



## Disclosure and Barring Service (DBS) Checks

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### 1. Introduction

- 1.1 AUB complies with safeguarding and DBS legislation in undertaking Disclosure and Barring Service (DBS) checks. In legal terms<sup>1</sup>, AUB is not a 'regulated work establishment' which would automatically mean that all employees would have to be DBS checked. However, some posts still require a DBS check, due to the type of activity undertaken by the post; AUB may also undertake additional DBS checks to comply with the requirements of Ofsted.
- 1.2 The recruitment of volunteer staff does not follow formal recruitment and selection procedures; however, should the volunteer be undertaking a regulated activity with young people or those at risk, they will be required to undertake a DBS check.
- 1.3 The University has a responsibility for the safety of the learning community and therefore reserves the right to deny employment to individuals where permitted checks suggest that the individual might pose a danger to that community.
- 1.4 AUB does not routinely DBS-check staff or students who are going into schools or colleges on an occasional basis, who may be meeting with groups of under-18s or even advising some on an individual basis; this is the responsibility of the school. Schools may undertake DBS checks, including those relating to disqualification by association (where an individual is disqualified if they share a home with someone who has a previous conviction). AUB notes the difficulties for students, in particular, knowing if anyone in their household has a prior conviction, and supports a process which requires declaration "to the best of their knowledge".
- 1.5 The University considers that the process outlined here demonstrates how it meets the relevant Ofsted criteria whilst ensuring compliance with relevant legislation – in particular, the Protection of Freedoms Act, and GDPR.

### 2. Regulated activity

- 2.1 It is a criminal offence for an organisation to:
  - Engage in regulated activity someone whom it knows, or has reason to believe, has been barred from that activity, or
  - Fail to refer to the Disclosure and Barring Service (DBS) or provide a response to a request from the DBS.
- 2.2 Employers must seek enhanced DBS checks for individuals working in regulated activity.

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<sup>1</sup> Protection of Freedoms Act 2012

### 2.3 Frequency of regulated activity:

Activity is considered to be regulated if it is done:

- by the same person once a week or more
- or on 4 or more occasions in a 30 day period or at any time between 2am and 6am

### 2.4 Regulated activity relating to adults:

This is activity which is specifically to provide:

- healthcare
- relevant personal care
- social work
- assistance with cash, bills and / or shopping
- assistance in conduct of own affairs
- conveying (transporting for reasons of age, illness, disability)

The only activity which relates to AUB posts is 'providing healthcare' as this would include mental healthcare (such as counselling or wellbeing).

### 2.5 Regulated activity relating to under 18s:

- teaching, training or instruction of under 18s;
- caring for or supervision of children;
- providing advice or guidance on well-being;
- driving a vehicle used only to convey children
- relevant personal care
- healthcare by, or supervised by, a professional

2.6 The activities which relate to AUB posts are 'teaching, training or instruction of under 18s'; 'caring for or supervision of children'; 'providing advice or guidance on well-being', and providing 'healthcare'.

### 2.7 Teaching, training or instruction of under 18s on an occasional basis:

Teaching, training or instruction of under 18s on an occasional basis is not considered to be regulated activity. "Occasional" means less than the frequency of activity outlined in 2.3 (above). However, any individual who is involved in teaching, training or instruction of under 18s on an occasional basis must be supervised. To comply with the Act supervision must be:

- Reasonable in all the circumstances to ensure the protection of children;
- Provided by a person engaged in regulated activity, and conducted on a regular and day to day basis.

2.8 Some line managers will also require an enhanced DBS check because the frequency of the teaching, training or instruction of under 18s is on an occasional basis. This satisfies the legal requirement to ensure that a person who manages

someone who is not in regulated activity, but would be except for the fact that they are supervised, is themselves considered to be engaged in regulated activity.

- 2.9 In accordance with the Protection of Freedoms Act 2012 (para 2 (2) of Schedule 4), where activity relating to a child is incidental to the activity relating to adults (i.e. the course is aimed at adults but a child joins the course) AUB is not obliged to ensure that the staff leading the course are DBS checked. However, additional measures to safeguard under 18s may still be required and a standard AUB risk assessment should be undertaken to identify potential risks and mitigating actions.

### 3. Disclosure and Barring Service (DBS) Checks

- 3.1 There are three types of DBS check:

<i>Type of check and cost</i>	<i>What it will check for</i>	<i>How long it normally takes</i>
Standard - £26	Spent and unspent convictions, cautions, reprimands, final warnings	About 2 weeks
Enhanced - £44	As above - plus any additional information held locally by police forces that is reasonably considered relevant to the post applied for	About 4 weeks
Enhanced with list checks - £44	As above - plus a check of the appropriate DBS barred lists	About 4 weeks

- 3.2 Checks for eligible volunteers are free of charge. This includes anyone who spends time helping people and is not paid (apart from travel and other approved out of pocket expenses).
- 3.3 A DBS check has no official expiry date. Any information included will be accurate at the time the check was carried out. It is up to an employer to decide if they think a new check is needed. All posts subject to DBS checks will be re-checked every 3 years.
- 3.4 Changes to the service mean that employers no longer have a copy of the DBS certificate sent to them at the same time as the employee. The DBS certificate will only be sent to the employee, who should then provide it to AUB Human Resources.

### 4. DBS check for AUB posts

- 4.1 HR are able to advise on whether roles require an enhanced DBS check.
- 4.2 Any new post should be assessed using the following flowchart. This includes all VT and casual posts.

## Flowchart for identifying the need for DBS checks:

