

UNIVERSITY OF HERTFORDSHIRE HIGHER EDUCATION CORPORATION

SCHOOL OF LIFE AND MEDICAL SCIENCES DISCLOSURE AND BARRING SERVICE PROCEDURE

This procedure was approved for use by the School Academic Committee – Life and Medical Sciences on 25th February 2025 and supersedes all previous versions from that date.

1 Purpose

- 1.1 This procedure applies to all students on, and applicants applying to programmes conferring eligibility to register with a professional, statutory or regulatory body within the School of Life and Medical Sciences including those undertaking an apprenticeship. It also applies to students within the School who require a Disclosure and Barring Service check or equivalent prior to undertaking curricula-related work experience or project work with vulnerable groups. The policy includes the procedures that should take place prior to registration with the University of Hertfordshire and the procedures for managing students who obtain a Disclosure and Barring Service record or equivalent whilst registered on a programme. This procedure should be read in conjunction with UPR SA13 Student Discipline and SA15 Fitness to Practise.
- 1.2 To protect the public, the programme providers are required to take account of the existence and nature of all:
- criminal convictions¹
 - cautions²
 - reprimands
 - final warnings/ penalty notice for the disorder
 - ongoing police investigations
 - driving offences that result in a caution/criminal conviction
- 1.3 Under the Rehabilitation of Offenders Act 1974, health and social work programmes are exempt and no conviction is ever considered spent.
- 1.4 The existence or acquisition of the above is not in itself an automatic bar to registration or continuation on a programme of study.
- 1.5 Legislative changes are published on the DBS website <http://www.homeoffice.gov.uk/> and will be integrated within this procedure as required. In response to the result of a Supreme Court Judgment in November 2020, legislation has been changed, and from 28 November 2020, DBS certificates will disclose criminal records according to this new legislation. These arrangements are set out in <https://www.gov.uk/government/publications/filtering-rules-for-criminal-record-check-certificates/new-filtering-rules-for-dbs-certificates-from-28-november-2020-onwards>
- 1.6 These amendments to the Exceptions Order 1975 (2013) were updated on 28 November 2020 and mean that warnings, reprimands, and youth cautions will no longer be automatically disclosed on standard and enhanced DBS disclosures and the multiple conviction rule has also been removed.

¹ This refers to convictions that are both 'spent' and 'unspent' (see DBS glossary).

² This refers to cautions that are both 'spent' and 'unspent' (see DBS glossary)

2 Procedure prior to registration on University of Hertfordshire programmes

- 2.1 All offers of study to home and overseas applicants will be made subject to a satisfactory Disclosure and Barring Service (DBS) Enhanced Check and/or equivalent check. Applicants applying to study on professional courses at the University of Hertfordshire hosted by Global Academic Foundation (UH-GAF) are also required to undergo such checks.
- 2.2 Applicants and potential applicants will be made aware that the offer of a place is subject to certain conditions including a self-disclosure of any criminal activity (section 1.2 above) regardless of whether the offence was committed in the United Kingdom or overseas. The University will take account of any crime anywhere in the world, provided that the conviction is for an offence, which would have been an offence in the United Kingdom at the time it was committed.
- 2.3 Applicants will be advised that it is their responsibility to identify any criminal activity and non-disclosure will be treated seriously.
- 2.4 Applicants and potential applicants with an existing Disclosure and Barring Service record or equivalent who seek personal guidance from an admissions tutor will be advised to submit a Self- Disclosure Form (Appendix 1) for consideration under this policy. The admissions tutor will explain that they are not permitted to comment on personal, individual situations and will refer them to the Disclosure and Barring Service website <http://www.homeoffice.gov.uk/dbs> for further advice.
- 2.5 All home and overseas applicants that are either offered a place on a programme or invited to attend for interview will be sent the Self-Disclosure Form (Appendix 1) by the University Central Admissions Service (CAS) either with their letter of invitation to an open day or with their offer letter. Where an offer letter is sent, the applicant will be advised to return the completed form to the relevant admissions tutor.
- 2.6 Home and overseas applicants who are invited to attend for an interview will be advised that the Self-Disclosure Form should be brought to the interview in a sealed envelope. Following the interview and if the applicant is to be offered a place on a programme, the envelope will be opened by the admissions tutor or designate. The Self-Disclosure Forms of applicants who are not offered a place will be destroyed unopened by the admissions tutor or designate in accordance with UPR IM08 Data Protection.
- 2.7 All successful applicants who disclose any offence on the Self-Disclosure Form will have their form referred to Stage 1 of the DBS Procedure (section 4). After reviewing the information following Stage 1 of the DBS procedure a decision will be made as to whether the applicant can be accepted onto the programme or if the case needs to be passed to Stage 2 of the DBS Procedure and considered by a DBS Panel (section 4.4). The applicant will be informed of the outcome of the DBS Procedure by a letter sent electronically to the email address provided by the applicant.
- 2.8 Through the offer process applicants are advised by an admissions tutor that having accepted the offer a DBS Enhanced Check or equivalent will be applied for. The DBS application process and or equivalent will normally be completed prior to registration or in the week when the programme commences.

