub or to Applicant Checks mailbox for verification.

Comply with the DBS's Code of Practice, a copy of which is available at:

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

3: Courses currently requiring a mandatory DBS Enhanced Disclosure (and where applicable Health Clearance)

The table below lists UEL courses that currently require their students' to have a validated DBS Certificate prior to commencing any placement, research, observation or similar activity in order to complete that programme. The University is obliged to carry out the DBS check due to Professional Body/Regulatory requirements where a student will have contact with Children and/or Vulnerable Adults.

Programme Title	DBS Required	Health Clearance Required	Fee Payable	DBS to be cleared by
BA (Hons) Social and Community Work	Yes	No	Yes	End of Term 1 in Level 4
BA (Hons) Early Childhood and Special Education	Yes	No	Yes	End of teaching week 6 in Term 1
BA (Hons) Early Childhood Studies including online	Yes	No	Yes	End of Term 1 in Level 4
BA (Hons) Early Childhood Education and QTS#	Yes	Yes	Yes	October in Level 4
BSc (Hons) Computer Science with Education and QTS#	Yes	Yes	Yes	October in Level 4
BA (Hons) Social Work	Yes	No	Yes	October in Level 4
BSc (Hons) Adult Nursing	Yes	Yes	Yes	End of teaching

				week 6 in Term 1
BSc (Hons) Physiotherapy	Yes	Yes	No	End of Term 1 in Level 4
BSc (Hons) Podiatric Medicine	Yes	Yes	No	End of Term 1 in Level 4
BSc (Hons) Sports Therapy	Yes	No	No	Term 1 in Level 5
MA Early Childhood Studies	Yes	No	No	
MA Social Work	Yes	No	Yes	October in first term
MA Youth and Community Work	Yes	No	Yes	October in first term
PGCE Primary*#	Yes	Yes	Yes	October in first term
PGCE Secondary*	Yes	Yes*	Yes	October in first term
Professional Doctorate Counselling Psychology	Yes	Yes*	Yes	October in first term
Professional Doctorate in Educational and Child Psychology	Yes	No	Yes	October in first term
Schools' Direct ITT (Non-Salaried)*	Yes	No	Yes	October in first term

* ITT/PGCE/Schools' Direct students should also refer to Section 29 "Health screening procedures - Fitness to Teach for ITT PGCE Students."

Students should refer to Section 10 - Disqualification by Association – ITT Students

4: Declaration of a criminal record upon applications to UEL where a DBS check is a mandatory requirement

We will ask you for further information if you have declared a criminal conviction on your application form.

Your response to our enquiries will be sent to the Head of School or Nominee to carry out a safeguarding assessment on the information disclosed before the application will be processed any further.

You may be invited to a meeting to discuss the matter further, this is not necessary in all cases. In consideration of your application the School Referral panel will take your statement into consideration while determining suitability for the chosen programme. Also taken into consideration will be any professional body considerations and the ability to secure placements.

The outcome of these panels will be made known to the applicant through the UEL admissions team.

While we seek wherever possible to assist in the rehabilitation of offenders and aim to consider all applications primarily on their individual academic merits, we are sure you will appreciate that we also have a duty of care to those staff and students already working at the University.

5: Declaration of a criminal record upon applications to UEL where a DBS check is not a mandatory requirement

We may ask you for further information if you have declared a criminal conviction on your application form, even if your programme is not listed above.

Your response to our enquiries will be sent to an Administrative Panel to carry out a safeguarding assessment on the information disclosed before the application will be processed any further.

While we seek wherever possible to assist in the rehabilitation of offenders and aim to consider all applications primarily on their individual academic merits, we are sure you will appreciate that we also have a duty of care to those staff and students already working at the University.

6: Spent and unspent criminal convictions

The rehabilitation period (the length of time before a caution or conviction becomes spent) is determined by the type of disposal administered; the length of the sentence imposed and the age of the individual when convicted. It is calculated from the date of conviction or the date the caution is administered.

Further details about the *Rehabilitation of Offenders' Act 1974* can be found here https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/216089/rehabilitation-offenders.pdf

Further advice and guidance on spent and unspent convictions; cautions etc. can be found here – www.unlock.org.uk. Unlock is the country's most comprehensive source of online self-help information on a wide range of issues that criminal convictions can affect, including disclosing to employers, criminal record checks, buying insurance, housing and travel abroad.

