

## Disclosure and Barring Service Policy

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*Please note that as a student of the University of Plymouth and studying with the BCNO Group, your studies are subject to the policies and regulations of the University. In some cases the policies have been amended to make them specifically relevant to the BCNO Group and the requirements of the General Osteopathic Council. If you require further guidance please contact the Quality Manager. ([quality@bcnogroup.ac.uk](mailto:quality@bcnogroup.ac.uk))*

### 1.0 Introduction

The Disclosure and Barring Service (DBS), an executive non-departmental public body of the Home Office, provides access to criminal record information through its Disclosure service. This service enables organisations to make safer recruitment decisions by identifying applicants who may be unsuitable for certain work, especially that which involves children or vulnerable adults. BCNO complies fully with the DBS Code of Practice and undertakes to treat all applicants fairly:<sup>1,2</sup> <https://www.gov.uk/government/publications/dbs-code-of-practice>

Applicants and/or students who will be regularly caring for, supervising, training, or being in sole charge of children or supporting vulnerable adults, will be required to apply to the DBS via the BCNO for Enhanced Disclosure with a Barred List Check.

Although applicants/students are informed that a criminal record will not necessarily be a bar to obtaining/retaining a place on a programme, some offences will not permit entry to, or continuation on a programme of study which involves contact with children or vulnerable adults.

### 2.0 Applicants to BCNO

Only students on programmes with PSRB requirements for Criminal Record Checks will be asked to declare whether they have any spent or unspent convictions or other punishments that would display on a criminal records check. Where an applicant has indicated that they have a criminal conviction, the University's Policy and Procedures for Applicants with Criminal Convictions will be followed. The applicant will be invited to complete a Criminal Declaration Form to provide details of whether they have ever been convicted, or received a caution, warning or final reprimand, for an offence that will not be filtered from the Police National Computer when it is processed by the DBS

2.1 This policy must be adhered to by all employees involved in recruitment onto the Integrated Masters programme and the BSc ( Hons) Osteopathy Full time Modified Attendance.

- 2.2** In implementing this policy, the Admissions Team must ensure that all applicants are treated fairly, equitably and within the provisions and spirit of the BCNO's Single Equality Scheme policy (2019).
- 2.3** Special attention should be paid to ensuring the policy is understood when using it for students new to BCNO and those whose literacy or knowledge of the English language is weak.

### **3.0 Responsibilities**

#### **3.1 Admissions Team**

The Admissions Team has the responsibility to ensure that they abide by and reinforce this policy and that they attend relevant training.

#### **3.2 Registry Department**

The Registry Department will have the responsibility of abiding by and enforcing this policy and attending relevant training.

#### **3.3 Evidence Checker**

The Evidence Checker is able to assist applicants in completion of the forms and verify the original documents required so that there is no need to send original documentation away.

#### **3.4 The Registered Counter signatory**

The Registered Counter signatory will have responsibility for registering with the DBS and operating within the Code of Practice. (RCPA, Victoria House, Victoria Street, Taunton, Somerset, TA1 3GA)

### **4.0 Definition of Posts requiring Disclosure**

#### **4.1 Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975**

4.1.1 In order to protect certain vulnerable groups within society, there are a number of posts and professions that are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This includes osteopathy and students training to become osteopaths.

4.1.2 Applicants are therefore not entitled to withhold any information about convictions which for other purposes are 'Spent' under the provisions of the Act and in the event of enrolment; any failure to disclose such convictions could result in withdrawal from the programme or disciplinary action.

#### **4.2 Enhanced Disclosures**

4.2.1 An Enhanced Disclosure reveals all convictions (spent and unspent) plus any cautions, reprimands or warnings. In relevant cases it will reveal if the applicant is on any of the lists held by the Department of Health and the Department for Education and Skills (DfES) which lists those considered unsuitable to work with children or vulnerable adults. In addition it will reveal any non-conviction information held locally by the Police which is considered relevant in connection with the matter in question or capacity in which the individual will be employed.

#### **4.3 Integrated Masters and the BSc ( Hons) Osteopathy Full time Modified Attendance**

4.3.1 Students are required to provide a satisfactory enhanced DBS or Certificate of Good Conduct to be able to study on the Integrated Master's programme and on the . Failure to provide a satisfactory disclosure will lead to an investigation

with the possible

outcome of being asked to withdraw from the programme. Students will apply for the enhanced DBS during the induction week or bring their Certificate of Good Conduct with them on enrolment.

- 4.3.2 Students are also asked to subscribe to the on-line updating service and the School requires a self-disclosure form signed prior to the start of their clinical education. Students are required to sign a disclaimer giving BCNO permission to access their information online (Appendix 1).

