

UCL DBS Checks and Criminal Convictions Policy

1. Scope and Purpose

- 1.1 The Disclosure and Barring Service (DBS) has been established under the Protection of Freedoms Act 2012 and merges functions previously carried out by the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA).
- 1.2 This document outlines UCL's policy on the use of criminal record checks (now known as Disclosure and Barring (DBS) checks) and recruitment of staff or volunteers with criminal convictions or those who are barred from working with vulnerable groups. For student requirements on DBS checks and criminal convictions see the [Student and Vulnerable Adults Safeguarding Policy \(for applicants and current students\)](#).
- 1.3 This policy applies to all staff and will be made available (see 5) to applicants at the outset of the recruitment process where a DBS request for disclosure of their criminal record will be required as part of the application process.
- 1.4 This policy refers to vulnerable groups including children and adults. A child is anybody under the age of 18. An adult is considered vulnerable during the time which they require services including; health care; personal care; social care; assistance with cash, bills and shopping; assistance with the conduct of their affairs and conveying (transport in relation to health, personal or social care provision).

2. Disclosure of criminal convictions

- 2.1 It is UCL policy to require applicants to disclose any 'unspent' criminal convictions as part of their application. Under the Rehabilitation of Offenders Act 1974 (amended) ex-offenders are not required to disclose to prospective employers, convictions defined as 'spent' under the Act. However certain posts, particularly those working with vulnerable groups, in positions of trust or sensitive areas are exempt from these provisions, and in these cases all convictions must be declared and DBS clearance obtained prior to starting employment. See [Appendix B](#) for a current list of spent and unspent conviction periods.
- 2.2 UCL will not discriminate unfairly against applicants with a criminal record. Having a criminal record will not necessarily bar an applicant from working for UCL; the nature of a disclosed conviction and its relevance to the post in question will be considered. This is with the exception of; a person who has unspent convictions for violence, assault or damage to property, which are likely to be incompatible with working for UCL or; a person who is barred from working with vulnerable groups. It is a criminal offence to employ a person in a 'regulated position' (see 4) where they have been barred from working with vulnerable groups.

- 2.3 Where a conviction has been disclosed in an individual's application for a post at UCL, a discussion will take place at the end of the interview regarding the offence and its relevance to the position. Failure to reveal information relating to unspent convictions will lead to withdrawal of an offer of employment, or termination of employment.
- 2.4 All staff are required to disclose criminal convictions acquired during employment at UCL which may be relevant to their position or that related to violence, assault or damage to property. Disclosure is to be made confidentially to HR Employment Contract Administration team who will consider the effect of the offence on the employee's post. Examples of convictions relevant to positions include a driving offence for a driver position, theft or fraud for a finance position and convictions relating to vulnerable groups if working in regulated activity. Disclosures relating to vulnerable groups will be referred to a [UCL Safeguarding Contact](#) who will consider whether a referral to the Disclosure and Barring Service is necessary,

3. Disclosure and Barring Service

- 3.1 UCL uses the Disclosure and Barring Service (DBS) to obtain information to enable it to assess the suitability of applicants for employment for posts working with vulnerable groups or in positions of trust.
- 3.2 UCL complies with the DBS code of practice including the secure storage, handling, use, retention & disposal of DBS disclosures and disclosure information and with its obligations under the Data Protection Act.
- 3.3 Usage - DBS disclosure information will only be used for the specific purpose for which it was requested and for which the applicant's full consent will have been obtained.
- 3.4 Access and Retention - Once a recruitment (or other relevant) decision has been made, DBS disclosure information will not be stored unless in exceptional circumstances it is considered necessary to keep such information to allow for consideration and resolution of any disputes or complaints. If it is necessary to keep such information for longer than six months, consideration will be given to the Data Protection rights of the individual.
- 3.5 Disposal - Once the retention period has elapsed, UCL will ensure that any DBS disclosure information is destroyed and while awaiting destruction, DBS disclosure information will be kept securely. 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, will however be securely stored for monitoring purposes.

4. Appointments requiring a DBS disclosure

- 4.1 An appointee may be required to submit a standard DBS disclosure where they work in positions of trust which are defined by the [Rehabilitation of Offenders Act Exceptions Order 1975](#).
- 4.2 An appointee will be required to submit an enhanced DBS disclosure request which includes a barred list check, where s/he will be working in 'regulated' activity with vulnerable groups as defined by the Safeguarding Vulnerable Groups Act 2006.

'Regulated' Activity - Children

4.3 Regulated activity for children is:

- Unsupervised activities *on a frequent basis*; teaching, training or instruction; care or supervision; advice or guidance on well being; or driving a vehicle for children.
- Work in a 'specified place' *on a frequent basis with opportunity for contact* including; schools, children's homes, childcare premises. This does not include work by supervised volunteers.
- Relevant personal care, for example washing or dressing; or health care by or supervised by a professional. This activity does not need to meet the frequency threshold.
- Registered childminding; and foster-carers. This activity does not need to meet the frequency threshold.

'Frequency'

4.4 'Frequent' is once a week or more on an ongoing basis or four or more times in a single month or overnight (between 2am and 6am).