7: Filtering guidance

On the 29 May 2013, legislation came into force that allows certain old and minor cautions and convictions to no longer be subject to disclosure. In addition employers will no longer be able to take an individual's old and minor cautions and convictions into account when making decisions. 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. All convictions resulting in a custodial sentence, whether or not suspended, will remain subject to disclosure, as will all convictions where an individual has more than one conviction recorded.

What does ‘filtering’ mean?

Question e55 on the DBS Application asks –

“Do you have any convictions, cautions, reprimands or final warnings which would not be filtered in line with current guidance?”

Filtering is the term that the DBS uses to describe the process which will identify and remove protected convictions and cautions so that they are no longer disclosed on a criminal record certificate issued by the DBS.

What Police National Computer (PNC) information will be shown on a DBS certificate?

Standard and enhanced certificates issued by the DBS will include details of convictions and cautions (which includes youth cautions, reprimands and warnings) recorded on the PNC. PNC information relating to protected cautions and convictions will now be filtered and will not appear on the certificate.

Further information is available on the DBS website –

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

8: Procedures for conducting a safeguarding assessment with regard to criminal records

UEL operates two different processes in relation to the Safeguarding Assessments undertaken with regards to criminal records. The process followed is dependent on whether there is a mandatory requirement for an enhanced DBS Certificate or not.

Disclosures and Administrative/School Referral Panels

In the case of voluntary disclosures, the information may be unreliable in terms of offence details, dates and disposals as the applicant may not necessarily have a DBS Certificate to refer to. We advise applicants’ to check the accuracy of any information disclosed before submitting it to UEL for a safeguarding assessment so that any decision made on suitability is as fair as possible based on that the information provided.

On receipt of information relating to a disclosure the applicant will be contacted by the Admissions Team to ascertain further information. Once received this will be referred to the Chair of the Administrative Referral Panel/Head of School or nominee for assessment. A decision will normally be reached and communicated to the applicant within 10 working days of receipt of the applicants/students statement.

- The Administrative Referral Panel will consist of any the 2 of the following:

- Assistant Registrar
- Head of Student Admissions
- Head of Department
- Head of Residential life
- Head of Student Health and Wellbeing
- Head of Student Hub
- Programme Leader (outside of applicants/students programme area)
-

Should a consensus not be achieved the documentation will be referred to a Head of School (outside of applicants/students programme area) who will be designated as the final decision maker.

The School Referral Panel will consist of any two of the following:

- Head of School
- Head of Department
- Programme Leader
- Academic delivering on applicant programme
- Professional body representative

An offer (if applicable) will not confirmed until approved by the Administrative/School Referral Panel.

The final decision rests with the appropriate Administrative/School Referral Panel.

General criteria that *may* be used when conducting a safeguarding assessment with regards to disclosed convictions, cautions etc. include:

- the seriousness of the offence and its relevance to the safety of staff, students and clients
 - The type of disposal or punishment received for the offence(s)
 - the age of the applicant when convicted; cautioned etc.
- the length of time that has elapsed since the offence(s)
- any relevant information offered by the applicant about the circumstances which led to the offence being committed; for example the influence of domestic or financial difficulties
- whether the offence was a one-off or part of a history of offending
- whether the applicant's circumstances have changed since the offence was committed, making re-offending less likely
- the country in which the offence was committed; some activities are offences in Scotland but not in England and Wales, and vice versa
- whether the offence has since been decriminalised by Parliament

- the degree of remorse, or otherwise, expressed by the applicant and their motivation to change
- any professional or statutory body requirements.

NB. The Administrative/School Referral Panel may require additional independent information such as a prison report; probation report; mental health report; references in order to complete their safeguarding assessment. The applicant/Student would be asked to provide contact details in these instances regarding disclosed offences.

Outcome of a safeguarding referral

The applicant/student will be written to informing them of the final decision. The most common outcomes are –

- Admit to chosen course at chosen entry point
- Admit to chosen course at a future entry point (i.e. when conviction is spent or probation/restrictions have been completed)
- Refuse Admission to chosen course but offered alternative course at chosen entry point
- Refuse Admission to chosen course but offered alternative course at future entry Point (i.e. when conviction is spent or probation/restrictions have been completed)
- Refused Admission to any UEL course. Currently enrolled Students may be removed from their programme as a result of the safeguarding assessment. If the enrolled Student did not declare a criminal record prior to entry, they will be deemed to be in breach of the university's Terms of Admittance – www.uel.ac.uk/terms