- 2.9 Overseas applicants may only have been present in the UK for a short period of time, therefore in addition to the DBS Enhanced Check they will normally submit a Certificate of Good Conduct/ overseas police certificate/certificate of no criminal conviction from their country of origin. Most countries have formal procedures for issuing criminal record certificates and applicants are referred to the government website <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>. Where this is not possible, the applicant may sign a Statutory Declaration in front of a solicitor to confirm that they have not been convicted of any criminal activities (Appendix 3).
- 2.10 Applicants and students studying at University of Hertfordshire hosted by Global Academic Foundation (UH-GAF) are required to complete a criminal record check during the application process and at the beginning of each year of study. Any criminal activity identified by this process should be reported immediately by the UH GAF Programme Lead to the programme collaborative partnership lead (CPL). The CPL will liaise directly with the LMS DBS lead who will review the offence in line with this policy. If criminal activity is identified during the application process, formal offers may not be made until this process is completed and it is confirmed that the applicant may study on the programme. If this criminal activity is identified during the course of their university studies, students will not be allowed to attend clinical placement until this process is concluded and either the Associate Dean of Academic Quality (or nominee) or the chair of the DBS panel confirms that the student may continue on their programme of study.
- 2.11 Normally applicants will attend University whilst a DBS Enhanced Check or equivalent is underway; however, attendance at a clinical placement *will not* take place until a satisfactory DBS Enhanced Check and/or equivalent has been received. This applies to all existing home and overseas students.
- 2.12 Any criminal activity identified by the DBS Enhanced Check process or equivalent will require investigation; this may delay the student's progress on their programme unless it has been previously "cleared" by a Disclosure and Barring Service Procedure (section 4).
- 2.13 If a DBS Enhanced Check or equivalent reveals new information or information that causes concern regarding a 'cleared' case which has been considered previously by a DBS procedure (section 4), a Panel will be normally be convened to further discuss the new information and cause(s) of concern.
- 2.14 Any criminal activity not declared on the Self-Disclosure Form but subsequently identified on the DBS Enhanced Check or equivalent will be investigated by a Disclosure and Barring Service procedure (section 4) (SA15 Student Fitness to Practise refers).

3 Procedure for students who acquire a Disclosure and Barring Service Check during their time of study

- 3.1 Annual DBS Enhanced Checks or equivalent may be required for certain programmes. For programmes where this is not a requirement, students must complete an online Declaration of Disclosure and Barring Service Form (Appendix 2) prior to progression to the next level of study.
- 3.2 All criminal activities (section 1.2 refers) acquired during a course of study will be referred to a Disclosure and Barring Service Procedure (section 4). Existing/continuing students must complete the relevant Self-Disclosure Form (Appendix 2). Depending on the nature of the offence, the Associate Dean, Academic Quality Assurance (Associate Dean, AQA) or designate may decide that it is necessary to implement an interim suspension whilst the case is being investigated (section 3.3 and 4.2 refers).

- 3.3 Exceptionally, if an allegation(s) of an offence is of a serious nature, at any stage of the proceedings the student's programme of study may be subject to interim conditions or interim suspension from the placement/programme. Such conditions or suspension will be instigated by the programme leader in consultation with the Head of Department, Associate Dean or designate and relevant placement providers, as appropriate. Interim suspension is not a sanction and does not imply guilt: it is used only for service users, patients', or clients' and/or the student's own protection; where colleagues, staff or fellow students would be compromised; or otherwise in the public interest. 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.

3.4 Students at UH GAF are required to complete a criminal record check at the beginning of each academic year of study. Any criminal activity identified by this process should be reported immediately to the programme collaborative partnership lead (CPL). The CPL will liaise directly with the LMS DBS lead who will review the offence in line with this policy. If this criminal activity is identified during the course of their university studies, students will not be allowed to attend clinical placement until this process is concluded and either the Associate Dean of Academic Quality (or nominee) or the chair of the DBS panel confirms that the student may continue on their programme of study.

- 3.4 If a student delays or fails to disclose any criminal activity to the relevant Programme Officer (usually the programme lead or designate) and it is considered that such behaviour calls into question their suitability on a programme, they may be referred to the School Fitness to Practise procedures.
- 3.5 When a student is charged with a criminal offence during their time of study, they are required to report the matter to the Dean of Students who will notify the Secretary and Registrar (UPR SA13, 'Student Discipline' refers).

4 Disclosure and Barring Service procedures

- 4.1 On receipt of a self- disclosure form or enhanced DBS check or equivalent, the Programme Officer (normally the admissions tutor or programme lead) will refer an applicant/continuing student to the Disclosure and Barring Service procedure without undue delay.

