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Criminal Records Policy and Procedures

Revision	Date	Purpose of revision	Review Date
1	Feb 2009	Initial issue Criminal Records Policy and Procedures by the School of Education	2012
2	November 2012	Initial issue of the Criminal Records Policy And Procedures by the School of Health Sciences	2015
3	Sep 2015	The Policy and procedures have been revised due to the following changes: • The merger of the Criminal Records Bureau and Independent Safeguarding Authority to form the Disclosure and Barring Service. • Changes to legislation in relation to safeguarding Vulnerable Groups, criminal record checks and the protection of freedom. • Changes to guidance from the Disclosure and Barring Service, the Department for Education and the Home Office. • Procedural changes to the disclosure service. • Changes to the College structure.	2018
4	Feb 2019	The Policy and procedures have been revised due to the following changes: • Formation of the College of Human Sciences and combining the Criminal Records Policy and Procedures of the constituent academic Schools within the College • Setting up of the Placement Learning Programmes Unit with the aim of standardising procedures and processes	2020
5	Aug 2020	The Policy and procedures have been revised as follows: • To require non-UK criminal records checks only where an individual was 10 years old or over when living or working outside the UK (3.8). • To add the GBG KnowYourPeople service as an approved means of obtaining non-UK criminal records checks (4.4).	2021

		• To add that in the event of postponing making a decision on the basis that further information is required, the Case Panel may require a suspension of studies or deferral of entry to the course (4.6). • To remove Advanced Clinical Practice from the list of Relevant Programmes (Appendix 5) • To note that checks for Non-Medical Prescribing do not apply to Health Board staff from entry 2021	
6	January 2024	The Policy and procedures have been revised as follows: • Change to University policy rather than College policy. • Update policy, procedures, and forms for changes to DBS filtering rules for amendment to ROA exceptions Nov 2020 • BCUHB now require panel meetings for Health pre-registration programmes on the basis of self-declaration only and Social Work hold meetings before the offer is made (4.2.4). • Overseas criminal checks should cover the period of residency/employment in another country (4.4.2). • The DBS filtering rules will be considered before offences committed outside of the UK are taken into account (4.4.6) • Clarify that an applicant does not have the right to appeal against the decision of a Case Panel to recommend to the Head of Admissions that the application be cancelled and, where appropriate, that an offer to study be withdrawn (i.e., appeal would be via admission policy) (4.6.4). • Update ITE procedure (4.7, 4.9) • A Case Panel will not require a student to disclose information about their criminal record to a third party (4.6.7). • Include the use of Basic checks (1.3, 4.1.1, 4.5.2, 4.5.4) • Course Director/Programme Lead may require an interruption of studies pending completion of the criminal records checks (4.9.3). • Include the need to carry out a new check in accordance with sector-specific guidance. (4.16.1) • Update list of Relevant Programmes (Appendix 5). • Independent prescribing students do not need criminal records checks (Appendix 5). • Changes to structure of academic schools and admin departments.	2026

Policy Officer	Senior Responsible Officer	Approved By	Date
Student Administration Manager (Placements, Records and Data)	Academic Registrar	Compliance Committee	13 August 2024

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1. Scope and Purpose

1.1 This document outlines the following:

- The Policy on the use of criminal record checks and the use of the *Disclosure and Barring Service* (DBS).
- The Policy on dealing with students and prospective students with criminal records and those barred from working with *Vulnerable Groups*.

1.2 The University will undertake criminal record checks for potential and/or enrolled students via the Disclosure and Barring Service (DBS) and via authorities outside the United Kingdom in the following circumstances:

- Where the programme or module of study involves an activity bringing students into contact with children and/or vulnerable adults, and where the activity is deemed eligible for a check under the relevant statutory eligibility criteria. This contact could be during placements, as part of practical work, during voluntary (unpaid) work within the University or as part of a research project.
- Where the programme of study leads to registration with a professional, statutory, or regulatory body where the relevant body requires a criminal record check as a pre-condition to entry and practice.

