

## **PRINCIPLES AND PROCEDURES FOR DBS CHECKS AND CRIMINAL RECORD DECLARATIONS**

### **SECTION 1 – REGULATED ACTIVITY**

1. [Regulated Activity](#) is a term related to activities that involve working with children or vulnerable adults. Information about what constitutes Regulated Activity is available on the [Government webpages](#). All students undertaking Regulated Activity require appropriate Disclosure and Barring Service (DBS) clearance before they undertake that activity.
2. All DBS checks for applicants and students are facilitated by the Student Policy, Casework and Compliance Team (SPCC). **Annex 1** provides information on specific course type processes.
3. Previous DBS certificates are not accepted, and a new application must be made by the University unless the student has joined the [DBS Update Service](#) and has previously obtained a DBS check for the relevant workforce (i.e. working with children and/or adults). Where applicants/students have the relevant check and are signed up to the DBS Update Service, they can provide the necessary information to SPCC and consent to enable the University to undertake a status check via the Update Service. An in-person ID check on campus is required.
4. The University is committed to ensuring that all applicants or students that undertake Regulated Activity are treated fairly and without discrimination while maintaining the overriding consideration of safeguarding the public, in particular children and vulnerable adults.

### **SECTION 2 – ENHANCED DBS CHECKS**

5. A DBS check requires completion of an on-line DBS application form and ID check. This is a digital online check if the student has a valid biometric passport and can complete the relevant steps, otherwise an in-person check on campus is required.
6. The average timeframe for processing of the check and issuing of a certificate is approximately 2 weeks following a successful ID check, although some checks can take a lot longer (e.g. 2-3 months) before a result is issued. The university can only escalate the check after 60 days.
7. An enhanced DBS check is an **entry requirement** for all
  - **professional courses** (teacher training, health and social care courses).
  - **courses where regulated activity is a mandatory aspect of the course** (e.g. education non-teacher training courses).
8. Where an enhanced DBS check is an **entry requirement** for the course, applicants can normally conditionally enrol for a maximum of 4 weeks pending engagement with the DBS check process (ID check). Failure to engage within 4 weeks will result in withdrawal from the course. Once students engage with the ID check they can fully enrol.

9. Students cannot commence any regulated activity until the University has received the DBS result. In the very small number of cases where the DBS certificate is not returned prior to starting a teacher training placement, some placement providers allow placement to commence on the basis that the student will be appropriately supervised and if all other checks, including a separate **Teacher Record prohibited list**, have been completed.
10. For some **Sports courses**, an enhanced DBS check is a condition of **re-enrolment**. Placement activity on these courses does not commence until Level 5 so checks are carried out during Level 4. Students cannot re-enrol until they have commenced the ID check and cannot commence regulated activity until the University has received the DBS result.
11. Some students on other courses may be required to undertake regulated activity as part of **work placement, research or other learning and assessment**. The relevant team (Annex 1) are responsible for identifying that a DBS is required and should submit a DBS request form (Annex 3) to the SPCC Team via the “! Professional Checks” email address, prior to the student undertaking regulated activity. The SPCC team must have assurance that the activity meets the legal threshold for the University to request a DBS check and determine the appropriate level of check. Therefore, sufficient information needs to be included on the DBS request form to enable the SPCC team to establish the legal basis and type of check required. The [eligibility tool](#) should be consulted to determine which type of check a student requires prior to the request.

### Overseas Police Checks

12. If an applicant has lived outside of the United Kingdom for 12 months or more (whether consecutive or total) in the last 10 years whilst over the age of 18, they must provide confirmation from the country's government of their criminal record. The process for obtaining this information will differ depending on their country of origin. Further guidance on obtaining this information is available from the Home Office at [Overseas Criminal Record Check Guidelines](#)