If an applicant is refused admission to a programme as a result of this process, they can only appeal against the decision on the grounds that they believe that the correct procedure was not followed or that key information was not considered by the Administrative/School Referral Panel. If an applicant is dissatisfied with the outcome of their safeguarding assessment and wishes to formally raise the matter as a complaint, information on our complaints procedure, including guidance and the relevant forms can be accessed via the following web link - <https://www.uel.ac.uk/discover/governance/policies-regulations-corporate-documents/student-policies/student-complaint-procedure>

DBS Certificates

Once the DBS has completed their checks, the Disclosure certificate is sent directly to the applicant. The Registered Body does not receive a copy. Please see **Section 18** of this Guide regarding **Validation of DBS Certificates**. If any criminal convictions, cautions, reprimands, warnings, etc. are shown, then we have to assess whether or not this information will prevent the applicant from commencing or continuing on their programme.

9: DBS certificate – How to raise a dispute

A dispute is where an applicant or Registered Body:

- claims that the content of the information released on the Disclosure Certificate does not relate to the applicant or elements of it are incorrect, or
- states that some of their personal information printed on the Disclosure is incorrect.

When a dispute is raised by an applicant, the Registered Body is advised immediately so that they can implement appropriate processes, and so that no recruitment decision should be taken based solely on the potentially inaccurate information contained on the certificate.

Information released on a DBS check can be disputed for a number of reasons. The DBS does not own the data it searches, the DBS relies on the data owners e.g. the police and enforcement agencies for the accuracy of their data.

In the event that a dispute is upheld, the DBS will issue a new certificate to reflect the amended information. The outcome of an upheld dispute can vary widely, from the amendment of a single word to the removal of criminal record information from a certificate if it has been incorrectly associated with an individual.

DBS certificate dispute line

Telephone: 0300 0200 190

Monday to Friday, 9am to 5pm

Where it can be put right quickly, the DBS will take the necessary action to correct it. If the dispute can be attributed to an error by the DBS, they will correct it and issue a replacement Disclosure free of charge, to the applicant. If the dispute was due to an error by the Registered Body or applicant on the application form, such as a misspelt name or address, the Registered Body will need to reapply by making a fresh application; the Disclosure fee will be payable.

10: Implications of non-disclosure of unspent criminal records

If the University is made aware that a Student has not disclosed a relevant unspent criminal conviction prior to enrolment they may be de-registered from their programme. The student will be given the opportunity to fully disclose and the procedure outlined in **Section 7** of this Guide will be followed.

11: Disqualification by Association – Initial Teacher Training students

New guidance on regulations require those who work in childcare or early years settings to

disclose whether they or (as far as they are aware) members of their households are disqualified from working in childcare settings. Initial teacher training students are covered by this. If you or a member of your household are disqualified, you will need a waiver from OFSTED allowing you to continue on the programme. For further information refer to: <https://www.gov.uk/government/publications/early-years-provision-in-schools-apply-for-disqualification-waiver>

A Disqualification by Association Form will be provided to all new ITT Primary and QTS applicants at interview.

12: Who should apply for a DBS Disclosure

There are three circumstances under which we will undertake a criminal records check via the DBS. These are:

- Courses of study leading to qualification in professions that would be covered by specific legislation, such as the Criminal Justice and Court Services Act 2000 and the protection of Children Act 1999, which make it compulsory for checks to be carried out. These programmes are linked to professions listed in the Exemption Order of the Rehabilitation of Offenders Act 1974. These programmes will involve access to children or vulnerable adults as part of the provision and assessment of the programme or an associated professional qualification.
- Students studying at an undergraduate or postgraduate level who wish to undertake research or project work linked to their course of study that involves access to children or vulnerable adults.
- Students applying to become a Student Ambassadors through the university's Education & Community Partnerships (ECP) Team.

The link below outlines UEL's Policy relating to student placements requiring access to children and/or vulnerable adults – [Policy on Work Based Learning and Placement Management](#)

13: Completing the DBS / Disclosure application

The University of East London uses an online DBS provider – GBG OnlineDisclosures. Instructions on completing the application are sent in an activation email to the applicants or students email address.

Guidance for completing the online form is provided on the GBG website - <https://gbg.onlinedisclosures.co.uk/Authentication/Login?ReturnUrl=%2fApplications%2fCurrentApplications.aspx>

Following registration with GBG OnlineDisclosures, applications or students will be asked to complete the online form and select three identity documents to support their DBS application. As part of the application they will need to verify your identity by showing original documents at a local Post Office that offers ID checking facilities. A list of branches which offer this service can be found at <http://www.postoffice.co.uk/branch-finder>. Select 'CRB and ID Verification Service' and your town/postcode.

