

THE MANCHESTER METROPOLITAN UNIVERSITY

POLICY AND PROCEDURES RELATING TO DISCLOSURE AND BARRING SERVICE PROCESS

SECTION A: INTRODUCTION

1. Background

1.1 Disclosure and Barring Service

The Disclosure and Barring Service (DBS), is a non departmental body of the Home Office, which was set up to help organisations make safer recruitment decisions. It replaces the Criminal Record Bureau (CRB) and the Independent Safeguarding Authority (ISA). By providing access to criminal record information, the DBS will help organisations in the public, private and voluntary sectors and educational institutions identify candidates who may be unsuitable for certain work, especially work that involves contact with children or other vulnerable members of society.

The DBS' statutory responsibilities are:

- To process requests for criminal records checks as defined by Part V of the Police Act 1997; for applications made in England and Wales
- To decide whether it is appropriate for a person to be placed on or removed from a barred list under the Safeguarding Vulnerable Groups Act 2006 or Safeguarding Vulnerable Groups Order (Northern Ireland) 2007
- To maintain the DBS children's barred list and the DBS adults' barred list for England, Wales and Northern Ireland

For certain programmes within the Manchester Metropolitan University ('the University'), students are required to be screened by means of a 'Disclosure' obtained from the DBS. A Disclosure is an impartial and confidential document that details an individual's criminal record and, where appropriate, details of those who are banned from working with children. The DBS will carry out a criminal record check for an individual drawing on the following primary sources of information:

- Police National Computer (PNC);
- DBS' children and adult barred lists

Local Police Information will no longer be shown on the Disclosure. The police will contact the counter-signatory directly if they feel there is relevant additional information that is not a conviction.

According to the nature of the programme and its placement requirements, information will be drawn from the PNC alone (standard disclosure) or from every source (enhanced disclosure). This defines "Disclosure" and constitutes a national standard throughout England and Wales.

All individuals or organisations using the DBS Disclosure service to help assess the suitability of applicants for positions of trust and who are recipients of Disclosure information must comply fully with the DBS Code of Practice. This requires them to treat all applicants for positions who have a criminal record fairly and not to discriminate unfairly against the subject of a Disclosure on the basis of conviction or other information revealed. It also obliges them to have a written policy on the recruitment of such individuals, which can be given to all applicants for positions where a Disclosure is requested and to ensure that a body or individual at whose request applications are countersigned has such a written policy.

The University is a Registered Body with the DBS. Information provided on any Disclosure is both sensitive and confidential. It is therefore essential that anyone who is party to that information should handle it in an appropriately sensitive and confidential fashion. As a Registered Body, the University adheres to the DBS Code of Practice

2. Policy Statement

- 2.1 Programmes for which a DBS Disclosure is required will have a statement that specifies offences, cautions and convictions that will render applicants ineligible for consideration. A DBS Disclosure may also contain, or have associated with it, information relating to other matters or concerns that may render an applicant unsuitable for admission on professional grounds. Programmes will have a similar statement about such matters and concerns. Having a criminal record will not necessarily be a bar to obtaining a place on a programme for which a DBS Disclosure is required. However, for all programmes within the University that involve work with children and/or other vulnerable members of society, offences, cautions, convictions or other matters or concerns that relate to violence towards, or abuse of, children or other vulnerable people will always preclude admission.
- 2.2 As an organisation using the Disclosure and Barring Service (DBS) Disclosure service to assess applicants' suitability for positions of trust, the University complies fully with the DBS Code of Practice and undertakes to treat all applicants fairly and not to discriminate against any subject of a Disclosure on the basis of conviction or other information revealed.
- 2.3 The University is committed to the fair treatment of applicants and students, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.
- 2.4 The University actively promotes equality of opportunity for all with the right mix of talent, skills and potential and welcomes applications from a wide range of candidates with the ability and motivation to benefit. Applicants are selected on the basis of their skills, qualifications and experience, having regard for the requirements of the programme.
- 2.5 A Disclosure is required only for those programmes where either it is a requirement of a relevant professional body or external (including governmental) agency, or the Registrar and the Pro-Vice-Chancellor/Dean of Faculty consider a Disclosure to be necessary.

- 2.6 Where Disclosure is to form part of the recruitment process, applicants will be informed of the procedure and requirements for providing information to the University at the appropriate time.
- 2.7 Information contained within a Disclosure will be considered and a decision will be made about whether an individual's place or offer of a place is confirmed, withdrawn or an interview required. More detailed information about this process is contained in Section 3 below.
- 2.8 Failure to reveal information that is directly relevant to the requirements of the programme could lead to the withdrawal of an offer of a University place or withdrawal from the programme.
- 2.9 The University makes every subject of a DBS Disclosure aware of the existence of the DBS Code of Practice and will make a copy available on request.
- 2.10 Where an offer of a place is withdrawn as a result of information contained within a Disclosure the individual will be informed of the decision in writing by the University.

SECTION B: PROCEDURES FOR DBS DISCLOSURES

1. Staff responsibilities

Staff put forward by the University and approved by the DBS as counter signatories for DBS Disclosure Application Forms will be responsible for the operation of the Disclosure process.

