

# UNIVERSITY OF HERTFORDSHIRE HIGHER EDUCATION CORPORATION

## STUDENT DISCLOSURE AND BARRING SERVICE POLICY

This Disclosure and Barring Service Policy (the "Policy") was approved on [8 July 2025] and supersedes all previous versions used by individual Schools from this date.

### 1. Introduction

- 1.1 Students studying on a programme leading to professional registration are obliged at admission, to disclose all convictions/cautions that are not 'protected' as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020.
- 1.2 The Rehabilitation of Offenders Act 1974, (Exceptions) Order 1975 details some professions or job roles where employers can access 'spent' criminal convictions/cautions due to the nature of work being undertaken. Since November 2020 there are certain conditions whereby conviction/caution information is 'filtered' and some will not be displayed on the DBS Certificate. More guidance can be found on the DBS website.
- 1.3 **Under the Rehabilitation of Offenders Act 1974, health and social work programmes are exempt and no conviction is ever considered spent.**

### 2. Scope

- 2.1 If you require a DBS for your programme at the University of Hertfordshire, you may be required to provide evidence of your criminal record status from your home country or any country that you have lived in for a period of 6 months within the last 5 years.
- 2.2 Read further guidance for overseas applicants on GOV.UK
- 2.3 You may also be required to apply for a DBS disclosure if you are now resident in the UK. It is essential that you have a passport when you come to the UK as you will need this to provide evidence of your identity. An EU identity card is not sufficient to prove identity for this purpose. This applies whether your research is conducted inside or outside the UK.
- 2.4 It should also be noted, however, that Standard and Enhanced DBS certificates will always include the following details, no matter when they were received, and so must always be declared:
  - All convictions for specified offences
  - Adult cautions for specified offences
  - All convictions that resulted in a custodial sentence, whether or not suspended
- 2.5 The University of Hertfordshire (the "University") has several programmes that lead to professional registration. The nature of these programmes means that students will work with children and/or vulnerable adults. It is therefore a requirement of these programmes for students to undergo a Police Check and/or a Disclosure and Barring Service (DBS) check to confirm whether there is anything on their record that may impact their ability to safely practice in their future profession. This Policy applies to all students studying on, and applicants applying to, programmes within the University that require a Police Check and/or Police check and/or DBS check either as a condition of entry or in order to progress or for the purpose of clinical placements and includes the procedure for managing the circumstances where a student's DBS record changes whilst registered on a relevant course.
- 2.6 Police Checks and/ or Police check and/or DBS checks will typically be completed as part of the application process. If you have applied for a programme that requires a satisfactory Police Check and/or Police check and/or DBS check as a condition of entry, this will be set out in the University's offer letter. The University reserves the right to withdraw their offer if a student is not able to produce a satisfactory Police Check and/or DBS certificate where required to do so.

- 2.7 In some circumstances, current students may undertake a module, curricula-related work experience or project that involves work with children and/or vulnerable adults. Prior to enrolling on such modules or participating in these types of curricula-related opportunities, students will be required to produce a satisfactory Police Check and/or DBS check. In such circumstances, your programme team will contact you. You can also check if a Police Check and/or DBS is required by reading the relevant module handbook.
- 2.8 All processes will apply equally to UK and international applicants and students. Failure to have a DBS certificate or similar criminal background check processed within ten weeks of your first registration as a student at the University of Hertfordshire may result in termination of your registration on the programme.
- 2.9 Failure to disclose or comply with this policy for students on a programme leading to professional registration could result in a referral to [Fitness to Practice](#).
- 2.10 The University is committed to promoting equality of opportunity for everyone, valuing a diverse mix of talent, skills, and potential. We therefore welcome applications from a broad spectrum of candidates, including those with a criminal record. Selection is based on an individual's skills, qualifications, specialist knowledge (where applicable), and experience. The University is dedicated to treating all applicants fairly and undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.
- 2.11 **Disclosure and Barring Clearance**
- 2.12 The Disclosure and Barring Service processes and issues criminal record certificates and maintains both the Children's Barred list and the Adults Barred list. Individuals on a Barred list are not allowed to work with that vulnerable group (i.e. individuals on the Children's Barred list are prohibited from working with children). This is to protect vulnerable members of the public from individuals who are considered a risk.
- 2.13 There are four different types of Police check and/or DBS checks:
- Basic;
  - Standard;
  - Enhanced;
  - Enhanced with Barred list check.