DBS applications cost £56, which includes the cost of issuing the form and the postal verification service, if applicable for course.

Following successful verification of the online form, applicants / students will be sent an email by GBG OnlineDisclosures for payment (if applicable for course). Once payment has been received, the form will be countersigned and sent to the DBS.

applicants and students are advised to enter their UEL Student Number under 'Personal Reference Number' as part of the application and choose to receive email alerts from GBG OnlineDisclosures to confirm each stage of the DBS application.

A detailed online guide to completing the form can also be found by going to <https://www.gov.uk/government/publications/dbs-application-forms-guide-for-applicants/dbs-application-form-guide-for-applicants>

14: List of Valid Identity Documents

The list of acceptable identity documents is available at <https://www.gov.uk/guidance/documents-the-applicant-must-provide>

15: Getting the DBS Application Form processed

Applicants' who have applied to study a course which DBS is a mandatory requirement will automatically be registered with the online system.

Students currently studying a course where DBS is not a mandatory requirement will be require to complete a 'DBS – Student Request Form' available from the Student Hub. The complete form can either be returned to one to the Student Hubs or emailed to applicantchecks@uel.ac.uk.

16: Payment options for DBS Applications

The DBS application fee (if applicable for the course) must be paid upon submission of the form to the Post Office and it is not possible to refund the fee as this cost is incurred once an application to the Disclosure & Barring Service has been made. Applicants must therefore be

confident that they are able to meet any conditions for programme entry prior to paying the fee.

NB. The fee is **NOT** applicable for the following programmes –

- BSc (Hons) Adult Nursing
- BSc (Hons) Physiotherapy
- BSc (Hons) Podiatry
- BSc (Hons) Sports Therapy
- **ALL School of Psychology applicants and students under review**

The current fee for an Enhanced DBS Certificate is £55.00.

DBS check	Post office verification	Admin fee	Total cost*
£44	£5	£6	£55

*These costs associated with your DBS application were correct at time of publishing.

17: Contacting the Disclosure and Barring Service

DBS Customer Services

PO Box 3961

Royal Wootton Bassett

SN4 4HF

Email: customerservices@dbs.gsi.gov.uk

DBS Helpline: 03000 200 190

DBS web-site: <https://www.gov.uk/government/organisations/disclosure-and-barring-service>

18: Tracking your DBS Application Form

Both the applicant/student and UEL will be able to track the progress of the application online through GBG OnlineDisclosure or by visiting

<https://secure.crbonline.gov.uk/enquiry/enquirySearch.do>

19: Validation of DBS Certificates

The DBS certificate will be posted to the applicant only. The University of East London does not receive a copy of your DBS certificate and will only receive the disclosure number and

date of issue from GBG OnlineDisclosures of 'cleared' DBS certificates. If you do not receive your DBS certificate within 14 days from dispatch by the DBS you will need to contact DBS in case it has been lost. You have a 90-day window to order a reprint from the DBS if this happens.

If the DBS certificate is not clear, i.e. it contains information about any previous criminal convictions, cautions, reprimands and warnings, we will contact you as we will need to see the original DBS certificate.

You can either –

- scan or photograph your DBS Certificate and email it to applicantchecks@uel.ac.uk

or;

- submit your DBS Certificate in person at the Student Hub where a copy will be made

Your Disclosure Certificate will be sent to you at the address that was provided in Section B of the original DBS Application Form. You must inform GBG OnlineDisclosure if you change address before the disclosure is issued otherwise you may not receive your certificate. Your disclosure may also not be valid.

It is extremely important that you get your DBS Certificate validated and keep the original certificate somewhere safe as this is the only copy issued by the DBS.

20: DBS Update Service

The DBS now have a subscription-based, continuous "Update" service which applicants can apply for. This means other organisations and employers can check the validity of an existing disclosure "on-line", direct with the DBS, removing the need for full repeat checks .

We are unable to accept an existing DBS Certificate if it is not subscribed to the Update Service.

If you are a subscriber to the Update Service, UEL can check your DBS status online and see if any new information has been recorded since the original check was issued. The existing disclosure must be at Enhanced level and we will need to see the original DBS Certificate to perform the check.

The outcome of a valid status check will be one of the following:

- This Certificate did not reveal any information and remains current as no further information has been identified since its issue. This means that the individual's Certificate contains no criminality or barring information and no new information is available.

