

Disclosure and Barring Service policy statement

Policy statement on the use of DBS Disclosures and job applicants with convictions.

INTRODUCTION

This document outlines the policy of Canterbury Christ Church University on the employment of ex-offenders and is made available, prior to interview, to all applicants for whom a Disclosure and Barring Service (DBS) Disclosure (formerly known as a Criminal Records Bureau (CRB) Disclosure) will be required, as well as to any existing member of staff for whom a Disclosure Check is requested.

A DBS Disclosure Check is a document containing information held by the police and government departments, which gives details of a person's criminal record including convictions, cautions, reprimands, final warnings or other non-conviction information. Disclosures are provided by the DBS, an executive non-departmental public body of the Home Office. The University makes use of the DBS Disclosure service as part of the recruitment process to assess a candidate's suitability for certain posts such as those involving contact with children or other vulnerable groups. This Disclosure service may also be used to check existing members of staff, where this is considered to be relevant and appropriate by the University.

As an organisation using the DBS Disclosure service to assess applicants' suitability for positions of trust, the University complies fully with the DBS Code of Practice and undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of conviction or other information revealed.

THE UNIVERSITY'S DISCLOSURE POLICY

Unless the nature of the position applied for allows the University to ask questions about an entire criminal record, we will only ask about 'unspent' convictions as defined in the Rehabilitation of Offenders Act 1974 in the recruitment process.

It is University policy to require applicants to disclose all "spent" and "unspent" criminal convictions as part of their application for any job or profession which is excluded under the Act (see 'Excluded Jobs and Professions' below).

Canterbury Christ Church University reserves the right to request a Disclosure for any current or prospective employee where it considers it to be a reasonable measure for the protection of the interests of the University (e.g. security, financial, protection of the student body). Normally, however, a Disclosure will only be requested where it is relevant to the position concerned, such as posts where appointees are involved in caring for, training, supervising or being in sole charge of young people under the age of 18, or of vulnerable adults.

For such appointments all further particulars will contain a statement explaining that a Disclosure will be requested in the event of an individual being offered the position. Any subsequent offer of employment would be made subject to receipt of a DBS disclosure which is satisfactory to the University.

Where a prospective or existing member of staff has an offence revealed by a DBS disclosure, the University would consider the relevance of the offence to the position applied for or held at the University and the provisions of the Rehabilitation of Offenders Act 1974

THE REHABILITATION OF OFFENDERS ACT 1974

Spent and Unspent Conviction

The Rehabilitation of Offenders Act 1974 was introduced to prevent people being discriminated against in their employment because of an offence committed in their past. For employers, this means that people whose convictions are "spent" should be treated as rehabilitated and as if their conviction had never taken place.

However, there are certain sentences excluded from rehabilitation under the Act which are never considered 'spent'. These are:

- A sentence of life imprisonment
- A sentence of preventive detention
- A sentence of imprisonment, youth custody or corrective training for a term exceeding 48 months

Excluded Jobs and Professions

There is also a list of excluded jobs and professions under the Rehabilitation of Offenders Act 1974 which means that for certain types of employment it is lawful to reject a person for employment on the grounds of a spent conviction. When making an application for one of the excluded job categories, job applicants are obliged to disclose all convictions, whether or not they are spent.

The relevant excluded job categories within the University include:

- Medical practitioner, nurse, midwife
- Medical laboratory technician
- Radiographer, occupational therapist, physiotherapist
- Health services personnel
- Posts involving schooling or other dealings with young people

Declaring Previous Unspent (and Spent) Convictions at the Point of Application for a Post at the University

Applicants for all posts at the University are required to disclose previous unspent convictions, and for all 'excluded posts' (see definitions above) to previous spent and unspent convictions, at the point of application.

In such cases, the applicant (or employee, if the person is already in post) should provide this information using the form enclosed with the application pack under separate cover to the Director of Human Resources & Organisational Development at Canterbury Christ Church University, Rochester House, St George's Place, Canterbury, Kent CT1 1UT. The information will only be made available to those persons who need to see it as part of the recruitment process. It is the University's policy to seek a Disclosure Certificate via the DBS even where an applicant has made details of their criminal record known to the University at an earlier stage.

Where an individual has disclosed a conviction in his or her application for a post at the University or a conviction is revealed through a Disclosure, a discussion will take place with the

applicant regarding the offence and its relevance to the position. Failure to reveal information relating to unspent convictions (and also spent convictions in the case of 'excluded' occupations) could lead to withdrawal of an offer of employment/termination of employment.

The University will not discriminate unfairly against applicants with a criminal record. Having a criminal record will not necessarily bar an applicant from working for the University: the nature of a disclosed conviction and its relevance to the post in question, will be considered.

VALIDITY / EXPIRY OF DISCLOSURE INFORMATION

A DBS disclosure obtained for a position with another organisation cannot be re-used for any position being applied for at CCCU.

The Disclosure Certificate is valid for the date of issue only, as it represents information available to the DBS on that date only.

STORAGE, USE, RETENTION AND DISPOSAL OF DISCLOSURES AND DISCLOSURE INFORMATION

General principles

As an organisation using the DBS Disclosure service to help assess the suitability of applicants for positions of trust, Canterbury Christ Church University 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 1998 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information and has a written policy on these matters, which is available to those who wish to see it on request.

Storage & Access

Disclosure information is never kept on an applicant's personnel file and 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.

Handling

In accordance with section 124 of the Police Act 1997, Disclosure 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 Disclosures or Disclosure information has been revealed and we recognise that it is a criminal offence to pass this information to anyone who is not entitled to receive it.

Usage

Disclosure information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

Retention

Once a recruitment (or other relevant) decision has been made, we do not keep Disclosure information for any longer than is absolutely necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints. If, in very

exceptional circumstances, it is considered necessary to keep Disclosure 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 Act before doing so. Throughout this time, the usual conditions regarding safe storage and strictly controlled access will prevail.

Disposal

Once the retention period has elapsed, we will ensure that any Disclosure information is immediately suitably destroyed by secure means, i.e. by shredding, pulping or burning. While awaiting destruction, Disclosure information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack). We will not keep any photocopy or other image of the Disclosure or any copy or representation of the contents of a Disclosure. However, notwithstanding the above, we may keep 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.

Responsibility for ensuring these processes are adhered to rests with the HR&OD Operations Manager.

OTHER INFORMATION

We ensure that all those at the University who are involved in handling Disclosure information as part of the recruitment process have been suitably briefed to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate briefing in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.

We make every subject of a DBS Disclosure aware of the existence of the DBS Code of Practice and will make a copy available on request.

The University will cover the full cost of a Disclosure Application.

EQUALITY OF OPPORTUNITY

The University is committed to promoting equality, diversity and an inclusive and supportive environment for students, staff and others closely associated with the University. The University seeks to ensure that people are treated equitably regardless of their gender, race, colour, ethnic or national origins, age, disability, socio-economic background, religious or political beliefs and affiliations, marital status, family responsibilities, sexual orientation or other inappropriate distinction. The University's policies on [Equal Opportunities and Race Equality](#) provide further information.

We actively promote equality of opportunity for all with an appropriate mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records. We select all candidates for interview based on their experience, qualifications, skills and knowledge as indicated on their application form or curriculum vitae.

Title Disclosure and Barring Service policy statement

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