



DISCLOSURE AND BARRING SERVICE POLICY

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1. About this policy

1.1. A criminal record need not necessarily be regarded as a barrier to employment at St George's, University of London. However, the University must balance this with its responsibilities to provide a safe and secure environment for its employees, students, visitors, patients in the Trusts with whom it works and others. In addition, St George's, University of London has to consider the demands of various professional bodies and requirements under the law to protect particular groups of people, eg children and vulnerable adults.

1.2. To this effect, job applicants and employees will be subject to mandatory Disclosure and Barring Service (DBS) checks, where the role requires it. This primarily relates to roles with direct contact with children and/or vulnerable adults. In assessing criminal records, St George's, University of London will balance the interests of the applicant/employee with its duty of care to vulnerable groups. St George's, University of London reserves the right to refuse to employ job applicants.

1.3. This policy applies to job applicants and employees, including temporary staff and those paid via timesheets, as well as agency workers.

1.4. Managers of non-employees, eg visiting academics, should satisfy themselves, in advance, of the need, or not, for DBS clearance by following the guidance in this policy.

1.5. All formal contracts between St George's, University of London and a Contractor/Service Provider include standard wording outlining clear responsibility of the Contractor/Service Provider to consider and ensure appropriate DBS checks are in place, where appropriate, for anybody working under the contract.

1.6. Honorary appointees are generally employed by NHS Trusts and as such will have been DBS checked and cleared through NHS procedures. A separate DBS check via St George's, University of London is therefore not required.

1.7. There are separate policy and procedures for DBS arrangements for students and student applicants.

1.8. This policy should be read in conjunction with the [Safeguarding Children and Vulnerable Adults Policy](#).

2. The DBS system

2.1. The Disclosure and Barring Service (DBS) is the system used for criminal records disclosure and relevant barred lists. Further information on the DBS can be found [here](#).

2.2. Where St George's, University of London requires a DBS check, this is usually at the "Enhanced Disclosure" level. An enhanced DBS check certificate will contain details of convictions and conditional cautions that are considered to be unspent under the terms of the Rehabilitation of Offenders Act (ROA) 1974 and the DBS barred lists are checked. The certificate may also contain non-conviction information supplied by relevant police forces, if it is deemed relevant and ought to be contained in the certificate.

2.3. An individual cannot apply for an enhanced check by themselves. There must be a recruiting organisation who needs the applicant to get the check. This is sent to DBS through a registered body.

2.4. Job applicants will be required to undertake a DBS check if they are offered a relevant role and employees are required to update their DBS check every three years. Human Resources (HR) will coordinate the check via the DBS service. Any job applicant who refuses to authorise the requisite clearance checks will not be able to proceed with a job offer.

2.5. If necessary, criminal records checks for overseas job applicants/employees may be undertaken. Further information is available on [gov.uk](#).

3. Roles requiring DBS checks

3.1. Under the Rehabilitation of Offenders Act 1974, following a specified period of time cautions and convictions may become spent and the offender is regarded as rehabilitated. However, there are some occupations, posts and activities which are exempt from the Act and are covered in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975. Roles that fall under the exceptions will require DBS checks. These include:

- Regulated activity with children and other activities which involve working closely with children such as caring for, training, supervising or being solely

in charge of children under 18 (including adoption, fostering, day care and childminding).

- Regulated activity and other activities which involve caring for, training, supervising or being solely in charge of other people in vulnerable circumstances (including social work and advocacy services).
- Employment in healthcare professions (including medical practitioners, dentists, nurses, midwives, optometrists, registered pharmacists and osteopaths).

3.2. In addition, the recruiting manager will specify whether a job at St George's, University of London requires a DBS check. In summary the following roles will require DBS checks:

- Posts that involve contact with children or vulnerable adults.
- Posts that involve regularly caring for, supervising, training or being in sole charge of children or vulnerable adults.
- Posts that involve matters of national security. These include posts which during the course of the work, post holders have access to Hazard Group 3 Biological Agents or Radioactive High Activity Sealed Sources.
- Posts employed within the Biological Research Facility (BRF).
- Senior posts which are positions of trust, eg posts concerned with financial services (ie some Registry or Finance posts), senior administrative or management posts and/or some posts in the Professorial and Senior Administration staff grouping.
- Any other role deemed as requiring a DBS check following individual assessment.

A full list of roles requiring DBS checks is available [here](#).