#### **4.4 Eligibility for Enhanced Disclosure**

In order to be able to request an Enhanced Disclosure, BCNO applies the following 'access' test.

"Any employment or other work which is concerned with the provision of health services.

AND

Which is of such a kind as to enable the holder of that employment or the person engaged in that work to have access to persons in receipt of such services in the course of their normal duties".

All students will have access to patients in the course of their normal duties and these posts will therefore be subject to an Enhanced Disclosure.

#### **5.0 Application of Disclosures in the Admissions Process**

##### **Marketing the programme**

Marketing for the BCNO Integrated Masters makes reference to acceptance on the course being subject to receipt of an Enhanced Disclosure and in addition this will be stated in: -

- 5.1 Admissions Policy
- 5.2 Open Day Presentation – details BCNO's requirement for an enhanced DBS check is part of the presentation.
- 5.3 Open Day Pack – included in the pack will be information on this policy and where the applicants can find it on the BCNO Group website.
- 5.4 Application form – candidates applying to BCNO will be asked to declare on their UCAS form whether they have spent or unspent convictions. If a candidate fails to declare a spent or unspent conviction which is relevant to the practising of osteopathy and a conviction later comes to light on the DBS check the student will be investigated under the Student Fitness to Practise policy with the possible outcome of being withdrawn from the course.
- 5.5 Interview confirmation letter - candidates will be informed within the interview confirmation letter that DBS will be discussed as part of the interview, if appropriate. Any relevant information declared by a candidate will be explored with them as part of the interview process. See the Admissions Policy for further details
- 5.6 Website- this policy and other associated policies are available on the BCNO Group website.

#### **6.0 Decision on Offer**

The decision on making an offer to an applicant who has a spent or unspent conviction will be based upon the abilities, skills, experience and qualifications to complete the course. Only then will the criminal convictions be taken into account. When an applicant returns a spent or unspent conviction, the DBS risk assessment procedure will be invoked.

## **7.0 Making an Offer**

7.1 Based on the information gained through the application form, interview and risk assessment (if appropriate) the risk assessment panel will make a decision and identify any conditions on the offer. For further details on the risk assessment.

7.2 Applicants will be advised, in writing, that BCNO reserves the right to withdraw the offer should any clearances be unsatisfactory to BCNO.

## **8.0 Processing Disclosures**

### **8.1 Requesting a Disclosure**

8.1.1 Following the decision to offer a place the Admissions Officer will give the applicant details for online application for a DBS check.

8.1.2 The completion of the application will be completed during the induction week where support will be provided.

### **8.2 Receipt of a Disclosure**

From 17<sup>th</sup> June 2013, the DBS will issue disclosures directly to the applicant. Applicants to BCNO will be required to sign a form confirming, on registration, that they will supply a copy of the certificate to BCNO upon receipt. This will be stored in line with DBS guidelines. BCNO students are required to subscribe to the DBS Updating Service which will enable BCNO to check the status of DBS checks online. See Annex 2.

8.3 Where the Disclosure confirms information already known, it is anticipated that this will confirm what was declared on the application form and would have been taken into account and discussed during the risk assessment process and prior to the conditional offer. The Admission will need to see the disclosure and confirm the data held at BCNO.

8.4 Where the Disclosure reveals new information the Registry should be informed in all cases immediately. The Registry will arrange to meet with the student to discuss the contents of the disclosure. The student will be questioned about why this information was not declared at application stage and the Registry will commence the risk assessment process. An investigation, under the Student Fitness to Practice policy is a possible recommendation of the risk assessment panel and could lead to asking the student to withdraw from the programme.

## **9.0 International and EU applicants**

9.1 The Police National Computer has only a limited number of overseas convictions on record and the data is not comprehensive. In respect of international or European Union applicants, a fax request may be submitted to the DBS who have access to data from 15 countries. Where countries do not offer this service applicants will be asked to provide a "Certificate of Good Conduct" from the appropriate embassy or a copy of their own criminal record from overseas. For further guidance, go to the DBS website [[www.DBS.gov.uk/overseas](http://www.DBS.gov.uk/overseas)].

9.2 International and EU students need to obtain a certificate of good conduct (or equivalent), it is the student's responsibility to ensure that BCNO is provided with a certificated translation. Details about how and where to obtain this can be found at <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>.

9.3 All students must fill in a self-declaration form in year 2 of the MOst Programme to be completed prior to the summer clinic sessions.

## **10.0 Criminal Convictions obtained during the course**

Students are required to notify the Registry, as soon as possible, of any charges or convictions which are obtained whilst studying at BCNO. If a BCNO student does obtain a conviction a Student Fitness to Practice investigation will be initiated and the Student Fitness to Practice Policy will be followed.

