



## UCL DBS Checks and Criminal Convictions Policy

### 1. Scope and Purpose

- 1.1. The Disclosure and Barring Service (DBS) helps employers make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups, including children. It replaces the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA).
- 1.2. This document outlines UCL's policy on the use of 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 [Student Disclosure and Barring Policy](#).
- 1.3. This policy applies to all staff and will be made available 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. A current list of spent and unspent conviction periods is shown here: [Spent or Unspent convictions](#).
- 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 the line manager 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.
- 2.5 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.
- 2.6 If the individual is already registered with the update service, they should contact HR Services to make an appointment to bring their original certification and confirmation of their permission to UCL to perform the [DBS Update Service](#) .

### **3. Disclosure and Barring Service**

- 3.1 UCL uses the Disclosure and Barring Service (DBS) checking service to help assess the suitability of applicants for positions of trust, UCL complies fully with the code of practice regarding the correct handling, use, storage, retention and disposal of certificates and certificate information.
- 3.2 UCL also complies fully with its obligations under the Data Protection Act 1998 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of certificate information and has a written policy on these matters, which is available to those who wish to see it on request.
- 3.3 UCL engages an umbrella body to process its DBS checks. An umbrella organisation is a body which is registered to countersign applications and receives certificate information on behalf of other employers or recruiting organisations. UCL takes all reasonable steps to satisfy itself that the umbrella organisation will handle, use, store, retain and dispose of certificate information in full compliance with the [DBS Code of Practice](#) and in full accordance with this policy.
- 3.4 UCL will ensure any body or individual, at whose request applications for DBS certificates are countersigned, has such a written policy and, if necessary, will provide a model policy for that body or individual to use or adapt for this purpose.
- 3.5 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.
- 3.6 In accordance with section 124 of the Police Act 1997, certificate information is only passed to those who are authorised to receive it in the course of their duties. We

maintain a record of all those to whom certificates or certificate information has been revealed and it is a criminal offence to pass this information to anyone who is not entitled to receive it.

- 3.7 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.
- 3.8 Retention - Once a recruitment (or other relevant) decision has been made, we do not keep certificate information for any longer than is necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints.
- 3.9 If, in very exceptional circumstances, it is considered necessary to keep certificate 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.
- 3.10 Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.
- 3.11 Disposal - Once the retention period has elapsed, UCL will ensure 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.
- 3.12 The DBS logo is protected by crown copyright, the copying and use of the DBS logo is not permitted without prior approval of the DBS.
- 3.13 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.
- 3.14 If an employee requires a DBS check to perform their role, this must be satisfactorily completed prior to them starting work.
- 3.15 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.
  - An applicant's clearance must be in place before they start work or, for existing employees, any project or new role involving regulated activity.

#### **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 they 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 wellbeing; 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 [DBS eligibility guidance](#)

## 5. Honorary appointments requiring DBS disclosure

5.1 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
<b>A UCL employee who will be conducting regulated activity in UCL and another organisation under an honorary appointment</b>	UCL must conduct the DBS check in advance, and they may also be required to have a separate check for their honorary appointment.
<b>A prospective UCL employee who will only be conducting regulated activity as part of an honorary appointment with another organisation.</b>	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.
<b>Where an individual has <u>honorary status</u> with UCL and will be conducting regulated activity here</b>	UCL must conduct the DBS check

5.2 [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.