

## **Policy and Guidance Notes on the use of the Disclosure and Barring Service (DBS)**

### **1. Scope**

1.1 This policy applies to all potential and current students, employees, contractors, sub-contractors, and volunteers.

It addresses the circumstances under which the University is permitted or required to carry out a criminal record check via the

receipt of health care or social care services and applicants for gaming and lottery licences. An enhanced level certificate contains the same PNC information as the standard level certificate but also includes a check of information held by police forces.

an Enhanced check with barred list information:

- Children's Barred List information is only available for those individuals engaged in regulated activity with children and a small number of posts listed in the Police Act Regulations 1997



4.9 Applicants, employees and students must ensure that they keep their DBS disclosure certificate secure. Where a DBS certificate is misplaced the applicant may be required to apply for a new one.

## **5. Responsibilities**

5.1 Line Managers of staff and academic staff who have students on placement are responsible for identifying if a DBS check is required, the appropriate level of DBS check required and the ongoing reassessment of the post/work to ascertain if the level and type of contact the individual has with children and/or vulnerable adults has changed and, if necessary, to initiate a new DBS check. Guidance on determining the appropriate level of disclosure required is contained in Appendix One.

Please note: where a role has some limited, short-term or supervised contact with children or adults in a vulnerable situation (for instance for work experience placements, summer schools, undertaking normal teaching duties or carrying out standard out-reach activities) this is unlikely to meet the definition of regulated activity and is not eligible for a DBS check.

5.2 Managers of staff must identify the appropriate level of DBS check that is required for the role when they complete their 'Staffing Request Form' for submission to the Staffing Committee. Line Managers must inform Human Resources of the level of DBS check required for staff appointments. Programme Leaders/Head of School must inform the DBS Administrator of the level of check required for students on courses that require a DBS check.

5.3 Where students have been granted an interruption in their studies, academic staff must ensure that another DBS check is completed for the individual unless the applicant is registered with the DBS Update Service and provides written permission for the DBS







<b>TITLE OF POLICY</b> Disclosure and Barring Service Policy	
Policy ref:	
Version number	6
Version date	22/11/22
Name of Developer/Reviewer	Student Services Team Leader (Countersignatory)
Policy Owner (Group/Centre/Unit)	Student Services
Person responsible for implementation (post holder)	Deputy Student Services Manager
Approving committee/board	
Date approved	06 <sup>th</sup> April 2017
Effective from	06 <sup>th</sup> April 2017
Dissemination method e.g. website	Website
Review frequency	Annual
Reviewing committee	Deputy Student Services Manager (Lead Countersignatory), Student Services Team Leader (Countersignatory) and Human Resources.
Consultation history (individuals/group consulted and dates)	Consultation with HR in 2016 and 2021 Consultation with Heads of School and Recruitment and Admissions in 2021.
Document history (e.g. rationale for and dates of previous amendments)	February 2022, update to role and Lead Countersignatory.  May 2022, update to overseas certificate of good conduct. Addition of Appendix Four.  November 2022 – update to cost of DBS from £40 to £38.



## Appendix 1

## Diagram One

### Regulated Activity relating to Children (Post September 2012 Definition)

A) Will the applicant be working unsupervised?

The unsupervised activities include: teaching, training, instructing, supervising or caring for children, or providing advice and guidance on well being, or driving a vehicle for children only

Will the applicant be working unsupervised frequently, intensively or overnight?

Frequently – once a week or more  
Intensively – 4 or more occasions in a 30 day period  
Overnight – between 2am and 6am

B) Will the applicant be working for a limited range of establishments with an opportunity for contact with children?

Refer to Yellow Box below for specified places.

Note: this does not include work by supervised volunteers (for a definition of "Supervision" see below).

Will the applicant be working unsupervised frequently, intensively or overnight?

Frequently – once a week or





## Appendix Two

## **Definitions, Important Information and further sources of Information**

### **What is the definition of young people / children?**

A person who is under the age of 18.

