

Disclosure and Barring Service (DBS) Checking Policy

Recruitment and Selection (R&S) Guidelines implemented July 2012

DBS checking policy (formerly Appendix 2) updated May 2013 in line with legislative changes

R&S Guidelines updated September 2013 to reflect changes to vacancy approval process

R&S Guidelines updated September 2014 to reflect e-Recruitment light

R&S Guidelines updated March 2015 (updated senior academic selection processes – first used in February 2015)

Disability guidance Appendix updated (2.1; 3.1 & 4.1); clarifications made to Probationary period Appendix and probation form template added August 2015

November 2016 – Terminology updates

May 2017 – minor process updates

December 2018 updates: DBS appendices separated into a standalone policy; Employment of ex-offenders section removed from DBS appendix into a standalone policy; and minor updating to R&S guidance.

January 2022: Reviewed by HR; no changes made

Disclosure and Barring Service (DBS) checking policy

1. DBS checks

- 1.1 As set out in our Policy Statement on the Recruitment of Ex-Offenders, we can request a DBS check if it is proportionate and relevant to the role.
- 1.2 Managers can request an enhanced Disclosure and Barring Service (DBS) check as part of the recruitment process for roles that involve frequent regulated activity (e.g. teaching under 18s more than 3 times a month). Section 2 provides more detail on this.
- 1.3 If managers are unsure what type of Disclosure and Barring Service (DBS) check applies to a role, this [gov.uk tool](#) might help.
- 1.4 If a DBS check is required, the job advertisement and job description will state this and if an enhanced check is required, the regulated activity and the [type of DBS check](#) required for that post must also be included.
- 1.5 A check will only be undertaken for the successful applicant(s) and we will withdraw a job offer or where relevant terminate employment if the DBS check shows that the applicant is unsuitable or barred from working in regulated activity.
- 1.6 Managers should contact HR to arrange a DBS check.
- 1.7 We do not accept DBS checks from a previous employer because it is difficult to verify accurately that the certificate was the right level and type for the role here.
- 1.8 A DBS check has no official expiry date¹. Any information included will be accurate at the time that the check was undertaken. Our policy is to renew checks every three years or when the duties undertaken in a role alter significantly, unless the employee has signed up for the [DBS update service](#) and HR have checked and verified that their certificate is up to date online.
- 1.9 When the DBS has processed and completed a check, they will send the applicant/member of staff a certificate. HR (or the manager, for student checks) ask the applicant/member of staff to show them the original certificate for verification once they receive it.
- 1.10 If a DBS check is required, a post holder cannot commence work until the manager has seen a satisfactory certificate from the member of staff. It can take around 8 to 12 weeks² for a check to come through so managers are advised to factor this in when recruiting to posts that require DBS checks.

¹ <https://www.gov.uk/db-check-applicant-criminal-record> (November 2018)

² It can take longer if any details given for the check are incorrect or if several police forces need to be involved in the check.

1.11 Please note that DBS checks will not cover the time someone lived outside the UK.

2. Definitions and further guidance on posts requiring DBS checks

The following definitions provide guidance to help managers determine which posts require DBS checks to be included in the job descriptions.

Further advice is available from Human Resources or the most up to date guidance and definitions can be accessed directly from the [DBS website](#).

2.1 'Regulated activity for children'

A full definition of regulated activity can be found in [Part V of the Protection of Freedoms Act 2012](#). The summary below is from the DBS:

- **Frequently or intensively** is defined as an activity carried out by the same person frequently (once a week or more often), or on 3 or more days in a 30-day period (or in some cases overnight between 2am and 6am, where there is opportunity for face-to-face contact).
- **'Regulated activity relating to children'** comprises only:
 - i. Unsupervised activities: teach, train, instruct, care for or supervise children, or provide advice/guidance on well-being, or drive a vehicle only for children;
 - ii. Work for a limited range of establishments ('specified places'), with opportunity for contact: for example, schools, children's homes, childcare premises. This does not include work undertaken by supervised volunteers;
 - iii. Relevant personal care, for example washing or dressing; or health care by or supervised by a professional;
 - iv. Registered childminding and foster-carers.

Work under (i) or (ii) is only regulated activity if it is done frequently or intensively.

2.2 Regulated activity for adults

The definition of regulated activity relating to adults 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:** anyone providing assistance, supervision or advice in relation to activities including eating, dressing, care of the skin, hair or nails because of an adult's age, illness or disability.
- **Social care:** a social care worker providing social work that is required in connection with any health care or social services to an adult who is a client or potential client.
- Assistance with cash, bills or shopping
- Assistance in the conduct of a person's own affairs
- **Conveying:** 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.
- Jobs that involve caring for, supervising or being in sole charge of children or adults require an enhanced DBS check. This includes checking whether someone is included in the 2 DBS 'barred lists' of individuals who are unsuitable for working with children or adults.

3. The secure storage, handling, use, retention and disposal of Disclosure and Barring Service (DBS) certificates and certificate information

3.1 General principles

As an organisation using the Disclosure and Barring Service (DBS) checking service to help assess the suitability of applicants for positions of trust, London Metropolitan University complies fully with the Code of Practice regarding the correct handling, use, storage, retention and disposal of certificates and certificate information. It also complies fully with its obligations under the current data protection legislation 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.

3.2 Storage and access

Individuals retain their own DBS certificates; the University does not keep copies. HR keeps a central record of the DBS clearance certificate number, the individual's name, the date of the check and if there were any notes (but not the content of the notes) and the level of check on a spreadsheet saved to a secure drive, accessible only by the HR team. Atlantic Data Ltd. (a DBS compliant and registered Umbrella Body) have been engaged to provide our online DBS checking service and our records will gradually transfer over to them.

3.3 Handling

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. The University maintains the 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.

3.4 Usage

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

3.5 Retention

Once a recruitment (or other relevant) decision has been made, the University does 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. 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 individual's data protection and human rights before doing so. Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.

3.6 Disposal

We destroy all recruitment documentation for unsuccessful applicants, by secure means, six months after the recruitment process is completed.

We destroy all documentation relating to successful applications for employment, by secure means, six years³ after the employment ends, along with their HR file.

³ As set out in our published [records and retention schedule](#)