- This Certificate remains current as no further information has been identified since its issue. This means that the individual's Certificate did contain criminality or barring information and no new information is available.
- This Certificate is no longer current. Please apply for a new DBS check to get the most up to date information. This means that the individual's Certificate should not be relied upon as new information is now available and you should request a new DBS check.

The Annual Subscription Fee is £13. You must either apply within 28 days of submitting a DBS Application Form using the Form Reference Number, OR when you receive the final DBS Certificate, within 19 days of issue using the Disclosure Number.

Further details can be found using the following links <https://www.gov.uk/dbs-update-service>

21: Barred List checks

The Barred List Database includes details of people who are barred from applying for or working in regulated activity with children (e.g. teaching children or looking after children). The barred list comprises:

- People in the England and Wales children's barred list, kept by the Disclosure and Barring Service (DBS) under the Safeguarding Vulnerable Groups Act 2006 (SVGA).
- People in the Northern Ireland children's barred list, kept by the DBS under the Safeguarding Vulnerable Groups Order 2007 (SVGO).

The list does not include details of people barred under the Scottish Government Protection of Vulnerable Groups Scheme; however details of Scottish bars are included on enhanced disclosure certificates.

Local authorities, schools and further education institutions must check if a person is included in the children's barred list before confirming the person's appointment to ensure that they do not appoint someone whose employment by them is prohibited. The database is a confidential document and access to it is strictly limited to those responsible for checking the suitability of applicants seeking to engage in regulated activity.

It is the Admissions Officers' legal duty to contact the DBS Barring Service if an applicant's details are matched on the database <https://www.gov.uk/government/collections/dbs-referrals-guidance--2>

22: Obtaining Disclosure for non-UK/overseas students

DBS Disclosure checks cannot be carried out for applicants and students who are not, and have never been, resident in the UK. Applicants and students who reside, or have previously resided, overseas will be required to provide a police check from their country of residence,

which will be treated in accordance with the processes outlined for DBS Disclosure checks. If you have resided in the UK continuously for a period of three months or more within the past 5 years, then you must also complete a DBS check.

The procedure for obtaining an overseas' equivalent to a DBS Certificate varies from country to country. Please visit <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants> for further information.

23: Obtaining Disclosure for Republic of Ireland students

ROI GARDA Clearance

The Republic of Ireland has legislation that enables individuals to obtain a copy of any criminal record information that may be held on them by the Republic of Ireland police authority (Garda Síochána). Requests for access are made under Section 4. Of the Data Protection Act 1988 & 2003.

Please complete a Data Protection Access Request Form as per the instructions in order to receive a letter confirming a search of the Garda Criminal Records Database has been conducted and that that there are no attachments. You must forward a copy of this letter to the applicant Checks' Officer before you register.

Data Protection Access Request Form Pdf to be uploaded to web site

<http://www.garda.ie/Documents/User/Data%20Protection%20F20%20-%20Nov%2012.pdf>

24: Policy statement on the secure storage, handling, use, retention and disposal of Disclosures and Disclosure information

1. Background

1.1 It is a requirement of the Code of Practice of the Disclosure and Barring Service that all Registered Bodies must have a written policy on the correct handling and safekeeping of Disclosure information.

1.2 This is the written policy of the University of East London.

2. Statement of general principles

2.1 As an organisation using the Disclosure and Barring Service (DBS) Disclosure Service to help assess the suitability of applicants (both staff and students) for positions of trust, we comply fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information. We also comply fully with

our obligations under the General Data Protection Regulation and legislation arising from it including the Data Protection Act 2018, and with other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information. Our data protection policy is available to all those who wish to see it. The policy outlines how we will meet compliance with all of the data protection principles and documents the responsibilities of those individuals responsible for processing personal data on our behalf.

2.2 Disclosure information is considered special category personal data under the Data Protection Act. UEL will act as a Data Controller for the processing of Disclosure information and will ensure that the data will be processed in line with the data protection principles. It will be kept 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.

2.3 In accordance with section 124 of the Police Act 1997 and the relevant principles of the Data Protection Act, we will ensure that Disclosure information is passed only to those members of our staff who are authorised to see it in the course of their duties. We will maintain a record of all those to whom Disclosure information has been passed and we recognise that it is a criminal offence to pass such information to anyone who is not entitled to receive it. We will seek your explicit written consent if the Lead Counter-signatory needs to consult relevant colleagues in order to reach a decision.