4.2 Stage 1 – Risk based assessment

- 4.3 The Associate Dean, AQA, or designate will review of any DBS referrals/cases under this DBS procedure normally within fifteen (15) working days of notification, or as soon as possible thereafter. Attendance at any placements will also be considered as articulated above in sections 3.2. and 3.3. Where the latter applies, students will be informed in writing by the Associate Dean, AQA or designate.
- 4.4 To help promote equality, applicants/students will be asked to share with the Associate Dean, AQA, or designate any relevant mitigation, disability or equality matters. Information received will be used to provide clarification around the case being considered and may also be used to consider if reasonable adjustments need to be made at any subsequent panel hearing.
- 4.5 The Associate Dean, AQA, or designate will undertake a risk-based assessment (Appendix 4) of any DBS referrals/cases and will make a decision (or consequence) with regards to the subsequent outcome/action (section 5). Alternatively, the Associate Dean, AQA or designate may decide that the case needs to be considered further by a DBS Panel, in which case Stage 2 of the DBS Procedure will be instigated. A case is likely to be referred to Stage 2 in the following situations:
- where further information from the applicant/student is required;
 - if input is needed from placement providers who may be able to advise on any potential future employment implications for applicants/students;
 - if an existing student already has a first/final warning on file from another university policy or procedure; or
 - if the final decision is likely to involve the rejection of a potential applicant or the withdrawal of an existing student from a programme.

4.6 Stage 2 – Disclosure and Barring Service (DBS) panel

- 4.7 The DBS Panel will normally be chaired by either a Head of Department, Associate Dean of School or designate who will determine the membership of the panel, which will normally consist of:
- A nominated Programme Officer;
 - A representative from a health or social care partner who is a registrant with the relevant regulatory body³
 - A representative from another discipline within the School, where appropriate
 - A representative of the Dean of Students, where appropriate

³ If the practice representative is unable to attend, the meeting may be adjourned. However, if contact is available through other telecommunication means, the panel may continue at the discretion of the Chair

Where previously arranged, persons giving disability/equality support also may be present.

- 4.8 When a DBS Panel is to be convened, the Chair of the Panel will send a letter to the e-mail address provided by the applicant/ student informing them that their presence is required at a DBS Panel hearing to establish the facts surrounding their case. They will also be invited to bring to the attention of the Chair any individual equality or disability issues. In all cases, where an applicant or student has informed the Chair of a disability or equality matter, reasonable adjustments will be made to support them.
- 4.9 The applicant/student will be informed that they may be accompanied by another person. This may be someone from a professional/student association or trade union officer or friend to act as their Adviser at the meeting. Although the applicant/student might, for example, invite a lawyer or a Trade Union representative to act as their Adviser, it should be noted that the person attends the Panel purely in an advisory capacity and does not therefore, act as the applicant/student's representative. Where they wish to be accompanied by a Student Adviser at a Panel, they should inform the Chair of the Panel, at least two (2) working days beforehand. A Student Adviser will only be permitted to address the Panel if asked direct questions by the Panel members; however, the applicant/ student may consult freely with their Adviser at any time. It would be appropriate for a student's personal tutor to act as an advisor where there was no conflict of interest considered.
- 4.10 If an applicant/student is unable to attend a DBS Panel, there is no provision for someone else to present their case on their behalf. However, a Students' Union Officer may be invited to observe the proceedings related to the applicant/student's case.
- 4.11 If the applicant/student does not attend and has not invited a Students' Union Officer to observe proceedings, the Panel may proceed if members are satisfied that all reasonable efforts have been made to notify the applicant/student of the date/time/venue of the Panel. Where an applicant/student has contacted the Chair of the Panel in advance notifying them of justifiable reasons for non-attendance, suitable alternative arrangements will be made.
- 4.12 An audiotape recording of the meeting will not normally be allowed. However suitable adjustments will be made if required in keeping with the University of Hertfordshire Equality and Diversity procedure (UPR EQ03) provided that the applicant/student has informed the Chair of this requirement in advance.
- 4.13 Notes of the proceedings will be taken by a member of the professional staff in narrative format (not verbatim) and agreed with the Chair of the Panel for record purposes only. The notes will preserve the confidentiality of the applicant/student and will not normally be circulated, however should there be any subsequent appeal, the notes may be referred to by relevant parties with the permission of the Chair of the Panel.