## **11.0 Disclosures obtained by other organisations**

BCNO will accept disclosures obtained by other organisations providing that the check is of the required level and has been undertaken within six months of the enrolment date. The student will have to be a member of the update service and authorises BCNO to have access to carry out status checks.

## **12.0 Re-checks**

Student disclosures will be re-checked prior to starting in the Clinic at the end of year 2 using the self-certification form. If the School is unable to check a student's status, the student can be withheld from clinic until appropriate checks have been made.

## **13.0 Updating Service**

All students are asked to be a member of the on-line Update Service as stated in this policy and informed during the admissions process. For an annual subscription of £13 (at date of publication), the Update Service enables people to keep their DBS check up-to-date. Student must register online at [www.gov.uk/DBS](http://www.gov.uk/DBS) within 14 days of receiving your disclosure certificate. More information about the Update Service is on the DBS website, [www.gov.uk/dbs-update-service](http://www.gov.uk/dbs-update-service).

## **14.0 Costs of Disclosure**

The cost of checks relating to admission onto BCNO Integrated Masters will be met by the student. BCNO can check DBS status free of charge via the update service providing that the student is a member. If the student's membership for the on-line Updating Service lapses, the cost of any re-checks required will be borne by the student.

## **15.0 Disputes**

Where a student disputes the information contained in the disclosure, the student must contact the DBS's Dispute line and inform the Registry of the dispute. It is the student's responsibility to keep BCNO informed of the progress and outcome of the DBS dispute. If BCNO is not kept up to date with the dispute, the student can be withheld from attending clinic and Student Fitness to Practice investigation can be instigated.

## **16.0 Security**

BCNO will operate within the DBS code of practice with regards to security and safekeeping of Disclosure information. (See Appendix 2).

## **17.0 Training**

All staff and faculty that are involved in the Disability and Barring Service policy will receive the relevant training to implement this policy.

**Appendix One – Disclosure and Barring Checks Form  
Disclosure and Barring Service CHECKS**

I \_\_\_\_\_ hereby confirm that upon receipt of my DBS certificate, I will provide a copy to the Academic Registrar at the European School of Osteopathy.

I understand that the information will be held in accordance with the DBS storage and disposal guidelines.

I also confirm that I have subscribed to the online updating service and have the responsibility to maintain the subscription to allow BCNO to access, with notification, my information as required.

I am aware that if I do not maintain my subscription to the online updating service I will be liable to pay for any further DBS checks required by the School.

I also confirm that I will notify the School of any charges and/or convictions or any other matter that may affect my fitness to practise. Failure to do so will result in a Student Fitness to Practice investigation with the possible outcome of being asked to withdraw from the programme.

Signature: \_\_\_\_\_

Print name: \_\_\_\_\_

Date: \_\_\_\_\_

## **Appendix Two – Correct Handling and Safekeeping of Disclosure Information**

As well as complying with the DBS Code of practice, BCNO will also comply fully with its obligations under the Data Protection Act and other relevant legislation pertaining with the safe handling, use storage, retention and disposal of Disclosure information.

### **Storage and access to DBS Disclosures**

Disclosure information is never kept on an applicant's personal 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**

Disclosure information is only passed to those who are authorised to receive it in the course of their duties. BCNO maintains a record of all those to whom Disclosures or Disclosure information has been revealed and recognises that it is a criminal offence to pass this information to anyone who is not entitled to receive it. It is an offence for anyone who has access to criminal records to disclose information about spent convictions unless officially authorised.

When a conviction or caution is revealed, the Disclosure will be passed to the Academic Registrar who will liaise with the Head of Learning and Quality so that procedures can be put in place.

Following this, the disclosure will be returned to the relevant evidence checker to store appropriately.

### **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**

When an offer decision has been made BCNO will not keep Disclosure information for any longer than is absolutely necessary. This is generally for a period of 6 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 6 months, BCNO will consult with the DBS and give full consideration to the data protection and human rights of the individual subject before doing so. Throughout this time, the usual conditions regarding safe storage and strictly controlled access will prevail.

### **Disposal**

When the retention period has elapsed, BCNO will ensure that any Disclosure information is immediately suitably destroyed by secure means. While awaiting destruction, Disclosure information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack).

BCNO 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 BCNO will keep a record through a database of the: -

- date of issue of a Disclosure name of the applicant
- type of Disclosure requested
- position for which the Disclosure was requested
- unique reference number of the Disclosure
- details of the recruitment decision taken

This includes situations where the portability option is exercised