### **What is regulated activity in relation to children?**

In summary regulated activity relating to children is defined as work that a barred person must not do. It is as follows:

#### **Category 1:**

Teaching, training, instructing, caring for or supervising children in an unsupervised capacity;

Providing advice/guidance on well-being to children in an unsupervised capacity;

Driving a vehicle for children only in an unsupervised capacity;



General exception:

Regulated activity relating to adults does not include:

Activity by a person in a group assisting or acting on behalf of, or under direction of, another person engaging in regulated activity relating to adults.

A full description of Regulated Activity can be found here:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/216900/Regulated-Activity-Adults-Dec-2012.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/216900/Regulated-Activity-Adults-Dec-2012.pdf)

### **Supervision of Regulated Activity**

A person whose role includes the day to day management or supervision of any person who is engaging in regulated activity, is also in regulated activity.

### **Further Sources of Information - External**

DBS:

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

DBS Guide to Eligibility:

<https://www.gov.uk/government/collections/dbs-eligibility-guidance>

Regulated Activity with Children:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/550197/Regulated activity in relation to children.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/550197/Regulated_activity_in_relation_to_children.pdf)

DBS Child Workforce:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/517064/DBS Child Workforce v8.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/517064/DBS_Child_Workforce_v8.pdf)

DBS Adult Workforce:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/517065/Adult workforce guidance v8.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/517065/Adult_workforce_guidance_v8.pdf)

DBS Other Workforce:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/517067/2014-07-28 Other Workforce v6.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/517067/2014-07-28_Other_Workforce_v6.pdf)

Supervision Guidance:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/280881/supervision of activity with children which is regulated activity when unsupervised.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/280881/supervision_of_activity_with_children_which_is_regulated_activity_when_unsupervised.pdf)



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## Appendix Three

### DBS Data Storage Policy

#### 1. Background

The University of Bolton is a registered body of the Disclosure and Barring Service (DBS) and can, therefore, use the Disclosure service to help assess the suitability of applicants for degree programmes, volunteering opportunities and/or jobs that will bring them into contact with children and vulnerable adults. As a recipient of Disclosure information, the University is obliged to comply fully with the DBS's Code of Practice. Amongst other things, this obliges the University to have a written policy on the correct handling and safekeeping of Disclosure information.

#### 2. General Principles

The University of Bolton complies fully with the DBS Code of Practice regarding 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.

#### 3. Storage & Access

The University treats Disclosure information as sensitive information under the terms of the Data Protection Act 2018, as part of the General Data Protection Regulation (GDPR). Consequently, Disclosure information is never kept on a student's personal file or an applicant's personnel file. This information 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.

#### 4. Handling

Disclosure information is only passed to those who are authorised to receive it in the course of their duties. The University of Bolton maintains a record of all those to whom Disclosures or Disclosure information ha4 11.04-3(m)(i)5(tio)3(3(4 113(ai)62i)5(pi)6v(4 17(t)-.32 841.W2)5(i)5(m)-19(i)5(





- The Country no longer holds the information. Please give details and attach correspondence from Country:
- Attempts have been made to obtain the certificate but it is proving to be problematic. Please provide further details and any correspondence:
- If applicable have satisfactory references been received and validated from recent employers/educational/providers?
- Has the placement provider been consulted with (if applicable) and had any input in to the risk assessment? Please give details:
- Has consideration been given to the level of supervision that will be extended to the individual whilst on placement? Please give details:
- Other reasons (e.g. refugee status) – provide explanation (overleaf if necessary):

**Important:** A disclosure clearance is not a standalone check, it is part of a wider package of pre-employment/placement checks, which together are used to assess a person's suitability for a post.

- I certify that the above checks have been completed.
- (**Proceed**) I understand and take responsibility for the risk incurred through not having a full disclosure from abroad

and

- The individual is still required to provide a Overseas Criminal Record Check or a Certificate of Good Conduct by
- The individual is not required to provide a Overseas Criminal Record Check or a Certificate of Good Conduct

or

- (**Cannot Proceed**) I have communicated with the individual that until a Overseas Criminal Record Check or a Certificate of Good Conduct is obtained that the individual **cannot** commence/undertake a placement

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

Position: Date: \_\_\_\_\_

School/Faculty: \_\_\_\_\_