1.3 The Policy places a commitment to undertake checks at the appropriate level in accordance with a role being eligible for a Basic, Standard or Enhanced DBS and Barred List checks. The Policy should be read in conjunction with the relevant statutory eligibility guidance: https://www.gov.uk/government/collections/dbs-eligibility-guidance#eligibility-guide
There are 4 types or levels of DBS check:

- **Basic check** - this shows details of convictions and conditional cautions considered to be 'unspent' under the terms of the *Rehabilitation of Offenders Act 1974.* The basic check can be used for any purpose, however for certain roles you will need a higher level of criminal record check.
- **Standard check** - this shows spent and unspent convictions and cautions, subject to filtering. This applies to positions, professions, employments, activities, and licences included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975, as amended.
- **Enhanced check** - this shows the same as a standard check plus any information held by local police that's considered relevant to the role. This applies to specific roles, or the specific activities carried out within a role, that are included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975 and are also covered by the Police Act 1997 (Criminal Records) regulations.
- **Enhanced check with barred lists** – this shows the same information as an enhanced check but in addition includes a check of the Children's Barred List, the Adults' Barred List, or both depending on which group the individual is working with. This check is only available for those individuals who are carrying out regulated activity and a small number of positions listed in Police Act 1997 (Criminal Records) regulations.

2. Definitions

2.1 For the purpose of this Policy, the definitions and terminology are provided in **Appendix 1**

3. Policy Statement

3.1 The University has a duty of care to safeguard those who are most vulnerable, principally those who are under 18 years of age and 'adults at risk'. The scope of the duty of care extends across all University activities, particularly those whose function includes R*egulated Activity*

and/or for those who are in a 'position of trust', including activities related to programmes of study validated by the University and delivered in partnership by external providers.

3.2 The policy places a commitment to take all reasonable steps, in compliance with appropriate legislation, statutory guidance and Bangor University policy, to reduce the risk of inappropriate people gaining access to *Vulnerable Groups*.

3.3 Criminal record checks provide information that helps to determine whether a student or prospective student is suitable for working with *Vulnerable Groups*.

3.4 The policy places a commitment to treating students or prospective students fairly with dignity and respect whereby no individual will be unfairly discriminated against on the basis of offending background or for any other reason.

3.5 Individuals will only provide criminal records information based on the legal entitlement in respect of the level of contact with a *Vulnerable Group*. DBS checks will be undertaken up to 6 months ahead of the course start date, to the appropriate level, for individuals who have accepted an offer of a place on a *Relevant Programme, and* for individuals where their programme or module of study involves an activity bringing them into contact with a *Vulnerable Group*.

3.6 Students with access to *Vulnerable Groups* while undertaking research, training or studying at their regular place of work, will be required to undertake a criminal record check. The employer or volunteer organisation is responsible for undertaking the criminal record check in accordance with their own policy.

3.7 Individuals who have lived or worked outside the United Kingdom for 12 months or more at the age of 10 years old or over, must undertake a criminal record check through the DBS and in addition, the individual must also undertake criminal record checks from the countries where they have worked or lived; in situations where it is not possible or practicable to obtain additional criminal record checks from the countries where the individual has worked or lived, the individual will provide at least two independent professional and character references.

3.8 Students with access to *Vulnerable Groups* while studying or conducting research outside the United Kingdom must comply with the regulations local to the country they are in. Where applicable, the University will also undertake a criminal record check and, if required, a check of the DBS Barred List(s) as appropriate for working with *Vulnerable Groups* in the United Kingdom.

3.9 Where a criminal record or other relevant information is disclosed, a Case Panel meeting will be convened to discuss the matter with the individual. The Case Panel will review the information provided to formulate an opinion on whether the nature of the offence(s) and any subsequent rehabilitation should prevent the individual gaining admittance to or remaining on the course. The Case Panel may decide that the individual does not pose an unacceptable risk to *Vulnerable Groups,* or they may refer the case in accordance with the procedure in paragraph 4.6.

3.10 The University will not permit:

- barred individuals to undertake *Regulated Activity*;
- an individual to undertake a placement or research which allows them access to Children and/or Vulnerable Adults if they are deemed to pose an unacceptable risk to the *Vulnerable Group*;
- an individual to undertake a placement or research which allows them access to Children and/or *Vulnerable Adults* if they are suspected of withholding information about their criminal record.

3.11 Appropriate action will be taken in the event of an allegation or suspicion of harm to a child or vulnerable adult arising from contact with a student.

3.12 The online prospectus and course literature will make clear reference to the requirement for a criminal record check as appropriate for *Relevant Programmes*.