2.4 Disclosure information will be used only for the specific purpose for which it was requested and for which the appropriate legal basis applies such as consent, legal obligation or as part of a University Public Task. In cases where we rely on the use of consent such consent will be managed as per official guidance from the Information Commissioners Office and you have the right to withdraw such consent at any time.

2.5 Once a recruitment, admission or other relevant decision has been taken we will not keep Disclosure information for any longer than is necessary under our Records Retention Schedule. This will typically be for up to three months but will not normally be for longer than six months, to allow for the consideration and resolution of disputes or complaints. If, in very exceptional circumstances, it is considered necessary to retain Disclosure information for longer than six months, we will consult the DBS about this and will give full consideration to the data protection and human rights of the individual before doing so. Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.

2.6 Once the retention period has elapsed, we will ensure that any Disclosure Information is immediately destroyed by secure means i.e. by shredding, pulping or burning. While awaiting destruction, Disclosure information will not be kept in any insecure receptacle. We will not keep any photocopy or other image of the Disclosure or any copy or representation of the

contents of a Disclosure. However, notwithstanding the above, we may keep a record of the date of issue of a Disclosure, the name of the subject, the type of Disclosure requested, the position for which the Disclosure was requested, the unique reference number of the Disclosure and the details of the recruitment decision taken.

April 2018

25: Policy statement on the recruitment of ex-offenders

https://uelac.sharepoint.com/HRServices/Documents/Employee%20Handbook%20-%20Policies%20uploaded/recruitment_ex-offenders%20-%202002.pdf#search=ex%20offenders

1. Background

1.1 All individuals or organisations using the Disclosure and Barring Service (DBS) Disclosure Service to help assess the suitability of applicants for positions of trust will become recipients of Disclosure information, some of it very sensitive. To safeguard the interests of such applicants, individuals and organisations must comply fully with the DBS Code of Practice.

1.2 The basic requirement of the Code of Practice is that recipients of Disclosure Information should treat all applicants with a criminal record fairly and not discriminate unfairly against the subject of a Disclosure on the basis of conviction or other information revealed.

1.3 The Code also obliges recipients to have a written policy on the recruitment of applicants with a criminal record, which can be given to all applicants for programmes where a Disclosure is requested.

1.4 This is the written policy of the University of East London.

2. Policy Statement

2.1 This written policy on the recruitment of ex-offenders will be made available to all Disclosure applicants at the start of the recruitment and selection process.

2.2 As an organisation using the Disclosure and Barring Service (DBS) Disclosure service to assess applicants' suitability for positions of trust, the University of East London complies fully with the DBS Code of Practice and undertakes to treat all applicants for programmes fairly. It undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of conviction or other information revealed.

2.3 We are committed to the fair and equal treatment of our students and potential students or users of our services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.

2.4 We actively promote equality of opportunity for all with the right mix of talent, skills, and potential and welcome applications from a wide range of candidates, including those with

criminal records. We select all candidates for our programmes based on their skills, qualifications and experience.

2.5 A Disclosure is only requested after a thorough risk assessment has indicated that a Disclosure is both proportionate and relevant to the programme concerned. For those programmes where a Disclosure is required, all programme literature will contain a statement that a Disclosure will be requested in the event of the individual being offered a place.

2.6 Where a Disclosure is to form part of the recruitment process, we encourage all applicants to provide details of their criminal record at an early stage in the application process. We will write to the applicant requesting them to undertake an enhanced Disclosure which will be dealt with in confidence and we guarantee that this information will be seen only by those who need to see it as part of the recruitment process.

2.7 Unless the nature of the position makes it necessary for us to ask questions about an entire criminal record, we ask only about 'unspent' convictions as defined in the Rehabilitation of Offenders Act 1974.

2.8 We ensure that all our staff who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance and training in the relevant legislation relating to the recruitment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.

2.9 applicants should be aware that failure to reveal information that is directly relevant the programme sought will normally lead to withdrawal of an offer of a place on the programme. We try to ensure that a Disclosure is carried out well before the start of the programme to avoid withdrawing an offer.

2.10 We make every subject of a DBS Disclosure aware of the existence of the DBS Code of Practice and make a copy available on request.

2.11 We undertake to discuss any matter revealed in a Disclosure with the applicant whenever we feel that it may be necessary to withdraw an offer of a place on the programme.

2.12 Having a criminal record is not necessarily a bar to becoming a student with us. This will depend on the nature of the programme and the circumstances and background of the offences disclosed.

26. Rehabilitation of Offenders Act (1974)

The Rehabilitation of Offenders Act (ROA) 1974 applies to England, Scotland and Wales, and is aimed at helping people who have been convicted of a criminal offence and who have not re-offended since.