- 4.14 At the Panel meeting the Chair of the Panel will:
- confirm with panel members that they have no external links with the applicant/student and therefore no conflict of interest is present;
 - verify that appropriate adjustments have been put in place for applicants/students who have previously highlighted a disability and/or equality issue;
 - remind members that the matters dealt with are confidential and must not be discussed outside the Panel by individual members;
 - introduce themselves and the roles of panel members present together with an outline of the panel proceedings and the reasons for them;
 - notify the applicant/student that notes will be taken for record purposes only preserving confidentiality of the applicant/student;
 - remind the applicant/student that they may consult with their Adviser at any time;
 - inform the applicant/student that the University retains the right to share any information that is required to disclose with any potential or existing employer or statutory body.
- 4.15 The decision of the Disclosure and Barring Service Panel will be confirmed in writing to the applicant/student by the Chair of the Panel within seven (7) working days of the Panel with details of the appeals process as appropriate.
- 4.16 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 (EDRMS); if the applicant is registered on the programme, the admissions tutor will pass on this copy of the letter to the relevant programme lead. If the applicant does not register on the programme the copy of the letter will be destroyed in accordance with UPR IM08 Data Protection.
- 4.17 If the case relates to a student already registered on a programme, copies of the letter will be placed on the student's electronic file in the appropriate confidential section, accessible only by nominated individuals and the programme tutor notified or their paper file and sent to the relevant programme lead.
- 4.18 Notes related to the case will be lodged on the student's electronic file in the appropriate confidential section, accessible only by nominated individuals or the student's paper file in a sealed envelope marked private and confidential. The Panel Chair will sign and date across the sealed area to ensure the information contained within the envelope is stored with due regard to confidentiality. The envelope may only be opened following permission from the Chair of the Panel or the Dean of Students.

5 Decisions and Consequences

- 5.1 Applicants/students are informed that the University retains the right to share any information that it is required to disclose with any potential or existing employers or statutory bodies.
- 5.2 When making a decision, the risk-based assessment and any DBS panel will consider the following relevant factors are considered such as:
- 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.

The risk-based assessment and any panel will also take into account whether each offence had been fully disclosed, partially disclosed or not disclosed beforehand.

Any risk-based assessments and any panels should bear in mind that the 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 the sentence, which carries less weight in the regulatory context because of the different public interest considerations that apply.

- 5.3 Taking into account the factors set out in this policy, a Risk-based Assessment or DBS Panel can decide that an applicant/student may be:
- allowed to register or continue on their programme with no further action required;
 - allowed to register or continue on their programme but, an action plan is completed in conjunction with the programme lead or designate to provide ongoing support and monitoring of the student; and/or
 - allowed to register or continue on their programme but is given a first warning;
 - allowed to register or continue on their programme but is given a final warning;
 - temporarily suspended from studying whilst necessary investigations are completed;
 - declined the opportunity for registration on to a programme; or
 - withdrawn permanently from the programme.
- 5.4 Following the DBS risk-based assessment or any panel decision to award a first/final warning, the panel will consider any other warnings on the students file and review their decision accordingly. A student would not normally be able to hold two first or two final warnings on their file. If the student already has a first warning on file from any other university procedure or policy and a first warning has been recommended by the Risk Assessment Process or the DBS Panel, the decision must be reviewed, and the student would normally be issued with a final warning. If the student has a final warning from any other university procedure or policy, and a second final warning is recommended, the decision must be reviewed, and the student would normally be withdrawn from the programme.
- 5.5 In making decisions, the DBS risk-based assessment and any DBS panel will follow any guidance made available by relevant professional and regulatory bodies and current legislation. If an applicant is declined registration or prevented from continuing on the programme on the basis of a declared criminal offence, the reasons for doing so will be explained.
- 5.6 If the student is permitted to continue with their programme and attend practice 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 practice placement providers, following the risk-based assessment and /or panel, the Chair of the Panel will liaise with the relevant Programme Officers regarding the information that may be shared with practice placements. Any student may request a letter to take to a practice placement provider confirming that the student has been through appropriate DBS scrutiny and has been permitted to study on the programme and attend clinical placements.
- 5.7 If a student is suspended from a programme their bursary/grant or salary may be affected. The student's programme lead and programme administrator will manage bursary issues where relevant.

6 Right to appeal

- 6.1 The applicant/student will be informed in writing of their right to appeal to the Vice Chancellor. Any appeal must be submitted in writing to the Vice Chancellor within fifteen (15) working days of the date on which the decision taken following any risk-based assessments and/or Panel was communicated in writing to the applicant/student. The grounds for appeal must be clearly stated.
- 6.2 An appeal may be made solely on one or more of the following grounds:
- There has been a material administrative error or procedural irregularity in the conduct or proceedings; or

- There was unfairness or impropriety on the part of a panel or panel members; or
- 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 of the panel.

Any applicant/student wishing to have the decision of the of the Stage 1 risk-based Assessment and/or the Stage 2 DBS Panel reviewed should seek immediate guidance from the Office of the Dean of Students and/or Student's Union.

- 6.3 Upon receipt of the written submission the Vice-Chancellor will consider whether there is sufficient justification to merit a review. All written appeal submissions will be sent to the Dean of Students or nominee for opinion.
- 6.4 The Vice-Chancellor may refer the case back to a new DBS Panel if necessary to review any procedural irregularities, unfairness, or impropriety on the part of the risk-based assessment, a panel or panel members to consider any new evidence that was not available at the original hearing. Where new evidence is presented, the purpose of the review panel will be to consider the appropriateness of the decision made taking into account the new evidence.

