

## KEELE UNIVERSITY

### Procedure for Consideration of Criminal Record Disclosures by Applicants and Students

#### A. Introduction

1. The Disclosure and Barring Checks Procedure for students aims to ensure the University fulfils its responsibilities and obligations for the safeguarding of children, young people and vulnerable adults with whom University staff and students are in contact as part of their work and also for the assurance of the individual, external agencies, and the University itself.
2. The University is registered with the Disclosure and Barring Services (DBS) and has in place a series of procedures to investigate students and prospective students with criminal records, and make appropriate decisions as to their suitability to study at the University. The University is committed to the fair treatment of students and applicants Disclosure Checks for Applicants and Students
3. This document should be read in conjunction with the following ( links to these are provided in Section H):
  - University's Policy on the use of Disclosure and Barring Service Disclosure Checks for Applicants and Students
  - University Procedure for Consideration of Applications from Applicants Declaring a Criminal Conviction.
  - Student Discipline Regulations (University Regulation 20)
  - Fitness to Practice Regulations (University Regulation 18)

#### B. Procedure for Applicants on Courses not requiring an Enhanced DBS Check.

1. Undergraduate applicants are required to declare any "relevant" criminal convictions on the UCAS or direct application form, where "relevant" is defined as 'unspent convictions for crimes involving drugs; and crimes against the person'. Postgraduate applicants are also asked on the online application form if they have any "relevant" criminal convictions, with "relevant" as defined for UCAS applicants.
2. An initial screening of applications is undertaken by the Admissions team in Planning and Academic Administration, to ensure that they meet the basic entry requirements and other basic expectations for the programme. If they do not, no further action is taken in regard to criminal convictions.
3. If the applicant does meet the basic academic requirements for the programme but a criminal conviction has been declared, then the University agreed procedure for the consideration of applications from applicants declaring criminal convictions will be followed and appropriate action taken.

#### C. Procedure for Applicants on Courses requiring an enhanced DBS Check.

1. Applications for courses relating to the 'Child and Adult Workforce' (as defined by the DBS), are assessed for suitability by the relevant Schools staff. At the preliminary checking stage, if a criminal conviction has been declared on the UCAS application

form, this is noted but no immediate action is taken.

### Self-Declarations

2. All applicants selected for interview will be asked to complete a Criminal Records Self Declaration Form (henceforth referred to as the self-declaration form), providing written details of the nature of the offence(s), including dates, the sentence imposed and the name of the court, with a copy of any conviction notices, and any information about whether conviction(s) are 'spent' and the appropriate date (see Annex A). The applicant may also be asked to give details of their Probation Officer (where applicable) and to give their consent for the Admissions Tutor (or their nominee) to contact them in order to obtain the Probation Officer's views as to the likely danger or otherwise of the applicant's behaviour.
3. On receipt of the completed self-declaration form, the Course Admissions Tutor or their nominee will assess the severity of any offence/s that have been declared and whether the conviction is of sufficient seriousness to warrant the convening of a Panel to consider the matter further. The information on completed self-declaration forms will be considered as confidential. As such, it will be handled and stored in accordance with the University's Policy on the Data Protection Act. All members of staff are required to abide by the Policy and to follow the Guidance for Staff included, when doing so.
4. A panel will always be convened to consider the following convictions:
  - Those involving a custodial sentence.
  - Any kind of violence including (but not limited to) threatening behaviour, offences concerning the intention to harm or offences which resulted in actual bodily harm.
  - Offences listed in the Sex Offences Act 2003.
  - The unlawful supply of controlled drugs or substances where the conviction concerns commercial drug dealing, trafficking, possession or with intent to supply.
  - Offences involving firearm, knives and weapons
  - Offences involving arson.
  - Offences listed in the Terrorism Act 2006.
  - Theft and deception
5. The list above (point 4) is not exhaustive and the Admissions Tutor<sup>1</sup> will have discretion to convene a Panel for reasons not covered by this list where they determine that there are possible grounds for withholding the offer of a place.
6. When a panel is convened, it will be coordinated by the Admission Tutor or their nominee.
7. The composition of the panel will vary according to the practice of the School concerned but will normally include:
  - The Course Admissions Tutor or their nominee
  - The Course Director or their nominee
  - A representative of a relevant professional partner (e.g. NHS Trust, Local Education Authority).

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<sup>1</sup> In consultation with DBS Lead in UK/EU Admissions

8. The panel will judge the seriousness of the offence(s) on the self-disclosure in the light of the DBS Code of Practice (see <https://www.gov.uk/government/organisations/disclosure-and-barring-service>.)
9. The panel will consider the information provided by the applicant and any further information made available by the applicant's Probation Officer. The applicant will have the right to make representation in writing to present any further evidence.
10. The Panel will undertake a risk assessment (using a risk matrix) when considering whether the applicant poses a risk to the institution, its members, placement providers and visitors, and admission will only be refused if this risk is considered to be unacceptable.
11. The applicant will be informed of the Panel decision in writing within 10 days of the Panel meeting.