2. Disclosure Process

- 2.1 Students will receive a DBS Disclosure Application Form ('disclosure form') and Guidelines from the University. This may take place at the application, interview or enrolment stage.
- 2.2 The disclosure form must be completed in accordance with the Guidelines and returned in person as required. The disclosure form will be checked by a member of staff of the University in the presence of the applicant/student, at a session arranged for this purpose.
- 2.3 Applicants/students will be asked to bring with them ID evidence as indicated on the application form to one of the sessions. Further advice is available at: <http://www.mmu.ac.uk/DBS/>. Only original documents may be presented; photocopies will not be accepted.
- 2.4 The DBS imposes a Disclosure fee. Where this fee is not met by the funding body, the cost must be met by the applicant/student. In such cases, cheques should be made payable to the Manchester Metropolitan University and presented with the disclosure form.

- 2.5 On receiving a completed disclosure application form, the University will check the form in the presence of the applicant/student. The form will then be countersigned, in section Y, and forwarded to the DBS.
- 2.6 When the DBS have completed all their checks, they will forward a copy of the Disclosure document to the applicant/student which the applicant/student must show to University staff.
- 2.7 In accordance with section A.2.1 above, where a Disclosure indicates either an offence, caution, or conviction that has been specified by the programme concerned as rendering applicants/students ineligible for consideration, or some other matter or concern that renders the applicant/student unsuitable for admission on professional grounds, the applicant/student concerned will be informed in writing accordingly.
- 2.8 In other cases where a Disclosure indicates an offence, caution, conviction or other matter or concern, the University will write to the applicant/student concerned, inviting him/her to provide a written statement as to the matter(s) that has/have been declared against him/her and the circumstances in relation thereto, by a date that will be stipulated in the letter. Information from the Disclosure, along with other supporting information, e.g. UCAS/SWAS/GTTR application form, and any written statement received from the applicant/student, will then be considered by an appropriate counter signatory or/and Head of Department, who may be advised by a Panel established for this purpose (see annex). The counter signatory or/and Head of Department will decide whether the applicant's/student's offer of a place/place should be confirmed, withdrawn, or whether an interview is required. The applicant/student will be informed of the outcome in writing.
- 2.9 Where an applicant/student needs to be interviewed, s/he will be informed of the interview arrangements. The aim of the interview process is to ascertain the facts surrounding the offence, caution, conviction or other matter or concern that has been identified, any effects this may have on obtaining practice placements for the applicant/student, and to clarify any points raised. It is not intended to be a second selection interview. The interview will be conducted by appropriate members of the relevant discipline, which may include an external representative from the relevant area of practice. The attitude of the applicant/student to his/her offence(s) will be taken into account. A record of the interview will be kept. The outcome of the interview will be communicated to the applicant/student in writing; those applicants/students who are withdrawn will be given the reasons for this decision in the letter.
- 2.10 If an applicant is convicted of a relevant criminal offence after submission of their application they must inform the University at the earliest opportunity.
- 2.11 If a person applying for a programme fails to declare a relevant conviction(s), the application may be considered to be 'fraudulent'. Where appropriate, as well as taking internal action, the University will normally report such activity to the relevant external admissions body, who may take the matter forward under their established procedures. Applications may be rejected for non-declaration or partial disclosure.
- 2.12 Students who fail to declare a relevant criminal conviction(s) may be excluded from their programme of study.

- 2.13 Applicants may be accepted onto a programme of study, subject to satisfactory police checks.
- 2.14 Students can be suspended/discontinued from the programme at any time if DBS disclosures are unsatisfactory.

3. Self-declaration

3.1 In those cases where either:

(a) the DBS Disclosure Application Form is completed as part of the enrolment process;

or

(b) the DBS Disclosure Application Form is normally completed as part of the application process, but an individual is a late applicant;

applicants/students will be required to complete and sign a University Self-declaration Form, either at, or prior to, enrolment. This procedure will also be employed at the beginning of each new academic year for all students on programmes for which a DBS Disclosure is required. Where a Self-declaration Form indicates an offence, caution, conviction or other matter or concern, the procedure in sections B.2.7 to B.2.9 above will normally be followed. Where the dates of offences, cautions or convictions on the Self Declaration are later seen not to match those on the DBS Disclosure, the student will be interviewed as this may have a bearing on whether they are allowed to continue on the programme. The students will be asked to annotate the Self Declaration Form so that it agrees with the Disclosure unless there are valid reasons, which they can prove, for not doing so.

3.2 Failure by an applicant/student to disclose offences, cautions or convictions through the self-declaration process will be treated as a serious matter in its own right, and all such cases will be referred to an appropriate counter signatory, who will have available to him/her the possibilities set out in section B.2.7 above.

4. Applicants/students with a substantial record of overseas residence

4.1 Applicants/students who fall into this category will include nationals of other countries, and UK nationals who have had significant periods of residence overseas.

4.2 Where an applicant/student has been resident in the UK for at least two months, a DBS Disclosure should be sought, although it is recognised that the Disclosure is likely to be of limited value where the period of UK residence has been short.