## SECTION 3 - POSITIVE DISCLOSURES ON DBS CERTIFICATES

13. The DBS certificate is sent to the student (it is not sent to the University). SPCC are informed when a check has been completed and whether anything is disclosed on the certificate, but the detail of the disclosure is not provided. In these circumstances, applicants/students are required to show a copy of the original DBS certificate to the SPCC team. Note that applicants are permitted to initially provide a scanned copy prior to attending the campus.
14. The disclosure is considered by the relevant decision-making body to determine whether the applicant/student is deemed suitable to join the course/undertake regulated activity. This is based on a risk checklist which considers different factors (See **Annex 2**). Key factors for consideration include
  - The nature of the offence/incident
  - The time elapsed since the offence/incident
  - Whether there is a pattern of good behaviour or reoffending
  - Information obtained from the student relating to the offence/incident – the student may provide further information and detail around their declaration
  - Evidence of rehabilitation (Rehabilitation of Offenders Act 1974)

15. Applicants/students will be informed of the outcome by SPCC. Where students are unable to commence regulated activity, the relevant team will discuss alternative options with them.
16. Where applicants to professional courses have disclosed something on their self-declaration suitability form (see section 4 regarding self-declarations) it is expected that the details on the DBS certificate match this disclosure and a cross check is undertaken. Any anomalies would be referred to the relevant decision-making body for consideration.
17. If nothing is disclosed on the certificate, the staff member who requested the check is informed and they let the student know that the proposed activity can commence.

### **SECTION 3 - CHANGE TO CIRCUMSTANCES AFFECTING DBS CLEARANCE**

18. Once enrolled, students are expected to inform the University (SPCC Team and/or Course Leader) if there is a change to their criminal record after a DBS certificate has been issued. The university is not automatically made aware of the changes to a DBS outcome, even if the student is signed up to the Update Service.
19. Students on professional courses and courses with mandatory regulated activity are required to declare any changes to their criminal record each time they re-enrol onto the course and agree to inform the University of any change in their DBS status during the academic year. Failure to declare may lead to action under the appropriate regulation (Annex 1).
20. The disclosure will be considered by the relevant decision-making body and a new DBS check will be required.
21. An investigation under the appropriate regulation may be necessary and, in some circumstances, it may be appropriate to temporarily suspend placement/regulated activity pending the outcome of the investigation as per Annex J of the Disciplinary Regulations and procedures.
22. Where a positive disclosure means that a student is unable to continue on a professional course/continue with regulated activity the course team will explore the options available to the student.

### **SECTION 4 – APPLICANT SUITABILITY ASSESSMENT (Professional Courses only)**

23. To ensure compliance with relevant Professional, Statutory, Regulatory Body (PSRB) requirements, students on professional courses must complete a self-declaration suitability form accurately and honestly as part of the application process. They must provide full details of any cautions, reprimands, criminal convictions, involvement with a safeguarding authority and any disciplinary action taken against them in previous roles. No convictions or cautions are considered 'spent' under the 'exceptions' allowed under the Rehabilitation of Offenders Act, 1974.
24. There is a [List of offences](#) that will never be filtered from a DBS certificate. In addition to cautions and convictions recorded on the PNC, enhanced certificates may also include Chief of Police Officer comments which could disclose information about offences, pending investigations or court appearances they feel necessary and relevant to disclose.

25. Applicants are not automatically excluded from applying to a professional course or to a course with mandatory Regulated Activity if disclosing a criminal record, unless they have committed an 'autobar' offence under the Safeguarding Vulnerable Groups Act 2006 that places them on a Barred List and excludes them from working vulnerable groups and undertaking Regulated Activity.
26. All applicants applying to Teacher Training courses are checked against the Department for Education Prohibited List which is a list of people who have been prohibited from the teaching profession.

### **Positive Disclosure on Applicant Suitability Form**

27. Self-declaration suitability forms are considered by the relevant decision-making body prior to enrolment to determine whether an applicant is suitable to train in that profession. This consideration is based on a risk checklist (Annex 2).
28. Applicants may be asked to provide more information about the disclosure and a meeting may be deemed necessary.
29. The applicant will be informed by SPCC of one of the following decisions;
  - The applicant is considered professionally suitable and can continue with the application.
  - It is unlikely the applicant will be able to practise within the relevant profession at the end of the course, so an offer is not appropriate, and the application is rejected.
  - Based on the information provided, the applicant poses an unacceptable level of risk and cannot undertake regulated activity, so the application is rejected.
30. Decisions made on applicant declarations are final. Applicants cannot appeal against the academic or professional judgement of those making the decision on an application. If applicants are dissatisfied with the application process, they have the right to complain within the grounds and timescales set out in the [Appeals and Complaints procedure for applicants](#).