#### Panel Decision Appeal Process

12. An applicant may appeal against an academic school/ research institute Panel decision on one or more of the following grounds:
  - Procedural irregularity in the consideration of the case
  - Extenuating circumstances, which were not known by the University at the time it made its decision and that may have affected the outcome had they been known and there is a valid reason for not making them known at the time
13. Appeals must be made to the Head of Planning and UK/EU Admissions within 15 working days of the date of letter from the University informing the applicant of the outcome.
14. Appeals should be submitted using the standard DBS Appeal Form (see Annex B attached).
15. The Head of Planning and UK/EU Admissions shall investigate the appeal and shall respond to the appellant within 15 working days of receipt of the appeal (if it should prove impossible to respond fully within 15 working days, the appellant shall be informed in writing of the revised timescale).
16. The Head of Planning and UK/EU Admissions may request additional information from either the appellant or relevant staff and may, in some cases, convene a meeting to discuss the appeal. The Head of Planning and UK/EU Admissions will find either:

That the appeal is upheld and the University will take appropriate action.

OR

That the appeal is not upheld and the University confirms that no action will be taken.
17. The decision reached by the Head of Planning and UK/EU Admissions is final and will be communicated to the appellant and relevant staff within 5 working days of considering the appeal.

## DBS Checks

18. All applicants for courses that relate to 'Child and Adult Workforce' as defined by the DBS will be subject to the completion of a satisfactory Disclosure & Barring Service check and this will form a condition of any offer of a place. Applicants will be sent a form to complete and submit to the Disclosure & Barring Service along with detailed guidance. Further information relating specifically to DBS application processing can be found in Annex C.
19. With the introduction of the DBS Update Service and applicant-only certificates, Registered Bodies will no longer be sent a copy of a DBS certificate.
20. Academic schools/ Research institutes will need to ask the applicants to bring in their DBS certificate at the earliest opportunity prior to the commencement of their studies.
21. If not already provided, applicants must present their DBS certificate at enrolment. Failure to do so will result in applicants being given a 4 week deadline for submissions and thereafter being referred to a panel for further consideration.
22. Upon receipt of a Disclosure from the DBS which reveals any warning, caution or conviction, the Admissions Tutor or their nominee will cross check the Disclosure against the self- declaration form. Any conviction, caution, reprimand or warning not declared previously will be considered and a decision made to either to refer it to a panel to consider the matter further or withdraw the student.
23. If a panel is required, it will operate as under paragraphs 6 - 10 above

## **D. Students in other Settings**

1. Students in other settings which require DBS checks might include:
  - Students undertaking research as part of a programme of study and/or research students, whose work involves one-to-one or other unsupervised contact with children or vulnerable adults.
  - Student participating in other activities which require unsupervised contact with children or vulnerable adults.
2. Where DBS checks are required for such students, they will be carried out following the procedures outlined in section C above.
3. Students who work as casual staff at the University will be considered under the Human Resources disclosure and barring checks policy for staff and volunteers.

## **E. Existing Students**

1. For courses that do not require an enhanced DBS disclosure, students who commit an offence whilst they are enrolled at the University will be dealt with through the University's Student Disciplinary Procedure.
2. Students on programmes that require the completion of a satisfactory DBS Disclosure (i.e. programmes related to 'Child and Adult Workforce' as defined by the DBS) are required to complete an annual declaration informing the University if they have a Police reprimand, warning, caution or conviction, which includes both 'spent' and 'unspent' convictions, since the last DBS check or declaration. School staff are

responsible for making the arrangements for the completion of the annual declaration by students.

3. If students receive a police reprimand, warning, caution or conviction during their studies, they are required to declare this immediately to the School Manager and the Course Director. In these circumstances students must not wait until the annual declaration process is invoked.
4. Any student who fails to complete the annual self-declaration will subsequently not be allowed access to placement information or be permitted to attend a placement and in some circumstances will be unable to continue with their course.
5. A false declaration or withholding information that is subsequently discovered, in itself may lead to the Fitness to Practice regulations being invoked. This could, in turn, lead to withdrawal from the relevant programme or course.
6. Some programmes require a full disclosure to be undertaken at different points during the course and the University reserves the right to undertake a DBS check when deemed necessary or appropriate.

## **F. Administration of DBS Processes**

### Staff Responsibilities

1. Responsibility for the operation of the Disclosure processes resides in the following areas within the University:
  - Planning and UK/EU Admissions Team (Planning and Academic Administration Directorate) acts as the primary point of contact for all DBS related processes and procedures and deals with DBS applications for courses that do not require a mandatory DBS check.
  - School staff deal with DBS checks for professional courses (Medicine, Nursing and Midwifery, Pharmacy, Physiotherapy, Social Work and Teacher Training), where the need for a satisfactory disclosure is a compulsory requirement for entry.
  - Research Institutes staff deal with any DBS checks required for research students
2. The University has nominated members of staff who will be responsible for handling the Disclosure process. The key roles and responsibilities are outlined below.