Anyone who has been convicted of a criminal offence and received a sentence of not more than two-and-a-half years in prison benefits as a result of the Act, if he or she is not convicted

again during a specified period otherwise known as the 'rehabilitation period'. The length of this period depends on the sentence given for the original offence and runs from the date of the conviction. If the person does not re-offend during this rehabilitation period, they become a 'rehabilitated person', and their conviction becomes 'spent'.

For example, if a person receives a sentence of imprisonment or detention in a young offenders institute of between six months and two-and-a-half years, the rehabilitation period is ten years, or five years if the individual was under 18 at the time of conviction. For an absolute discharge the rehabilitation period is six months.

Sentences can carry fixed or variable rehabilitation periods and these periods can be extended if the person offends again during the rehabilitation period. However, if the sentence is more than two-and-a-half years in prison the conviction never becomes 'spent'. It is the sentence imposed by the courts that counts, even if it is a suspended sentence, not the time actually spent in prison.

Once a conviction is spent, the convicted person does not have to reveal it or admit its existence in most circumstances. However, there are some exceptions relating to employment and these are listed in the Exceptions Order to the ROA. The two main exceptions relate to working with children and working with elderly or sick people. If a person wants to apply for a position that involves working with children or working with elderly or sick people they are required to reveal all convictions, both spent and unspent. As the DBS checks are only available for those applying for positions involving working with children or working with elderly or sick people, the checks will reveal both spent and unspent convictions.

A full copy of the Act can be found here - <http://www.legislation.gov.uk/ukpga/1974/53>

27: Further guidance on spent and unspent criminal convictions

What is an unspent conviction?

Under the Rehabilitation of Offenders Act 1974, most criminal convictions can become spent or forgotten after a rehabilitation period. For example, a conviction that leads to a fine, which is the most common penalty, has a rehabilitation period of five years, or two-and-a-half years if the person was aged under 18 at the time of conviction. Most community penalties also become spent after five years, or two-and-a-half years for juveniles. Prison sentences have longer rehabilitation periods. Prison sentences of more than two-and-a-half years can never become spent.

Spent convictions on Disclosures

If your conviction is spent under the Rehabilitation of Offenders Act, you can put a cross in the 'No' box. If it is unspent, you need to cross the 'Yes' box.

However, spent as well as unspent convictions will appear on Disclosures. This is because the Enhanced Disclosure Certificate you are applying for is for a programme or post that is supposed to be exempt from the Rehabilitation of Offenders Act because it involves close contact with children and/or vulnerable adults.

Cautions, reprimands, warnings and fixed penalty notices

A caution is a formal warning administered by a senior police officer in a police station. Reprimands and final warnings are a form of caution for juveniles, also administered by a senior police officer, usually in a police station. None of these are criminal convictions as such, so do not have a rehabilitation period and cannot be spent or unspent under the Rehabilitation of Offenders Act.

Therefore, if you only have a caution, reprimand or final warning but no convictions, you can cross the 'No' box.

However, unless they are very old, cautions, reprimands and final warnings will normally show up on Disclosures.

Formal warnings given on the street for possession of small amounts of cannabis are not final warnings and will not normally show up on Disclosures.

Fixed-penalty notices are also not convictions and will not normally show up on Disclosures. Fixed-penalty notices are normally given to motorists caught on camera for speeding and other motoring offences. Increasingly they are being used for other less serious offences such as shoplifting and public order offences.

Your criminal record

Your record will stay on the Police National Computer or local police systems even after it has become spent – it will not be wiped, although legislation is currently being drafted which may result in a removal of certain old offences. Please contact the applicant Checks Officer for the latest information.

If you wish to find out about your record, perhaps before you agree to a Disclosure check, you can carry out a 'Subject Access' check* on yourself under the Data Protection Act. To do this, you need to obtain a subject access form from the police. Details can be found on your Local Constabulary's website such as the Metropolitan Police for those based in the London-Area – <https://www.met.police.uk/request/request-information-about-yourself-or->

[others/request-information-about-the-met/](#)

*The University of East London will not accept this document in lieu of an Enhanced Disclosure Certificate from the Disclosure and Barring Service.

If you are worried or concerned about what may be, or has been, revealed by your DBS check you can talk in confidence to the following charities -

NACRO - NACRO is a crime reduction charity that works with ex-offenders and is able to answer specific queries on good practice in relation to employment and offenders.

www.nacro.org.uk

UNLOCK - Unlock is an independent award-winning charity which provides information, advice, training and advocacy, dealing with the ongoing effects of criminal convictions.