### **SECTION 5 – REPLACEMENT CERTIFICATES**

31. The University does not receive copies of DBS certificates and cannot provide replacements. The Disclosure and Barring Service have a [reprint service](#). If the criteria for a reprint is not met, students can request a repeat DBS check to be undertaken by the University and must pay for this service.

### **SECTION 6 – HANDLING, STORAGE AND RETENTION OF INFORMATION**

32. All certificate information must be stored and handled in line with the University's [DBS Handling Policy](#). In particular:
  - Certificate information must only be passed to those who are authorised to receive it in the course of their duties – it is a criminal offence to pass this information to anyone who is not entitled to receive it.
  - Certificate information must only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.
  - It is not permitted to keep any photocopy or other image of the certificate or any copy or representation of the contents of a certificate.

33. Once the suitability decision has been made, certificate information should not be kept for longer than necessary. This retention will allow for the consideration and resolution of any disputes or complaints or for the purpose of completing safeguarding audits.
34. Any documentation relating to positive disclosures and related correspondence, meetings and decisions will be kept by the SPCC team. All information will be held securely and in line with the [DBS Handling Policy](#).
35. DBS certificates are the property of the student and must be returned to the student at the conclusion of any relevant process.

*Student, Policy, Casework and Compliance  
Approved via HWLS FTP Steering Group and Sheffield Institute of Education  
July 2024*

## ANNEX 1 – COURSE OVERVIEW AND PROCESSES

| Courses   | Category   | Positive Disclosures and Changes to Criminal Record  | Regulation applied when enrolled   |
|---|--|--|--|
| <b>Allied Health Professions</b>  | <b>Professional courses – entry requirement</b><br>Require: <ul style="list-style-type: none"> <li>• A self-declaration at application stage and</li> <li>• Enhanced Disclosure and Barring Service Check is required for these courses</li> </ul> | <b>Applicant</b> – Positive disclosures referred to Fitness to Practice Operational Group by SPCC<br><b>Student</b> – Positive Disclosures (changes to criminal record) referred to Fitness to Practice Operational Group by Course Leader   | Change to criminal record and failure to declare –<br><br>Fitness to Practice Regulation |
| <b>Nursing and Midwifery</b>  | <b>Professional courses – entry requirement</b><br>Require: <ul style="list-style-type: none"> <li>• A self-declaration at application stage and</li> <li>• Enhanced Disclosure and Barring Service Check is required for these courses</li> </ul> | <b>Applicant</b> – Positive disclosures referred to Fitness to Practice Operational Group by SPCC except BSc (Hons) Nursing (Learning Disability) and Social Work which is considered by the CRC Panel – see social work and social care section)<br><b>Student</b> – Positive Disclosures (changes to criminal record) referred to Fitness to Practice Operational Group by Course Leader | Change to criminal record and failure to declare –<br><br>Fitness to Practice Regulation |
| <b>Social Work and Social Care</b>  | <b>Professional courses – entry requirement</b><br>Require: <ul style="list-style-type: none"> <li>• A self-declaration at application stage and</li> <li>• Enhanced Disclosure and Barring Service Check is required for these courses</li> </ul> | <b>Applicant</b> – Positive disclosures referred to Criminal Records Consultative Panel (CRCP). This includes Social Work Agency representatives. Full details of the CRCP procedure can be found here: <a href="#">CRCP Process</a> .<br><b>Student</b> – Positive Disclosures (changes to criminal record) referred to Fitness to Practice Operational Group by Course Leader            | Change to criminal record and failure to declare –<br><br>Fitness to Practice Regulation |
| <b>Teacher Training courses</b> <ul style="list-style-type: none"> <li>• All courses leading to the award of QTS</li> </ul> | <b>Professional courses – entry requirement</b><br>Require:  | <b>Applicant</b> – Positive disclosures referred to Fitness to Practice Operational Group by SPCC  | Change to criminal record and failure to declare –                                       |