4.3 Applicants/Students will be required to produce evidence of their conduct overseas (e.g Certificate of Good Conduct, Police Certificate)

4.4 In all cases, the applicant/student will be required to complete, sign and submit a University Self-declaration Form. The Form will be dealt with in accordance with the procedures set out in section C.3 above.

4.5 To check on students' overseas criminal record, the University will contact the embassy or High Commission of the country in question: contact details are available via the DBS website.

Where it is possible to obtain a criminal record check, one should be sought, if necessary with the help of the applicant/student. Once such a check has been obtained, it must be dealt with in accordance with the procedures for DBS Disclosures in sections B.2.7 to B.2.9 above.

5. Criteria for Assessment of Criminal Offences

The University's Recruitment and Admission team carry out initial screening of applications under the University's Policy on Criminal Convictions for the Admission of Students.

Subject to the statement contained in section A.2.1 above, Faculty-based counter signatories who are required to make a judgment on an offence, caution, conviction or other matter or concern, and any panel that might advise counter signatories, will be guided by the following criteria for the assessment of criminal offences, having regard to factors and circumstances such as patterns of offences and the length of time since the last offence.

Category A:

Applicants/students with major criminal convictions including any of the following will normally be rejected irrespective of time lapse between conviction and application:

Evidence of any criminal offence involving violence, child abuse, sexual abuse, sexual offences, pornographic offences, or dealing in drugs.

Category B:

Applicants/students with minor criminal offences (convictions, cautions, reprimands and final warnings) within nine years of application including any of the following may be rejected without interview or may be interviewed before a final decision is made.

Drug related offences, offences showing evidence of lack of honesty, trust-worthiness and driving with excess alcohol.

The counter signatory/Panel will consider the seriousness of the offence, the number of offences, the period between the last offence and application, the pattern of convictions, changes in circumstances since conviction and whether the offence has been disclosed by the applicant or via DBS Disclosure.

Category C:

Applicants/students with minor criminal offences (Category B) more than nine years since conviction/caution. Provided the applicant has disclosed the offence, applicants with evidence covering any of the following may be accepted or invited for interview before a final decision is made.

A single minor offence showing dishonesty, untrustworthiness e.g. petty theft, fraud, drunk and disorderly, driving offences (caution/conviction more than nine years).

SECTION C: THE SECURE STORAGE, HANDLING, USE, RETENTION & DISPOSAL OF DISCLOSURES & DISCLOSURE INFORMATION

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, the 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 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.

2. Storage, Access and Disposal

Certificate information is kept 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.

Disclosure information will not be kept on an applicant's individual file. Once the retention period has elapsed, the University will ensure that any DBS certificate information is immediately destroyed by secure means, i.e. by shredding, pulping or burning. While awaiting destruction, certificate information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack). The University will not keep any photocopy or other image of the certificate or any copy or representation of the contents of a certificate. However, notwithstanding the above, the University may keep a record of the date of issue of a certificate, the name of the subject, the type of certificate requested, the position for which the certificate was requested, the unique reference number of the certificates and the details of the recruitment decision taken.

The University may, at the discretion of the relevant Head of Faculty Student and Academic Services, keep Self-declaration Forms that have been completed by applicants/students. Self-declaration Forms that are retained will be kept separately and securely, with access controlled and limited to those who need to see the Forms as part of their duties. Where there was a discrepancy between the content of a student's Self-declaration Form and the content of his/her DBS Disclosure, a note may be kept that a discrepancy existed, although the note must not include any reference to the nature of the discrepancy.

3. 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. A record shall be maintained of those to whom Disclosures (and any associated information) have been revealed. It is a criminal offence to pass this information to anyone who is not entitled to receive it.

4. Usage

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

5. 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. If, in very exceptional circumstances, it is considered necessary to keep certificate information for longer than six months, the University will consult the DBS about this and will give full consideration to the Data Protection and Human Rights of the individual before doing so. Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.

Where University Self-declaration Forms and any associated notes are kept, this will normally be for the duration of a student's programme. If Self-declaration Forms and any associated notes are to be retained for longer than this, permission to do this must be obtained from the Director of Student Services. University Self-Declarations are not kept on a student's file securely, but are stored 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.

Use of a Panel to advise a counter signatory

1. A Panel may be used for assessing the suitability of applicants/students whose DBS Disclosures or University Self-declaration Forms contain information about offences, cautions, convictions or other matters or concerns, and for advising the appropriate counter signatory.
2. A Panel will consider cases that relate to a single programme or to a group of cognate programmes.
3. Panels will normally comprise between two and four members. Panel members will be either academic staff of the University, or external representatives from professional practice approved for this purpose by the University. A University member of the Panel will act as its convenor.
4. Panels may conduct their business either at meetings, or by circulation of papers. All documentation provided to Panels will be made anonymous, except that the convenor of the Panel will have access to the original documentation.
5. The view of a Panel on an individual case (and the views of the members of a Panel, where there is not a unanimous view) will be conveyed to the appropriate counter signatory, who will be responsible for making a final decision.