The level of check required is set out in legislation and will depend on the activities and responsibilities of the role. Students undertaking courses that lead to professional registration will typically be required to undertake an Enhanced with Barred list(s) check. The level of check required will be set out in your offer letter. If you are a current student, it will be notified to you by your programme team.

- 2.14 You can find more information on the [DBS website](#). More information on how the University handles Police check and/or DBS checks can be found in our DBS guidance.
- 2.15 Applicants and students may be allowed to proceed on a programme with information on their DBS record if the University is satisfied that they have been considered and the applicant/student deemed professionally suitable. DBS clearance is a requirement for students to take placements on programmes leading to professional registration.
3. **Self-Disclosure**
- 3.1 If you have information and/or offences that may show up on a Police check and/or DBS check (as explained below), you are obliged to declare this to the University at the earliest possible stage, before the result of your Police check and/or DBS check is issued as set out in the University of Hertfordshire Key Facts document.
- 3.2 Please note that the applicant Self Disclosure form [in Appendix 1] is in addition (for those to whom it applies) to the DBS process described in this Policy.

3.3 Having a criminal record will not automatically prevent you from pursuing your chosen course, but it does mean that the University need to undertake a risk assessment of your suitability and gather information about the offence(s). In a very few cases this may mean that you cannot be cleared for admission or have to consider an alternative course. Please be assured that we look at all cases individually and consider them in the context of your circumstances and any contributory factors.

#### 4. **What is the DBS and what is included on a DBS certificate?**

4.1 The Disclosure and Barring Service (DBS) is an executive non-departmental public body of the Home Office that provides access to criminal records 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. The University complies with the [DBS Code of Practice](#) and undertakes to treat all applicants and students fairly.

4.2 The information provided on a DBS certificate will depend on the type of check that has been conducted. Courses leading to professional registration will require an Enhanced with Barred Lists check. The resulting DBS certificate will include:

- unspent convictions and conditional cautions;
- spent convictions and cautions, subject to filtering (see more below).
- relevant non-conviction information from the police;

4.3 Barred Lists information.

A Community Resolution is not included on the DBS certificate.

'Filtering' is a term used by the DBS to describe the process that identifies which criminal records will be disclosed on a Standard or Enhanced DBS certificate. There is a [list of offences](#) that will always be disclosed on a Standard of Enhanced DBS certificate. More information on which offences are subject to filtering can be found in the [DBS filtering guide](#).

#### 5. **DBS Application Process**

5.1 The University works with Atlantic Data Ltd to complete and submit applications. The University uses an online application process and part of this process includes the verification of an applicant's identity via a digital or in-person ID check.

5.2 The University follows the DBS process for confidential checking for transgender applicants in accordance with the Gender Recognition Act 2004. However, if you are a transgender applicant, you can contact the government's [DBS sensitive applications team](#) to confirm how to proceed if you don't want to reveal details of your previous identity.

5.3 **Please refer to the DBS Identification Documents Checklist attached to your joining instructions. This will contain information for additional documents required for DBS.** A full list of the accepted documentation is available on the [government website](#).

5.4 The University will pay the fee for your initial DBS application where this is necessary for the completion of your programme.

#### 6. **International students**

6.1 Students, applicants who have not been permanently resident in the UK as an adult for the last 10 years for a continuous period of 6 months or more must obtain a police report or criminal record check (in some countries this is called a Certificate of Good Conduct) issued by the country or countries in which they have lived during that time in addition to applying for a DBS Enhanced Disclosure. Students/applicants will be responsible for any cost associated with this check and the translation into English where necessary.

6.1 Further guidance for international applicants can be found on the [government website](#).

6.2 If the report is not in English then it must be accompanied by an official translation into English. Submission of these documents by a deadline will form a condition of the offer made to EU/international students.