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| <ul style="list-style-type: none"> <li>• All SKE schemes</li> <li>• All courses leading to the award of Early Years Professional Status</li> <li>• Post 16 &amp; Further Education</li> </ul>  | <ul style="list-style-type: none"> <li>• A self-declaration at application stage and</li> <li>• Enhanced Disclosure and Barring Service Check is required for these courses</li> </ul> <p><b>Please note that PGCE applicants are not made an unconditional offer until they have met all the academic and professional compliance checks.</b></p> | <p><b>Student</b> – Positive Disclosures (changes to criminal record) referred to Fitness to Practice Operational Group by Course Leader</p>   | <p>Fitness to Practice Regulation</p>  |
| <p><b>Education courses (Non-ITT and do not lead to Qualified teacher status)</b></p> <ul style="list-style-type: none"> <li>• BA Hon Children and Childhood Studies</li> <li>• BA Hon Early Childhood Studies</li> <li>• BA Hon Education with Autism, Disability and Special Educational Needs</li> <li>• BA Hon Education with Psychology and Counselling</li> <li>• BA Hon Education with Psychology and Counselling with Foundation Year</li> </ul> | <p><b>Regulated Activity is mandatory on the course – entry requirement</b> (but does not lead to professional registration)</p> <p>Require:</p> <ul style="list-style-type: none"> <li>• Enhanced Disclosure and Barring Service Check is required for these courses</li> </ul>   | <p><b>Applicant and Student</b> - University Criminal Convictions Panel.</p> <p>The Panel consists of Head of SPCC, Head of Student Help and Advice, Head of Admissions and relevant Head of Department.</p> <p>Decisions made by the University Criminal Convictions Panel are final and students cannot appeal the judgement of the Panel.</p> | <p>Change to criminal record and failure to declare –</p> <p>Disciplinary Regulation</p> |
| <p><b>Sport</b></p> <ul style="list-style-type: none"> <li>• BSc (Hons) Physical Education and School Sport</li> </ul>   | <p><b>Regulated Activity is mandatory on the course in Year 2 – re-enrolment requirement</b></p> <p>Require:</p>   | <p><b>Student</b> - Positive disclosures and change to students criminal records once commenced regulated activity, is considered by the Criminal Conviction Panel</p>   | <p>Change to criminal record and failure to declare –</p> <p>Disciplinary Regulation</p> |

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| <ul style="list-style-type: none"> <li>• BSc (Hons) Physical Activity, Sport and Health</li> <li>• BSc (Hons) Sport Coaching</li> <li>• BSc (Hons) Sport Development with Coaching</li> </ul> | <ul style="list-style-type: none"> <li>• Enhanced Disclosure and Barring Service Check is required for these courses</li> </ul>   | <p>The Panel consists of Head of SPCC, Head of Student Help and Advice, Head of Admissions and relevant Head of Department.</p> <p>Decisions made by the University Criminal Convictions Panel are final and students cannot appeal the judgement of the Panel.</p>  |  |
| <p><b>All other Courses at the University</b></p>   | <p><b>Other Regulated Activity</b></p> <p>Require an Enhanced DBS check prior to undertaking regulated activity. This is requested in year</p> <p><b>Work Placement (UG and Taught PG)</b> The Business Management , Skills and Employability (BESE) is responsible for requesting an Enhanced DBS check</p> <p><b>Postgraduate Research (PGR) and NHS Research Passport students -</b> The Director of Study is responsible for requesting an Enhanced DBS check and contact the research office of their NHS partner for further advice on whether a Passport is required.</p> <p><b>UG and Taught PG - Any other learning and assessment activity –</b> The Course Leader or Dissertation Supervisor is responsible for requesting an Enhanced DBS check</p> | <p><b>Student -</b> Positive disclosures and change to students criminal records once commenced regulated activity, is considered by the Criminal Conviction Panel</p> <p>The Panel consists of Head of SPCC, Head of Student Help and Advice, Head of Admissions and relevant Head of Department.</p> <p>Decisions made by the University Criminal Convictions Panel are final and students cannot appeal the judgement of the Panel.</p> | <p>Change to criminal record and failure to declare –</p> <p>Disciplinary Regulation</p> |