7 Monitoring of Proceedings, Penalties and Sanctions

- 7.1 An annual report will be produced each year by the Associate Dean (AQA); relevant analysis of trends, outcomes, equality data and specific issues arising during the year will be reported.
- 7.2 The DBS Administrator will normally keep records of any DBS risk assessment reviews and any DBS Panels convened on an Excel spreadsheet (Appendix 5). This will be kept in the DBS section of the EDRMS accessible only by nominated individuals.
- 7.3 The Associate Dean (Academic Quality Assurance) (or designate) will report to the School Academic Committee on an annual basis (see Appendix 5) However, due to the availability of the University and School equality data this will normally be presented one year in retrospect.

8 Relevant Professional Documentation

This procedure has been informed by the following:

Health and Care Professions Council. (2012) *Standards of conduct, performance and ethics*. London. HCPC <http://www.hpc-uk.org/publications/standards/index.asp?id=38>

[General Pharmaceutical Council \(2017\). *Standards for pharmacy professionals* London, GPhC](https://www.pharmacyregulation.org/sites/default/files/standards_for_pharmacy_professionals_may_2017_0.pdf)
https://www.pharmacyregulation.org/sites/default/files/standards_for_pharmacy_professionals_may_2017_0.pdf

[General Optical Council \(2016\) *Standards for Optical Students* London, GOC](https://optical.org/en/standards-and-guidance/standards-for-optical-students/)
<https://optical.org/en/standards-and-guidance/standards-for-optical-students/>

[General Medical Council \(2020\) Manchester, GMC](https://www.gmc-uk.org/ethical-guidance/ethical-guidance-for-doctors/good-medical-practice) <https://www.gmc-uk.org/ethical-guidance/ethical-guidance-for-doctors/good-medical-practice>

[Association for Nutrition \(2020\) *Standards of Ethics, Conduct and Performance* London, AfN](https://www.associationfornutrition.org/wp-content/uploads/2020/06/2020-AfN-Standards-of-Ethics-Conduct-and-Performance) <https://www.associationfornutrition.org/wp-content/uploads/2020/06/2020-AfN-Standards-of-Ethics-Conduct-and-Performance>

Glossary

Enhanced DBS Check	Enhanced Checks are available in cases where an employer is entitled to ask exempted questions under the Exceptions Order to the Rehabilitation of Offenders Act 1974. This includes any organisation whose duties involve students, staff or volunteers who work with children or vulnerable adults. Enhanced DBS Checks contain all unspent and spent criminal convictions as well as cautions, reprimands, warnings and details of non-conviction or intelligence information held on police records.
Self Disclosure Form	A form sent to all applicants either before or after a formal offer is made to study at the University providing applicants with an opportunity to self disclose any history of conviction, caution, reprimand or final warning given to him or her by the police for a criminal offence.
Spent conviction	Once a rehabilitation period has expired and no further offending has taken place, a conviction is considered to be 'spent'. This applies to less serious offences only. (Note though that for Students on Health Programmes, no conviction is considered spent).
Unspent conviction	There are certain convictions, which can never become 'spent' under the Rehabilitation of Offenders Act 1974. These convictions must always therefore be declared if s/he is asked about her/his past convictions. This happens when the crime is of a serious nature and when a prison sentence of more than two and a half years is given.
Children	Persons yet to reach their 18th birthday
Vulnerable adults	Under section 115 (4) (a) of the Police Act 1997, Regulations have been published defining a vulnerable adult as someone who receives personal, or healthcare Service provided by the NHS, other hospital or in their home and has a learning or physical disability or mental illness, which as a consequence makes them 'vulnerable' i.e. incapable of protecting themselves from assault or other physical abuse. (The Police Act 1997 (Enhanced Check and Barring Service Certificates) (Protection of Vulnerable Adults) Regulations 2002).
Filtering	Filtering is the term that the DBS is using to describe the process which will identify and remove from disclosure certificate convictions and cautions which should no longer be disclosed due to changes to legislation, namely Police Act 1997 (Criminal Record Certificates: Relevant Matters) (Amendment) (England and Wales) Order 2013; and Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013. It <i>does not</i> mean the conviction or cautions will be 'removed' or 'wiped' from someone's record. They will remain on the Police National Computer.