<http://www.unlock.org.uk/>

28: Procedure for student under the age of 18

The Admissions' Team will identify any under 18 applicants' who have met or may meet the academic entry requirements for their programme of study by the start of their chosen academic year of entry.

The applicant will be notified by email that we have identified that they will not be 18 at the start of their programme and that before we can confirm their eligibility to enrol at UEL we need to obtain some further information and permissions from their parent / legal guardian prior to confirming any enrolment.

The applicant will therefore need to return the Parental Consent Form to the Admissions Team as soon as possible and well in advance of their enrolment. The form is available [here](#)

Applicants who are aged 16 will be referred to the Head of Student Admissions and Head of Student Service for review for suitability.

29: Health screening procedures (Fitness to Teach) for Initial Teacher Training students

The Initial Teacher Training course operate in sensitive environments, and therefore candidates who have an impairment or condition that has a bearing on their occupational health are required to disclose this on the fitness questionnaire. This enables us to make well-informed decisions about candidates' fitness to teach, to consider reasonable adjustments and to ensure support is in place at the beginning of their programme. It is important to emphasise that we actively encourage disabled students to apply for these programmes. Having a disability does not in itself exclude students from pursuing a career in teaching.

All successful candidates who are newly appointed to undertake the Initial Teacher training course and who have direct contact with children or other vulnerable members of society will be required to complete a health questionnaire.

Under The Education (Health Standards) regulations 2003, it is a legal requirement that all trainee teachers must be screened for their physical and mental fitness to teach. This process is undertaken on behalf of the University of East London by Maitland Medical. An online questionnaire must be completed and a fee of £56.00 must be paid upon submission.

To complete the questionnaire applicants need to contact Maitland Medical at mail@maitlandmedical.co.uk or phone 0208 295 8250. They will provide full guidance on the process whether completing the questionnaire on line or sending it by post. Full submission and payment details are included on the questionnaire.

Maitland Medical will notify the university when an assessment has been made so that we can update our records. These records will be checked prior to placements to ensure that students are fully cleared to attend.

30: Prohibition Checks: Initial Teacher Training students

UEL is mandated by NCTL to ensure that all Initial Teacher training students admitted to our courses are not prohibited from the profession. As such we are required to carry out mandatory Prohibition checks on all enrolled students against a list of individuals currently prohibited from teaching i.e. failed induction/probation or sanctioned. This is done through the National College of Teaching and Learning Website.

31: Useful information

University of East London – DBS Registered Body No: 21198300007

Disclosure and Barring Service (DBS) website:

www.gov.uk/government/organisations/disclosure-and-barring-service

Disclosure and Barring Service (DBS): Customer services 03000 200 190

Disclosure and Barring Service (DBS): Sensitive applications Email sensitive@dbs.gsi.gov.uk

Disclosure and Barring Service (DBS): Disputes Team 03000 200 190

Disclosure and Barring Service (DBS): main correspondence address:

DBS customer services

PO Box 3961

Royal Wootton Bassett

SN4 4HF

32: Frequently asked questions

How much does an enhanced disclosure cost?

The cost of an enhanced Disclosure is £44.00, in addition the verification of identity documents at the Post Office costs an additional £5 and an administrative fee of £6 to GBG OnlineDisclosures. The total cost is therefore £55.

Do I have to pay for the disclosure?

YES. However, there are a few exceptions depending on the course of study (please see list of courses Section 3 of this guide). Also exempt from the fee are those students who are temporary employees Student Ambassador Scheme.

How can I pay the fee?

The fee is payable to the Post office on the validation of identity documents.

How long does it take for a disclosure application to be processed?

There is no specified maximum processing time, although after 60 working days you can make an Escalation Request via the DBS Tracking Service or by contacting GBG Online Disclosures.

Can I claim a refund of the DBS application fee?

No. It is not possible to refund the fee once the form has been paid to the Post Office. Applicants must therefore be confident that they are able to meet any conditions for programme entry prior to paying the applicant checks fee.

Who can I contact for further information?

If you have a questions regarding information contained in this guide please contact:

Applicant Enquiries

Tel: +44 (0)20 8223 3333

Email: applicantchecks@uel.ac.uk

For question relating to the DBS application form and process please contact:

GBG OnlineDisclosures

Tel: 0845 251 5000

Email: onlinedisclosures@gbgplc.com

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