

## DISCLOSURE AND BARRING SERVICE CHECKS GUIDELINES FOR LINE MANAGERS

---

### Contents

- 1 [Introduction](#)
  - 2 [Recruitment of New Staff](#)
    - [Evaluating the need for Disclosure](#)
  - 3 [Levels of Disclosure](#)
    - [Standard Disclosure](#)
    - [Enhanced Disclosure](#)
    - [Enhanced Disclosure for regulated activity](#)
  - 4 [Checks on Existing Staff](#)
  - 5 [Fees](#)
  - 6 [Receiving and Disclosing](#)
  - 7 [Checks for Overseas Candidates](#)
  - 8 [Following receipt of successful disclosure](#)
  - 9 [Annual Checks](#)
  - 10 [Further information and guidance](#)
- 

### 1 Introduction

- 1.1 These guidelines are designed to assist managers who are involved in the recruitment and employment of staff in posts which are regarded as exempt under the Rehabilitation of Offenders Act 1974. They should be read in conjunction with the College's Recruitment and Selection Policy, Policy Statement on the Recruitment and Employment of Ex-Offenders and Policy Statement on Secure Storage, Use, Retention & Disposal of Disclosures and Disclosure Information.
- 1.2 The <sup>1</sup>Disclosure and Barring Service (DBS) helps organisations make safer recruitment decisions by providing access to criminal record information to assist employers identify candidates who may be unsuitable for certain work.
- 1.3 The College needs to be aware of any convictions, cautions, reprimands or final warnings that are not "protected", as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013) by SI 2013 1198 and listed at: [www.imperial.ac.uk/hr/procedures/recruitment/criminalrecords/pnc](http://www.imperial.ac.uk/hr/procedures/recruitment/criminalrecords/pnc), of individuals who are appointed to exempt positions. As a Registered Body of the DBS, the College is entitled to ask individuals to disclose their conviction history.
- 1.4 Requests to the DBS for information about criminal convictions for both new and existing staff may only be made by HR Managers, who have been approved by the DBS as countersignatories.

---

<sup>1</sup> Known as the Criminal Records Bureau (CRB) up until 1 December 2012

## **2 Recruitment of New Staff**

### **2.1 Evaluating the need for disclosure**

You should discuss the need for a <sup>2</sup>Disclosure with your HR Manager before commencing the recruitment process.

To determine if a post should be subject to a criminal records check and which level of check, if any, is appropriate, you should evaluate whether or not the [position is listed as exempt under the Exception Order of the Rehabilitation of Offenders Act 1974](#). The main areas/occupations applicable to the College are:

- Work involving regulated activity with children (under the age of 18 years) or vulnerable groups such as the infirm, elderly or mentally ill.
- Healthcare professionals and health service appointments e.g. doctors, nurses, dentists, etc
- Veterinary surgeons
- Barristers and solicitors, chartered/certified accountants and financial services appointments
- Work involving matters of national security e.g. some civil service posts, defence contractors, etc.

### **2.2 Before deciding if an individual should be checked, consider the following questions:**

- Does the post involve one-to-one contact with children or other vulnerable groups (the infirm, elderly, mentally ill) as employees, customers or clients?
- What level of supervision will the post holder receive?
- Will the nature of the job present any opportunities for the post holder to re-offend in the workplace?

The answers to these questions will go some way to deciding the relevance of convictions to specific posts.

### **2.3 The minimum age at which someone can be asked to apply for a DBS check is 16 years old.**

### **2.4 Where a criminal record check is required, you should make applicants aware that a Disclosure will be sought from the successful candidate by including the recommended wording from the templates in both the job advertisement and person specification.**

### **2.5 The College will not normally appoint the successful candidate until the Disclosure stage has been completed. The only exception to this is where [appropriate arrangements for supervised one-to-one contact with children or vulnerable groups](#) can be made pending a response on the candidates disclosure application.**

## **3 Levels of Disclosure**

The DBS offers three levels of Disclosure, each representing a different level of check.

### **3.1 Standard Disclosure**

To be eligible for a standard level check the position must be included in the Rehabilitation of Offenders Act 1974 Exceptions Order 1975. The standard check is available for certain specified occupations, licences and entry into certain specified

---

<sup>2</sup> Disclosure refers to both new applications for DBS certificates and status checks of existing DBS certificates

professions, for example, positions within financial services, veterinary surgeons, etc but does not apply to posts that involve working with children and adults.

A standard check contains details of any spent and unspent convictions, cautions, reprimands and warnings held on the Police National Computer which the police are permitted to disclose.