Guidance for applicants

In order to protect the public, health and social work programme providers are required to take account of the existence, nature and disclosure of **any criminal conviction (spent or unspent), caution, reprimand, final warning, ongoing police investigation or driving offence that has led to caution/criminal conviction** apart from those which would be “filtered” under DBS guidelines (2020), and unless the individual appears on one of the ‘Barred Lists’. An integral part of professional education and practice entails practice placements. These placements may involve ‘vulnerable’ people such as children, adolescents, the elderly, people with mental health issues or people with learning disabilities. Therefore, it is important that the University is aware of the background of all applicants and monitors all criminal activity. This is regardless of whether you have been convicted in the UK or overseas. This includes criminal convictions or relevant service discipline convictions received within the Armed Forces Justice System (e.g. through Summary Hearing or Court Martial), where it would be considered an equivalent (or similar) offence in England and Wales.

Disclosing criminal record information

All applicants must complete this form indicating whether or not they have a positive record related to any criminal activity identified in paragraph 1 above. If a positive declaration is made, applicants are required to provide information to indicate the date, nature of the offence(s) and penalties. **A written letter of decision outcome will always be sent after consideration of a positive declaration.** The programme* applied for is exempt from the provisions of the Rehabilitation of Offenders Act (1974) and applicants should be aware that no conviction, caution, reprimand or final warning is ever regarded as being ‘spent’ other than those which would be “filtered” under DBS guidelines (2020)*

Note: declaration of any of the activities identified above will NOT automatically rule out an applicant; the University retains the right to share with any potential or existing employer or statutory body any information that it is required to disclose. Non-disclosure of any criminal activity as outlined above is taken very seriously.

If accepted onto a programme* of study, and where applicable, an application will normally be made for a Disclosure and Barring Service (DBS) Enhanced Check shortly before or during the first week of the programme*. The DBS will check your details against records held on police computers, and also against lists of people barred from working with vulnerable adults and/or children. The DBS Enhanced Check result/outcome from the Police National Computer will be communicated to the University, please bring your DBS Enhanced Check to the University, if requested. The DBS check may also include other relevant information held at the discretion of the Chief Constable of the relevant police force. For applicants being recruited from overseas there is a requirement for you to also obtain an overseas police certificate or certificate of good conduct

Any discrepancy between the information on this self-disclosure form and the DBS Enhanced Check will be investigated and could result in exclusion or expulsion from the programme*

If you are unsure about what offences might need to be declared in response this question, please seek advice from either:

- [Nacro](https://www.nacro.org.uk) – Tel: 0300 123 1999, or email: helpline@nacro.org.uk
- [Unlock](https://www.unlock.org.uk) – Tel: 01634 247350, email advice@unlock.org.uk or complete the [online form](#).

Data protection

The information you provide will be used for the purpose of determining your suitability for the programme* you have applied for. If you are not offered a place on the programme*, this form will not be considered and will be securely destroyed.

Who information will be shared with

Access to any information will be strictly limited to those who are entitled to see it as part of their duties, and in accordance with our local policy on the correct handling and safekeeping of special categories of personal data.

How will information be processed

Once a decision has been made, University of Hertfordshire will not keep any information declared in this form for any longer than is necessary

To note before completing this form:

1. You must answer **all** questions in this form. Please read the notes underneath each question, as these explain what you need to consider before responding.
2. If answering 'yes' to any of the questions, you should use the space provided in the form to include any supporting information that you would like us to consider.
3. You can provide additional evidence separately. This should be clearly marked with your full name, position applied for and the number of the question it relates to. Place this in a sealed envelope marked 'Confidential' and attach this to your completed declaration form.
4. If any information you have declared changes after you have returned this form to us, you must let us know at the earliest opportunity before your commencement date.

Applicant details			
Full name (in block capitals)		Contact telephone no:	
Programme* applied for & ID number		Contact email address:	
<p>1. Do you have any criminal convictions/cautions that are not protected (i.e. eligible for filtering) under the Rehabilitation of Offenders Act 1974 (Exceptions) Order (as amended)?</p> <p>This is regardless of whether the conviction has been issued in the UK or, in any other country where it would be considered an equivalent (or similar) offence in England and Wales and it is not protected.</p> <p>It does not include parking offences. In such cases, you can tick NO.</p> <p>Please provide details of criminal convictions/cautions, including the date, sentence and outcome on the continuation sheet. You should also reflect on the effects, or possible effects of your actions, on any victims and why you are a suitable candidate for your chosen programme*.</p>			Please select
			Yes No
			<input type="checkbox"/> <input type="checkbox"/>
<p>2. Have you been formally charged with any other offence in any country which has not yet been disposed of? If you have ticked YES, please provide details of the offence and details of any on-going proceedings, on a continuation sheet.</p>			Please select
			<input type="checkbox"/> <input type="checkbox"/>
			<input type="checkbox"/> <input type="checkbox"/>
<p>3. Are you currently subject to any criminal investigations or pending prosecutions by the police in any country which may have a bearing on your suitability for this programme*? If you have ticked YES, please provide details of the offence and details of any on-going proceedings, on a continuation sheet.</p>			Please select
			<input type="checkbox"/> <input type="checkbox"/>
			<input type="checkbox"/> <input type="checkbox"/>
<p>4. Have you ever been subject to any formal action being taken against you by an investigatory body in relation to allegations of fraud, which may have a bearing on your suitability for this programme*? If you have ticked YES, please provide details/details of any on-going proceedings, on a continuation sheet</p>			Please select
			<input type="checkbox"/> <input type="checkbox"/>
			<input type="checkbox"/> <input type="checkbox"/>
<p>5. Have you ever been notified of your inclusion on a DBS 'Barred List' for work in Regulated Activity with Adults and/or Children? If you have ticked YES, please provide details on the continuation sheet</p>			Please select
			<input type="checkbox"/> <input type="checkbox"/>
			<input type="checkbox"/> <input type="checkbox"/>
Declaration			
<p>In signing this form, you are agreeing with the statements below.</p> <ol style="list-style-type: none"> 1. I confirm that I have read and understood guidance provided which explains how my data will be processed and I give my consent for enquiries to be made in the way described. 2. I declare that the information I have provided is true to the best of my knowledge and belief. 3. If any information I have declared changes after I have submitted this form, I agree to notify the university before my programme* commences. 4. I understand that if I knowingly withhold relevant information or provide false or misleading information, this may result in my exclusion or expulsion from the programme* 			
Signature			
Date of completion			