Frequent activity only applies where they take place in a single specified place e.g. visits to the same school. If activity is in a number of 'specified places' (e.g. schools), but is infrequently in each, a DBS check will not be required even if the totality of work carried out in the various settings is frequent.

Regulated Activity – Adults

4.5 The new legal definition of regulated activity for adults no longer uses the term 'vulnerable adults' and no longer requires the activity to meet a minimum frequency threshold. The definition now focuses on the nature of activities, which if required by an adult, will define them to be vulnerable. Staff and managers of staff providing the following activities will be conducting regulated activity:

- Health care – any health care professional providing health care to an adult or anyone who provides health care to an adult under the supervision of a health care professional.
- Personal care – providing assistance, supervision or advice in relation to activities including eating and washing.
- Social care
- Assistance with cash, bills or shopping
- Assistance in the conduct of a person's own affairs
- Transporting an adult because of their age, disability or illness to or from their home and a place where they will receive health care, personal care or social care.

For further details of regulated activity including examples in Higher Education see [Appendix A](#).

5 Process

5.1 If the department considers that a position meets the regulated activity definition and requires a DBS check, they must ensure applicants are aware that a DBS disclosure is required as part of the application process and arrange for a DBS check at the appropriate stage.

- 5.2 When submitting an advert via ROME, the department should select the appropriate option to indicate that the post requires DBS disclosure. The advert will contain a statement to this effect and the department must ensure that the advert further particulars reflects this and includes a link to this policy.
- 5.3 When an appointee has been selected and a contract request is submitted via SiP, the department must indicate that the appointment is subject to DBS clearance and the contract will be issued with a clause to this effect.
- 5.4 UCL will accept portability of DBS checks, which individuals may have from previous employers, as proof of satisfactory clearance when:
- the disclosure is at the correct level i.e. Standard / Enhanced / Enhanced + Barred list
 - free from any offences that would prevent them being employed by UCL
 - and the individual has subscribed to the [update service](#), which states that there is no change to the certificate.
- 5.5 The department must request a DBS disclosure form from HR Employment Contract Administration team as soon as the offer is made to the individual. The DBS form is to be completed by the individual, [identity checks](#) verified by the department and returned to HR Employment Contract Administration team for countersignature. The Home Office has revised identity checking guidelines and there may be a requirement to use an external ID validation service. Members of the transgender community may contact the DBS for a sensitive check which does not reveal their gender identity history. All subjects of a DBS disclosure request will be made aware of the DBS Code of Practice.
- 5.6 If an employee requires a DBS check to perform their role, this must be satisfactorily completed prior to them starting work.
- 5.7 DBS no longer issue disclosure certificates to employers, therefore applicants must bring their certificate to UCL HR Reception or their departmental contact before they start work or, for existing employees, any project or new role involving regulated activity.
- 5.8 UCL HR Reception can be found at the 2nd Floor, Bidborough House, 38 - 50 Bidborough Street, WC1H 9BT, and certificates can be brought between 9.30-12.00 or 14.00-16.30.
- 5.9 The disclosure certificate should be provided to UCL within 7 days of issue, or applicants should inform their HR Employment Contract Administration team contact if they are disputing information on the disclosure. If the certificate is provided to the departmental contact, they will need to provide HR ECA with the certificate reference number, date the certificate was issued and level of the check. If the update service is being used, they must send an [encrypted](#) scanned copy of the original certificate with email confirmation that the applicant gives permission to UCL to perform the [status check](#). The password should not be sent in the email with the file.
- 5.10 If there is disclosure information on the certificate e.g. convictions or endorsements, an [encrypted](#) scanned copy must be sent to the relevant [HR Business Partner](#), who will liaise with the recruiting manager. The password should not be sent in the email with the file.

5.11 Staff may wish to join the [DBS update service](#) if they are likely to require another check in the future. Applicants may sign up to the service if their check was issued after 17 June 2013, for a fee of £13 per annum, which is payable by the applicant. Applicants must sign up within 19 days of the certificate being issued.

Honorary appointments requiring DBS disclosure

5.12 Responsibility for conducting DBS checks for honorary staff will depend on where the individual will be conducting regulated activity:

Work context	Responsibility for DBS check
A UCL employee who will be conducting regulated activity in UCL and another organisation under an honorary appointment	UCL must conduct the DBS check in advance, and they may also be required to have a separate check for their honorary appointment.
A prospective UCL employee who will only be conducting regulated activity as part of an honorary appointment with another organisation.	Honorary organisation will be required to carry out the DBS check. The honorary appointment must be in place before the employee starts work for UCL.
Where an individual has honorary status with UCL and will be conducting regulated activity here	UCL must conduct the DBS check

5.13 [Research Passports](#) - Where the employee is applying for a Research Passport which entails regulated activity at UCL and or other organisations, UCL must conduct the DBS check.

Storing DBS checks

6.0 UCL will not retain DBS disclosure certificates once the recruitment decision has been made, therefore departments must delete hard or electronic copies of certificates once the information has been provided to UCL HR.

Appendices

[Appendix A: Regulated Activity Examples](#)

[Appendix B: Rehabilitation periods for certain types of sentence/disposal under the 1974 Act \(as amended\)](#)