## ANNEX 2 – Guidance for Assessing Applicant suitability following a positive disclosure

| RISK CATEGORY ASSESSMENT TOOL   |   |   |
|---|---|---|
| Risk Category   | Definition  | Example   |
| <p><b>High Risk</b></p> <ul style="list-style-type: none"> <li>Individual would normally be determined not suitable to undertake Regulated Activity</li> <li>An applicant would normally be rejected based on their declaration</li> <li>If already enrolled the student should be referred to the relevant Group / Panel.</li> <li>The applicant/student should be made aware of the likely impact of their offence/incident/work history on future applications or opportunities</li> </ul> | <ul style="list-style-type: none"> <li>Offences/incidents which suggest the individual is likely to pose a risk to the safety and well-being of patients and service users and are therefore unsuitable to undertake Regulated Activity.</li> <li>Categories that indicate an unacceptable risk to safeguarding (high risk offences/incidents) include: <ul style="list-style-type: none"> <li>offences/incidents against children</li> <li>sexual offences/incidents</li> <li>offences/incidents involving the abuse of trust</li> <li>offences/incidents involving cruelty</li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li>Indecent conduct towards a child</li> <li>Kidnapping, false imprisonment or abduction</li> <li>Take, permit or make, distribute or publish an indecent photograph of a child or pseudo photograph of a child</li> <li>Cruelty to persons under 16</li> <li>Murder</li> <li>Infanticide</li> <li>Incest</li> <li>Cruelty to or abuse of animals</li> <li>Non-consensual sex acts</li> <li>Causing or inciting prostitution</li> <li>Burglary with intent to Rape</li> <li>Sexual abuse of trust</li> <li>Repeated Medium Risk offences/incidents</li> </ul> |
| <p><b>Medium Risk</b></p> <p>Individuals would normally be invited to attend a Suitability Meeting and a decision made by the relevant Group / Panel</p>  | <p>Offences/incidents which suggest the offender may pose a risk to the safety and wellbeing of vulnerable groups and may therefore be unsuitable to undertake Regulated Activity.</p>  | <ul style="list-style-type: none"> <li>Driving a motor vehicle with excess alcohol</li> <li>Failure to provide a specimen for analysis</li> <li>Possession of Class A drug</li> <li>Custody or control of a false instrument or document with intent</li> <li>Common assault</li> <li>Theft</li> <li>Repeated Low Risk Offences/incidents</li> </ul>  |
| <p><b>Low Risk</b></p> <p>Individuals would normally be deemed suitable and be accepted based on declaration</p>  | <p>Offences/incidents which suggest the offender is unlikely to pose a risk to the safety and wellbeing of vulnerable groups</p>  | <ul style="list-style-type: none"> <li>Shoplifting offences/incidents as a minor</li> <li>Possession of Class B or C drug</li> <li>Minor motoring offences/incidents</li> </ul>   |

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|--|---|--|
|  | and is therefore likely to be suitable to undertake Regulated Activity. |  |
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**RISK FACTORS FOR CONSIDERATION ASSESSMENT TOOL**

| <b>Factor</b>  | <b>Relevant Considerations</b>  |
|--|---|
| <b>The relevance of the declaration to the profession the individual is wishing to enter or research the individual is planning to conduct</b> | <ul style="list-style-type: none"> <li>• The entire range of duties the applicant/student may undertake.</li> <li>• The range of social care/clinical/educational settings in which the research will be conducted, and the degree to which the individual will be working independently in that setting.</li> <li>• The seriousness of the declaration in relation to contact with vulnerable groups and any consequent concerns about the individual's ability to undertake this type of activity.</li> <li>• The range of social care and clinical settings should also be considered. For example, health or social care work may involve working in a closely supervised team in a ward environment or working independently in a community setting.</li> <li>• Health and social care work involves contact with vulnerable groups and health and social care workers hold positions of trust. The seriousness of declarations should be assessed with this in mind.</li> <li>• There is sometimes a coaching or teaching element on placements for students where supervision of children is required and the disclosure to the University may raise concerns about their ability to undertake this type of role.</li> </ul> |
| <b>The length of time since the incident occurred</b>  | <ul style="list-style-type: none"> <li>• The length of time since the incident should be considered, as well as the age of the individual at the time of the incident. Has there been a long period since the incidents occurred where the individual has not been the subject of further concerns?</li> <li>• For example, someone with a conviction for threatening behaviour at the age of 18 who is now 40 and has no other convictions may not pose a risk to vulnerable groups. A 40-year-old with a recent conviction for threatening behaviour may be viewed differently.</li> <li>• Evidence suggests that most people who offend as juveniles do not go on to offend as adults. The exceptions to this are sexual offences/incidents and offences /incidents linked to active drug use.</li> </ul>  |
| <b>Pattern of offending</b>  | <ul style="list-style-type: none"> <li>• The number of offences/incidents should be considered, even where this consists of relatively minor offences/incidents. Someone with a single conviction may be less of a risk than someone who has a pattern of repeat offending.</li> </ul>  |
| <b>Circumstances surrounding the incident and explanation offered by the individual</b>  | <ul style="list-style-type: none"> <li>• Mitigating circumstances need to be considered.</li> <li>• Was there a financial, domestic or political context to the offence/incident?</li> <li>• Where an applicant maintains that a health issue is a mitigating factor, it is expected that this is supported by medical evidence.</li> </ul>   |