### Lead Countersignatory

3. The Lead Countersignatory will be:
  - Accountable for the compliance with the DBS code of practice;
  - Responsible for the approval of countersignatories; All countersignatories are required to inform the Lead Countersignatory if they leave the University or their role changes and they are no longer able to act as a countersignatory.
  - Responsible for reviewing the countersignatory register on an annual basis. Any countersignatory who has not signed a Disclosure within the previous year will normally have their countersignatory status withdrawn. Exceptional circumstances will be taken into consideration.
  - Responsible for retaining a schedule of DBS Processing and a list of key personnel for each relevant School (Annex C of this paper)
4. The Head of Planning and UK/EU Admissions will act as Lead Countersignatory.

### Countersignatories

5. Countersignatories are responsible for:
  - Checking and validating the information provided by the applicant on the application form, if not already done so by an Evidence Checker;
  - Countersigning Disclosure application forms to confirm that the position is covered by the Exceptions Order to the Rehabilitation of Offenders Act 1974 (and Police Act Regulations and new definition of regulated activity if necessary) and that the organisation therefore has an entitlement to access criminal record information and that any Disclosures requested are at the appropriate level;
  - Receiving Disclosures;
  - Maintaining accurate records of Disclosures applied for and received;
  - Controlling the use of, access to and security of Disclosures;
  - Destroying Disclosures in accordance with the University's statement on the Secure Storage, Handling, Use, Retention and Disposal of Disclosures and Disclosure Information;
  - Attend DBS training every two years;
  - Sign up to the electronic DBS News;
  - Advising on DBS-related issues;
  - Complying with the policy and with the DBS Code of Practice.
6. The Countersignatory role in Planning and Admissions will be undertaken by the UK/EU Admissions Manager and UK/EU Admissions Officer. For professional programmes administered in the Schools, the relevant School Manager will be the designated Countersignatory.

### Evidence Checkers

7. It is acceptable to use evidence checkers (who are not countersignatories) to check and validate the information provided by the applicant on the application form. They would subsequently need a designated countersignatory to sign off the application. Evidence checkers are required to attend DBS training every two years and sign up to the electronic DBS News. An evidence checker register will be compiled and used to send out relevant communications and this register will be reviewed annually.
8. In accordance with the DBS Code of Practice, it is not a requirement to be a DBS Countersignatory in order to handle DBS checks or access the information provided.

## **G. Handling DBS Information**

All staff who deal with DBS checks are required to act in accordance with the University statement on the Secure Storage, Handling, Use, Retention and Disposal of Disclosures and Disclosure Information.

## **H. Relevant Policies and Procedures**

1. This document draws on information provided elsewhere and should be read in conjunction with the following associated papers and links:
  - Policy on the Use of Disclosure and Barring Service Disclosure Checks for Applicants and Students
  - Policy Statement on Secure Storage, Handling, Use, Retention and Disposal of Disclosures and Disclosure Information

- Admissions Policy\_  
<http://www.keele.ac.uk/policyzone/viewbyowner/planningandacademicadministration/name,88886,en.php>
- Admissions Interview Policy
- <http://www.keele.ac.uk/policyzone/viewbyowner/planningandacademicadministration/name,88889,en.php>
- Admissions Feedback Policy\_  
<http://www.keele.ac.uk/policyzone/viewbyowner/planningandacademicadministration/name,88888,en.php>
- Data Protection Act Policy\_  
<http://www.keele.ac.uk/policyzone/viewbyowner/planningandacademicadministration/name,70905,en.php>
- Regulation 20: Student Discipline\_  
<http://www.keele.ac.uk/regulations/regulation20/>
- Regulation 18: Fitness to Practice\_  
<http://www.keele.ac.uk/regulations/regulation18/>
- DBS Code of Practice\_  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/143662/cop.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/143662/cop.pdf)

**I. Other useful links:**

Disclosure and Barring Service:

<https://www.gov.uk/government/organisations/disclosure-and-barring-service>

<b>Document Name</b>	Disclosure and Barring Service Procedure Advice - Students
<b>Owner</b>	Global Recruitment and Student Admissions
<b>Version Number</b>	[version number, with 0.1 increments for minor amendments]
<b>Equality Analysis Form Submission Date</b>	[Decision from Equality Analysis and form submission date]
<b>Approval Date</b>	30 September 2014
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<b>Date of Commencement</b>	30 September 2014
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<b>Date for Next Review</b>	30 June 2019
<b>Related University Policy Documents</b>	[List all applicable]
<i>For Office Use – Keywords for search function</i>	