6.3 EU/international students who are unsure how to obtain a police report are advised to contact their local police station for guidance. If no longer residing in the relevant country, the nearest Embassy of that country may be able to advise on the procedure. We recommend commencing the procedure as early as possible, as it can take some time.

## 7. **DBS Update Service**

7.1 If a DBS check is required for your programme, you are encouraged to subscribe to the DBS Update Service as part of your application for your DBS check. Further information on the DBS Update Service can be found on the [government website](#).

### **Subsequent cautions/convictions**

7.2 You must notify a member of the Programme Teams soon as practicable after the event if you receive a subsequent Police record such as a caution or conviction following your initial DBS disclosure using the Self Disclosure Form [in Appendix X].

7.3 If you become the subject of a criminal allegation or if you receive any criminal conviction or caution during your studies, the matter will be referred to the DBS Procedure set out below.

7.4 Exceptionally, if an allegation(s) of an offence is of a serious nature, your studies may be subject to interim conditions or interim suspension from your placement or programme at any stage of the DBS Procedure. Such conditions or suspension will be instigated by your Programme Leader in consultation with the Head of Department, Associate Dean (or their delegate) and relevant placement providers, as appropriate.

7.5 Interim suspension is not a sanction and does not imply guilt. An interim suspension will only be put in place where it is necessary:

- for the protection of service users, patients and/or clients;
- for your own protection;
- where colleagues, staff or fellow students would be compromised; or
- otherwise in the public interest.

7.6 The interim suspension from placement will remain in place until the DBS Procedure has concluded. In exceptional circumstances the interim suspension may be lifted prior to the conclusion of the DBS Procedure and the student will be informed in writing of this as soon as possible. However, the DBS Procedure will continue to be progressed until the case has concluded even where the interim suspension has been lifted.

Delaying or failing to disclose any allegations, convictions or cautions to your programme team will amount to behaviour that calls into question your suitability for your course and you may be referred to Fitness to Practise.

If you are charged with a criminal offence during your studies, you are required to report the matter to a member of the Programme Team, and/or Dean of Students as soon as possible after the event. Failure to do so may result in your referral to [Fitness to Practise](#).

## 8. **Annual Declaration**

8.1 Students must complete an online Declaration of Disclosure and Barring Service Form [Nursing Annual DBS & Fitness to Practise Self-Declaration](#) prior to progressing to the next level of study.

## **DBS Procedure**

8.2 An individual (student or applicant) will be referred under this procedure where:

- their DBS certificate contains a conviction, caution or other relevant non-conviction information;

8.3 they receive a caution, conviction or becomes the subject of allegations during the course of their studies or the application process which they have disclosed using the Self Disclosure Form; or

- a conviction, caution or other relevant non-conviction information regarding an individual is disclosed to the University which has not previously been disclosed by the individual. If an individual delays or fails to disclose such information to their Programme Officer (usually the programme lead or designate) and it is considered that such behaviour calls into question their suitability on a course, they may be referred to the University's [Fitness to Practise procedures](#) Fitness to Practise procedures or their conduct may be considered under the University's [Student Discipline Policy](#).

8.4 Stage 1 – Risk Based Assessment

8.4.1 The Associate Dean Education & Student Experience (or nominee) (“Associate Dean”) will risk assess any DBS referrals with a registered practitioner from the programme Team within fifteen working days of notification. If an interim suspension is deemed to be required, the individual will be informed in writing of this decision as soon as reasonably practicable.

8.4.2 The individual will be given the opportunity to provide any relevant mitigating information. .

8.4.3 The Associate Dean & registered practitioner from the Programme Team will undertake a risk assessment. Following the risk assessment, the Associate Dean will either reach a decision or refer the case to Stage 2 of the DBS Procedure. A case will usually be referred to Stage 2 where:

- further information from the student or applicant is required;
- input is needed from placement providers who may be able to advise on any potential future employment implications;
- an existing student already has a first or final warning on file from another University policy or procedure; or
- the final decision is likely to involve the rejection of a potential applicant or the withdrawal of an existing student from the course.