Continuation sheet

If you have ticked **YES** to any of the questions above, please use the space below to provide any additional information you would like us to consider in support of your application.

Please clearly indicate the number of the question to which the information relates. You can continue on a separate sheet or attach other pieces of evidence to this form, if you wish to do so.

Full name and ID no.:

Programme* applied for:

*Programme or short course or mod

University of Hertfordshire
School of Life and Medical Sciences

APPENDIX 2

DECLARATION OF DISCLOSURE and BARRING SERVICE FORM: SELF-DISCLOSURE for CONTINUING STUDENTS

DECLARATION OF DISCLOSURE and BARRING SERVICE ONLINE FORM: SELF-DISCLOSURE for CONTINUING STUDENTS

UH ID number	
First Name	
Surname	
Programme of Study	
Current Year of Study (or joining if you are a returner)	
DBS Declaration* I declare that I have received NO NEW convictions, cautions, reprimands, or final warnings or driving offences that result in a criminal conviction and that I am not involved with ongoing police investigations since my original Disclosure and Barring Service (DBS) screening, which was undertaken at the start of my programme of study at the University of Hertfordshire.	
Yes*, I agree with the above statement	
Date of completion	

*If you are unable to complete, or if you are in any doubt, contact k.dickson@herts.ac.uk or please contact your Programme Lead immediately

DECLARATION OF DISCLOSURE and BARRING SERVICE FORM:
SELF-DISCLOSURE for CONTINUING STUDENTS

In order to protect the public, professional programme providers are required to take account of the existence, nature and disclosure of *any criminal conviction, caution, reprimand, final warning/penalty notice, ongoing police investigation or driving offence that has led to a caution criminal conviction.*

All students must complete this form **if they have acquired a positive record** related to any criminal activity identified in paragraph 1 above, which is subsequent to their initial DBS Enhanced disclosure. If a positive declaration is made, students are required to provide information to indicate the date, nature of the offence(s) and penalties. All criminal activities (previous paragraph refers) acquired during a course of study will be referred to the Disclosure and Barring Service procedure (section 4).

Print Name:		
Student ID Number		
Programme:		Programme Tutor:
<p>Do you have a disability? Yes*/No</p> <p><i>*If you have indicated 'Yes' and would like us to take this into consideration to support you at the panel hearing proceedings please notify the Chair of the panel two (2) days before the panel hearing, if you are invited and/ or required to attend a DBS panel'</i></p>		

Signature: **Date of Completion of Form:**

On this paper please:

1. List the offence(s) giving the nature and date of the offence(s), sentence(s), fine(s) and/or other outcome(s).
2. Give full details of the specific nature of the offence(s). This should include the circumstances and background to the offence(s).
3. Describe the effects that the offence(s) may have had on the victims, if any.
4. State why, despite the above record, you think that you are a suitable candidate to continue this programme of study.

Please use additional paper if required making sure your name and student ID number is written on each sheet. Please secure any additional pages to this form, and return to the School DBS administrator k.dickson@herts.ac.uk

APPENDIX 3



<date>

Dear <name of applicant/student>

Re: <name of programme>

According to our records you have lived abroad, as an adult, for 6 months or more and therefore one of the following is required:

Garda/Overseas Clearance
Certificate of Good conduct
Statutory Declaration – see guidance below

A Certificate of good conduct or alternatively a Statutory Declaration is required which can be obtained from a commissioner of oaths or via a solicitor, further information is attached and can be found at the Government website for further details: <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants> .

Please photocopy the document – keep a copy and put the original in an envelope addressed to Placements Team and hand this into Hutton Hub. This document must be handed in before placement start date.