|  |   |
|--|---|
| <b>Has the individual's circumstances changed since the offence/incident</b> | <ul style="list-style-type: none"> <li>• Individual's circumstances may now be very different to those in which the incident occurred.</li> <li>• For example, someone who has a history of offences/incidents linked to active drug use (such as theft), may have undergone treatment programs and have been drug free for many years</li> </ul> |
| <b>Evidence of rehabilitation</b>  | <ul style="list-style-type: none"> <li>• Individuals are invited to submit evidence of rehabilitation. This may take the form of character references, evidence of community work etc.</li> </ul>   |

## ANNEX 3 - DBS CHECK REQUEST FORM

This form should be completed to request a DBS check only. If your student will require an NHS Research Passport, please follow the process detailed on the Research Degrees Blackboard site.

In line with legal obligations below, your cooperation in completing this form is required to ensure that the University's legal obligations are met.

### University's legal obligations as a Registered Body

Registered Bodies must:

Use all reasonable endeavours to ensure that they only submit Criminal Records check applications in accordance with the legislative provisions which provide eligibility criteria for relevant positions or employment.

Ensure that before allowing a DBS check application to be submitted they have assessed the role to be eligible under current legislation, correctly applied the right level of check, and correctly requested the appropriate barring list.

Ensure they are legally entitled to request any DBS product being applied for.

Please ensure that you have read the Guidelines for the management of DBS checks for students undertaking Regulated Activity and have completed the online [DBS eligibility tool](#).

Please note, if you do not provide enough specific information about the duties that you believe meets the criteria for the DBS check to be carried out, then the DBS check request can be declined.

### Details of staff member submitting the request (For PGR students this should be completed by the Director of Studies)

|                            |  |
|----------------------------|--|
| Name                       |  |
| Role                       |  |
| Research Centre/Department |  |
| Email address              |  |

### Student details

|               |  |
|---------------|--|
| Name          |  |
| Student ID    |  |
| Course        |  |
| Email address |  |
| Cost centre*  |  |

*Please enter the student's cost centre to which the cost of the DBS check should be charged (your Admin team should be able to provide this information if necessary)*

**Please provide a short description of what activities the student's project entails (max 200 words):**

**Where will the activities take place?**

**If the research is in an NHS setting, has the NHS advised that the student needs a Research Passport?**

Yes

No

N/A

**Will the student be engaging with:**

Children (under 18s) only

Vulnerable adults only

Both children and vulnerable adults

**Does the project require unsupervised 1:1 contact ('supervised' in this context means by an appropriately trained and DBS checked adult)?**

Yes

No

**How frequently will the activity/engagement take place? (e.g. 1 day per week over a 5-month period)**

**What is the proposed start date of this activity?**

For PGR student - please submit this form to [doctoralschool@shu.ac.uk](mailto:doctoralschool@shu.ac.uk). The form will be forwarded to the Student Policy, Casework and Compliance Team. Once reviewed, the team will contact the student to initiate their DBS check.

For Please submit this form to the Student Policy, Casework and Compliance Team via [professionalchecks@shu.ac.uk](mailto:professionalchecks@shu.ac.uk). Once reviewed and it is confirmed that a DBS check is appropriate, the team will contact the student to initiate their DBS check.