8.5 **Stage 2 – DBS Panel**

8.5.1 Where the case has been referred to Stage 2 by the Associate Dean, it will be heard by the DBS Panel.

8.5.2 The Panel will be chaired by either the Head of Department or Associate Dean of School (or their delegate) who will determine the membership of the Panel, none of whom will have had previous involvement in the case. Panel members may include (as relevant):

- a nominated member of the Programme Team;
- a representative from a placement partner who is registered with a regulatory body;
- a representative from another discipline within the relevant School, where appropriate; a representative of the Dean of Students, where appropriate;
- a representative from a placement partner who is registered with a regulatory body; persons giving disability support, where required Member of professional staff for note taking only

The Chair of the Panel invite the individual in writing to a panel hearing with the Panel to establish the facts surrounding the case. The individual may choose to be accompanied by another person for support. This could be someone from a professional or student association, a trade union adviser or a friend. Please note that any person invited to support the individual during the hearing will attend in a purely supportive/advisory capacity. They will not act as the individual's representative or have the opportunity to address the Panel unless directly requested by Panel members. The individual must notify the Chair of the Panel in writing at least two working days before the hearing if a support person will be attending the hearing.

If an individual is unable to attend the DBS Panel hearing, it is not possible for someone else to present their case on their behalf. However, the individual may invite a Students' Union representative to observe the proceedings in such circumstances. Where an individual has contacted the Chair in advance notifying them of justifiable reasons for non-attendance, suitable alternative arrangements will be made (i.e. a new hearing date will be set). Where the Panel Chair and individual are in mutual agreement about the individual's absence the hearing could proceed.

If an individual does not attend the DBS Panel hearing and has not invited a Students' Union officer to observe the proceedings, the Panel may proceed only if Panel members are satisfied that all reasonable efforts have been made to notify the individual of the date, time and venue of the hearing.

Notes of the proceedings will be taken by a member of the University's professional staff. These will be in a narrative format (not verbatim) and agreed with the Chair for record purposes only. The notes will preserve the confidentiality of the student/applicant and will not normally be circulated. In the event of a subsequent appeal, the notes may be referred to the relevant parties with the permission of the Chair. An audio recording of a Hearing may be permitted in exceptional circumstances, at the discretion of the Chair and with the prior written consent of all persons who will be present. The exceptional circumstances will be a matter of record

#### 8.5.3 At the Panel hearing the Chair shall:

- confirm there are no conflicts of interest on the part of any Panel member;
- verify that reasonable adjustments have been put in place for the individual, where relevant;
- remind Panel members that the subject of the hearing is confidential and shall only be discussed with Panel members;
- introduce themselves and their role on the Panel;
- present an outline of the proceedings and the reason they are required;
- notify the individual that a note of the proceedings is being taken for record purposes only;
- remind the student/applicant that they may consult their support person (if attending) at any time;
- inform the individual that the University reserves the right to share any information that is required by law to be disclosed to any potential or existing employer or statutory body.

The decision of the Panel will be confirmed in writing to the individual by the Chair within seven working days of the hearing.

8.5.4 If the case relates to a registered student, copies of the letter will be placed on the student's electronic file in the appropriate confidential section, accessible only by nominated individuals.

8.5.5 If the case relates to an applicant, a copy of the letter will be sent to the relevant admissions tutor and placed in the confidential section of the DBS folder under the University's Electronic Document Record Management System. If the applicant is registered on the course, the admissions tutor will pass on this copy of the letter to the relevant course lead. If the applicant does not register on the course the letter will be destroyed.