You will not be allowed to attend any practice placements associated with your programme if this document is not received.

Yours sincerely

Placements Team

University of Hertfordshire
Disclosure and Barring Services (DBS) Enhanced Checks

Notes of guidance on Statutory Declaration process

The University admits a number of students including, but not confined to, some who had come to the UK from other countries immediately prior to the commencement of their programme at the University. For example, in Ireland, the University understands that there are no procedures for obtaining an equivalent to a DBS Enhanced check, and arrangements for obtaining “police checks” from the Garda are different. Other students entering the UK from elsewhere, for example, refugees may be unable to obtain police checks from their countries of origin. However, organisations providing essential practice placements look to the University to provide some re-assurance as to the background and honesty of our students.

The University’s procedure is to ask students to swear a Statutory Declaration as to their previous conduct in those instances where DBS Enhanced checks were not obtainable (because the students had only just arrived in the UK) AND where local police checks from the country of origin were impossible. Each student, in these circumstances, needs to produce a short statement stating that they have previously been of good conduct and have no criminal record. You will need to take this to a firm of Solicitors and ask to swear a declaration to this effect. Solicitors in England will charge £5 - £10 for undertaking this service (they are not permitted to charge any more than this). It is important that you attempt to draw up the Declaration yourself: if you ask the Solicitor to do this for you (a) they will charge you for their time in doing it, and (b) you will then have to take it to *another* Solicitor to swear it.

The attached document provides a specimen Statutory Declaration which you can use as the basis of your own one. The sections in *italics* need to be personalised to your own circumstances. Some paragraphs are obviously optional: if you are female and have never been married, you should not include the paragraph about any previous name.

Once the Statutory Declaration has been sworn you need to take the original to the DBS Administrator – a copy will be placed onto your electronic file for reference. (The original document is yours to retain.) There will then be no need for any further action on your part. However, you will be required to complete an annual self-declaration to progress through your programme of study.

You are reminded you that, like the DBS Enhanced Check procedure itself, this process is essentially a “static” one: it records the position at a particular moment in time. If you do get involved in any problems with the police that result in an investigation, a conviction, caution, bind-over or anything similar, you are required under University Regulations to notify us formally about this.

Statutory Declaration of [enter your full legal name]

I, [insert name] of [insert your address], do make this statement and declare as follows:

1. That I am a [Insert Nationality] citizen.
2. That I was born on [insert date of birth, in: enter place of birth], and have lived throughout my life in [country].
3. That my surname at birth was [insert surname at birth], and I married/civilly partnered Mr/s [surname of spouse; on: date of marriage/CP] (if applicable), since which time I have used the surname [insert current surname] (if applicable)
4. {Extra paragraph may be required here according to the circumstances of your arrival in the UK}
5. That I have no criminal convictions, nor Bind Overs, nor cautions or other findings or orders of a criminal nature, spent or unspent, in [name of country of origin if not UK] or in the United Kingdom and am of good character.

AND I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1835.

Signature of Declarant

Declared at

this day the.....

Before me.....
(Signature of Solicitor)

Legal official stamp

*School of Life and Medical Sciences
DBS Risk Assessment Framework Tool*

APPENDIX 4

<i>Questions to consider for each offence</i>	<i>HIGH Score: 3</i>	<i>MEDIUM Score: 2</i>	<i>LOW Score: 1</i>	<i>Score allocated</i>
<i>What was sanction/sentence imposed?</i>	<i>Custodial/ Custodial (suspended)</i>	<i>Conviction</i>	<i>Warning /reprimand /caution/fine/absolute discharge</i>	
<i>When was the offence?</i>	<i>3 years or less</i>	<i>More than 3 years, but less than 10years</i>	<i>>10 years ago (3 – 6 years if caution)</i>	
<i>How serious do you consider the offence is?</i>	<i>Major</i>	<i>Moderate</i>	<i>Minor</i>	
<i>Is there a link relating to possible safety of patients/service users?</i>	<i>Yes</i>	<i>Some/Possible</i>	<i>No (scores 0)</i>	
<i>Is there a pattern of offending behaviour?</i>	<i>Yes</i>	<i>Some</i>	<i>No (scores 0)</i>	
<i>Mitigation concerning the offence/s? (incl. any relevant equality issues)</i>	<i>No</i>	<i>Some</i>	<i>Yes</i>	
<i>Genuine regret and remorse?</i>	<i>No</i>	<i>Limited</i>	<i>Yes</i>	
<i>Scores: 12 or more = HIGH risk (Consider Final warning / Reject?) 8 – 11 = MEDIUM risk (Consider First/Final warning?) 7 or less = LOW risk (Consider NFA / Action Plan / First warning?)</i>				<i>TOTAL:</i>

Disclosure and Barring Service Panel Monitoring Sheet

APPENDIX 5

[illegible]