### 3.2 **Enhanced Disclosure**

To be eligible for an enhanced level check the position must be included in the Rehabilitation of Offenders Act 1974 Exceptions Order 1975 and in Police Act Regulations. The enhanced check is available for those carrying out certain activities or working with children or adults; applicants for gaming and lottery licences; and judicial appointments. An enhanced check is the highest level of check available.

Enhanced checks contain the same information as the standard check but with the addition of a check of police records held locally.

### 3.3 **Enhanced Disclosure for regulated activity**

The enhanced check for regulated activity is available for those working in regulated activity with children or adults.

Enhanced checks for regulated activity contain the same information as the normal enhanced check but with the addition of a check of the Children and or Vulnerable Adults barred lists.

**Please note** that to request a check of the Children's or Adult's barred lists the position must meet the new definition of regulated activity (<https://www.gov.uk/government/publications/dbs-regulated-activity>).

The following are examples of positions in the College that might warrant this type of check:

- Hospital Doctors and Occupational Health staff
- Lecturers, if teaching under 18s
- Sports and Leisure staff
- Early Years Education Centre staff
- Hall Wardens, if working in hall in which under 18s reside
- College staff with pastoral responsibilities

This list is not exhaustive and any queries regarding checks should be directed to your designated HR Manager.

## **4 Checks on Existing Staff**

4.1 In certain circumstances it may be necessary to obtain a Disclosure for an existing member of staff. This could occur for a number of reasons including where:

- The duties of an existing member of staff change such that they will begin to have regular/close contact with children or vulnerable adults, for example, a staff member who takes on a pastoral responsibility as a Warden or College Welfare Tutor.
- A child or vulnerable adult enrolls at the College and will be living or working in close proximity to them.

4.2 To determine whether or not a Disclosure is required, you should refer to paragraphs 2.1 and 2.2 above. As a Disclosure cannot be obtained without the member of staff's consent, where possible, this should be obtained before the new duties are assigned or before the child or vulnerable adult enrolls at the College.

Where this requires existing staff to apply for a new DBS certificate, you must also provide them with a copy of both policy statements on the [Recruitment and Employment of Ex-Offenders](#) and the [Secure Storage, Use, Retention & Disposal of Disclosures and Disclosure Information](#).

- 4.3 If a member of staff withholds their consent to Disclosure then you must ensure that they do not work in a regulated activity with children or vulnerable adults without supervision. Where this is not possible, you may need to change their duties, or, if the issue was prompted by the enrolment of a child or vulnerable adult at the College, relocate the student so that they do not work in close proximity with the member of staff, for example, by placing them in a different hall of residence if the staff member concerned is a Warden. In such cases, existing employees have the right to withhold their consent to a Disclosure and should suffer no detriment for doing so.
- 4.4 The College is also entitled to seek a Disclosure for a person living in the same household (e.g. hall of residence) as a post holder at the College (i.e. a Warden) whose suitability is being assessed for a position working with children and lives on the same premises where their work with children would normally take place.

## **5 Fees**

The current fees are £44 for an Enhanced Disclosure and £26 for a Standard Disclosure. This cost will be paid from a central fund.

Where DBS checks are an essential and ongoing requirement for posts, staff will be required to subscribe to the update service. The current annual subscription fee for the update service is £13. The department will refund the annual subscription costs for the duration of the individual's employment.

## **6 Receiving the Disclosure**

The DBS will send a copy of the Disclosure to the applicant only. Applicants are asked to take their original certificate to their HR Manager upon receipt therefore, should the applicant provide you with their certificate, please would you ask them to take this to their HR Manager. As there are strict rules governing the handling, storage, retention and disposal of Disclosures and Disclosure information, you must not under any circumstances copy or retain their certificate.

## **7 Checks for Overseas Candidates**

The DBS can only access criminal records held on the Police National Computer. If the College is recruiting an overseas candidate, a DBS disclosure may not provide a complete picture of their criminal record. You may therefore wish to check their overseas criminal record by contacting the [embassy or High Commission](#) of the country in question or telephoning the FCO Response Centre Helpline on 020 7008 1500. Some countries have arrangements in place which allow their citizens to obtain certificates of good conduct or extracts from the criminal record to show to prospective employers. You may wish to ask overseas candidates to apply for the equivalent of a disclosure, if available. [Gov.UK](#) offer further guidance about criminal records checks for overseas candidates.

## **8 Following receipt of successful disclosure**

Once a successful disclosure has been received or status check made, the HR Manager will email the individual's line manager to confirm that the check has been completed and that the individual has been cleared.

**9 Annual Checks**

Where DBS checks are an essential and ongoing requirement for posts HR Managers will use the update service to carry out annual checks on the individual's DBS status.

**10 Further information and guidance**

Further information and guidance for managers and applicants is available from HR's [Disclosure and Barring Service](#) webpage.