#### 8.6 Decision-making by the Chair or Panel

- 8.6.1 When making a decision under Stage 1 or Stage 2 of the DBS Procedure, the Chair or the Panel (as appropriate) will consider the following factors:
- the number of offences;
  - the type and nature of each offence;
  - the time elapsed since each conviction (if appropriate);
  - the sentence(s) imposed and the form and period of any rehabilitation undertaken;
  - any pattern of convictions and any change in circumstances since conviction;
  - the circumstances surrounding the offence, e.g. personal maturity;
  - any relevant disability or equality matters.
- 8.6.2 Decisions made under Stage 1 or Stage 2 will consider whether each offence had been fully disclosed, partially disclosed or not disclosed beforehand.
- 8.6.3 The Chair (when considering a risk assessment under Stage 1) or the DBS Panel (if a hearing is commenced under Stage 2) will bear in mind that any sentence previously imposed in a criminal context is not necessarily a reliable or definitive guide to the seriousness of the conviction as far as professional regulation is concerned. There may have been specific personal mitigation which led the court to its decision on sentence which bears little or no weight in the regulatory context as different public interest considerations apply.
- 8.6.4 The following decisions may be taken under the DBS Procedure:
- no further action is required;
  - an action plan is to be completed in conjunction with the course leader to provide ongoing support and monitoring;
  - a first warning is given;
  - a final warning is given;
  - temporary suspension from study whilst necessary investigations are completed;
  - withdrawal of offer;
- 8.6.5 permanent withdrawal from programme.

Where a decision is to issue a first or final warning, any other warnings on the student's file will be considered. A student would not normally be able to have two first or two final warnings on file. If a student already has a first warning on file from another University procedure or policy and a first warning is recommended, the decision must be reviewed, and the student will normally be instead issued with a final warning. If the student has a final warning from any other University procedure or policy, and a second final warning has been recommended, the decision must be reviewed, and the decision would normally be withdrawn from the programme.

In making the decisions, the Chair or Panel (as relevant) will follow any guidance made available by relevant professional and regulatory bodies and current legislation. If an applicant is declined registration or prevented from continue on the programme on the basis of a declared criminal offence, the reasons for doing so will be explained.

If a student is permitted to continue on their programme and attend placements, knowledge of the criminal offence will remain confidential to the University. However, if the criminal conviction has been referred by, or there has been known involvement of placement providers following Stage 1 or Stage 2, the Chair will liaise with the relevant programme team regarding the information that may be shared with placement providers. Any student may request a letter to take to a placement provider confirming that they have been through appropriate DBS scrutiny and have been permitted to remain on the course and attend placement.

## 8.7 Appeals

8.7.1 Following a decision made under Stage 1 or Stage 2 of the DBS Procedure, the individual will be informed in writing of their right to appeal to the Vice Chancellor to [studentprocedures@herts.ac.uk](mailto:studentprocedures@herts.ac.uk) within 15 working days of the date on which the decision was taken setting out the grounds of appeal.

8.7.2 The grounds for appeal are:

- (i) there has been a material administrative error or procedural irregularity in the process; or
- (ii) there was unfairness or impropriety on the part of the Panel or Panel members; or
- (iii) there is new information, relevant to the case, which has not already been considered and which could not have been reasonably produced at the time the decision was taken.

8.7.3 Upon receipt of the appeal, the Vice Chancellor will consider eligibility for review. If the case is eligible for review, it will be referred to a fresh DBS Panel to consider any procedural irregularities, unfairness or impropriety, or to consider the evidence that was not available at the time of the original decision. Where new evidence is presented, the Panel will consider the appropriateness of the original decision in light of the new evidence provided.

The decision of the Panel will be communicated in writing to the individual within 7 working days of the Panel's decision.

## 9. Legal Duty to Refer

9.1 The University has a legal duty to refer an individual to DBS when it believes a person has caused harm or poses a future risk of harm to vulnerable groups. It must also provide information to DBS when asked and may be fined unless it has good reason to not provide the information. The conditions that must be considered before making a referral or providing the information to the DBS can be found on the DBS website <https://www.gov.uk/guidance/making-barring-referrals-to-the-dbs>.

## Data Protection

The University will only collect, store and retain information with regard to criminal records and Police check and/or DBS checks in accordance with its Privacy Notices and [Data Protection Policy](#).

## 10.00 Monitoring of Proceedings,

10.1 An annual report will be produced each year by each School of relevant analysis of trends, outcomes, equality data and specific issues arising during the year will be reported.

10.2 Records of risk assessment reviews and DBS Panels will be held confidentially by the University.

10.3 The Associate Dean will report to the School Executive Group on an annual basis.