3.3. For some of the above posts, particularly those involving national security and the BRF, additional pre-employment screening provided by Agenda Security Services will be undertaken, as specified by the recruiting manager. This screening includes political, terrorist and animal rights affiliations checks and internet mining searches.

3.4. Job application forms ask applicants whether they have any unspent criminal convictions in line with the Rehabilitation of Offenders Act 1974. If an applicant discloses that they do have unspent convictions they will be given an opportunity to discuss this disclosure. Having a criminal record will not necessarily prevent somebody from working at St George's, University of London as it will depend on the nature of the post. The consideration St George's, University of London will undertake is outlined in section 4. If the information provided on the application form proves to be false, St George's, University of London reserves the right at any stage to decline the offer of employment.

4. Action if a DBS check discloses that a job applicant has a criminal conviction

4.1. The test which St George's, University of London will use when deciding whether a criminal record gives reasonable grounds for declining employment is whether the record

- poses a real threat to the safety or property of staff, students, visitors, or patients in the Trusts with which the university works; or
- would be contrary to the law or to the requirements of any relevant professional or other regulatory body.

4.2. If a DBS certificate discloses a criminal conviction, the recruiting manager, in consultation with HR, will determine whether the criminal record or any other matter revealed is relevant to employment. In doing so they will identify the risks to St George's, University of London's operations, students, staff and patients. This determination will consider the following factors:

- Does the post involve one-to-one contact with children or vulnerable adults?
- What level of supervision will the post-holder receive?
- Does the post involve any direct responsibility for finance or items of value?
- Does the post involve direct contact with the public?
- Will the nature of the job present any opportunities for the post-holder to re-offend in the course of work?

4.3. The assessment will also take the following into account:

- The seriousness of the offence and its relevance to the safety of other employees, students and patients.
- The length of time since the offence occurred.
- Any relevant information offered by the job applicant about the circumstances which led to the offence being committed (for example the influence of financial or domestic difficulties).
- Whether the offence was a one-off or part of a history of offending.
- Whether the individual's circumstances have changed since the offence was committed, making re-offending less likely.
- Whether the offence has been decriminalised by Parliament or the DBS filtering process.
- The country in which the offence was committed (some activities are offences in some countries and not in others).

- The degree of remorse, or otherwise, expressed by the job applicant and their motivation to change.

4.4. In some cases, legal constraints may eliminate a job applicant from consideration for a role, for example it is illegal to employ certain offenders in some occupations (see paragraph 3.1) and if driving a motor vehicle is part of the requirements of a role, those with driving convictions may not be suitable or legally permitted to undertake these tasks.

4.5. HR and the recruiting manager will discuss with the job applicant the offence and any other matter that might be relevant to the position. The discussion will provide a full opportunity for the individual to describe the circumstances which gave rise to the criminal record and their suitability for the post. If necessary, the job applicant may be required to provide information from other third parties who may have a view on the above matters, eg probation officers or others who are professionally or personally involved in the rehabilitation of, or are familiar with, the applicant.

4.6. If the criminal record reveals that a job applicant is banned from working with children or vulnerable adults, will adversely impact upon the post or poses too great a risk, St George's, University of London will withdraw the offer of appointment where appropriate.

4.7. Where a disclosure is not considered a barrier to employment, the applicant may be asked to disclose their offence(s) to healthcare-related professional regulatory bodies.

4.8. Where it is found that a job applicant has declared inaccurate information it may disqualify them from appointment.

5. Convictions arising during the course of employment

5.1. All staff of St George's, University of London are required to advise their line manager or HR of any conviction or change to their criminal record arising during their employment. This will then be discussed with the individual.

5.2. Consideration will be given to the nature of the conviction in relation to the post which the employee holds, in addition to length of service and contributions to St George's, University of London during this time. The above Risk Assessment under the section 'Consideration of job applications for those applicants who have a criminal record' should also be applied.

5.3. Where it is found that an individual has declared inaccurate information or failed to advise of a change to their criminal record, it may be considered to be Gross Misconduct which could result in dismissal.

6. Confidentiality

6.1. St George's, University of London complies fully with the DBS's Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures. It also complies fully with its obligations under the General Data Protection Regulation (GDPR) and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information.

6.2. Information within St George's, University of London relating to criminal records will be restricted to only those who are involved in any of the processes detailed above. All information provided by a job applicant or employee relating to their criminal record will not be disclosed outside of St George's, University of London unless legally required to do so.

6.3. All information relating to criminal records will be kept securely and in line with our [privacy notices](#).