3.13 The policy places a commitment to comply fully with the *DBS Code of Practice*: https://www.gov.uk/government/publications/dbs-code-of-practice

3.14 Individuals will be made aware of the Criminal Records Policy and Procedures, and the *DBS Code of Practice* when they are asked to apply for a criminal record check.

3.15 Staff who are involved in checking criminal records will receive appropriate guidance and training.

3.16 Criminal records information will be treated confidentially, stored, used and disposed of in accordance with University policy, the Data Protection Act 2018, the *General Data Protection Regulations* and the *DBS Code of Practice*.

3.17 The requirement to use the Disclosure and Barring Service (DBS) to assess the suitability of employment applicants or staff for posts working with *Vulnerable Groups* is covered under the University's *Disclosure and Barring Checks (DBS) Policy.*

4. Procedure

4.1 Eligibility and the level of criminal record check

4.1.1 Before an individual is asked to apply for a criminal record check there is a requirement to check eligibility under the current legal provisions. **Appendix 5** provides a summary of the type or level of checks required for *Relevant Programmes.* Where a programme, module or project not covered by **Appendix 5** involves an activity which brings an individual into contact with a *Vulnerable Group,* the Student Administration Manager (Placements, Records and Data) will decide which level of criminal record check is appropriate in consultation with the student's supervisor or tutor. This decision will be made in accordance with the following guidance documents provided by the DBS:

- A Guide to Child Workforce Roles for Registered Bodies and Employers
- A Guide To Adult Workforce Roles for Registered Bodies And Employers
- A Guide To Other Workforce Roles For Registered Bodies And Employers

A Basic Disclosure may be required for students undertaking activities which are not eligible for a Standard or Enhanced DBS check, where due to the nature of the activity it is reasonable and proportionate to obtain information about unspent criminal convictions.
Disclosures undertaken on behalf of other bodies or institutions will not be accepted unless they are subscribed to the DBS Update Service.

4.2 Offering a place on a Relevant Programme

4.2.1 When an individual is offered a place on a *Relevant Programme* they will be informed of the following in writing:

1. The place on the course is subject to a satisfactory criminal record check through the DBS (the level of the DBS check will be stated).
2. Unspent conditional cautions or convictions, as well as any adult cautions (simple or conditional) or spent convictions that are not protected as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020, or any additional information disclosed by the Police or another authority may lead to withdrawal of the offer, subject to the Policy and Code of Practice on Students Recruitment and Admissions.
3. Withholding information about criminal records may lead to withdrawal of the offer subject to the Policy and Code of Practice on Students Recruitment and Admissions or instigation of the University's Student Disciplinary Procedure.

4.2.2 Individuals who have lived or worked outside the United Kingdom for 12 months or more at the age of 10 years old or over, will be informed that the place on the course is subject to a satisfactory criminal record check or a certificate of good conduct appropriate to the country of residence in addition to a satisfactory criminal record check through the DBS.

4.2.3 An Applicant Self-declaration Form will be issued when an individual is offered a place on a *Relevant Programme*.

4.2.4 Where existing or pending cautions and convictions are identified on the Applicant Self-declaration Form the matter will be referred to the relevant Admissions Tutor.

- For applicants to the School of Health Sciences' Pre-registration Programmes, the case will then be referred to a *Case Panel* (see **Section 4.6**).
- In the case of other programmes, the individual will obtain a DBS disclosure up to 6 months ahead of the course start date, the case will then be referred to a *Case Panel* (see **Section 4.6**).

The student's registration will remain as temporary pending the decision of the *Case Panel*. In some circumstances, the Admissions Tutor may require that registration is postponed pending the decision of the *Case Panel*.

4.3 DBS Checks

4.3.1 Instructions regarding the DBS application process will be sent to individuals before the start of *Relevant Programmes*, or on tutor/supervisor request for those on other programmes. Criminal record checks through the DBS will be obtained using one of the following services:

- The University's umbrella body service
- Paper-based DBS application
- DBS Update Service

Before applying for a DBS check, an individual must either have accepted an offer of a place or have registered as a Bangor University student.

4.3.2 Transgender applicants can contact the DBS Sensitive Applications Team to access the DBS confidential checking process if they do not wish to reveal details of their previous identity to the DBS Administrator.

4.4 Non-UK checks

4.4.1 Guidance will be obtained from the Home Office and the DBS on how to apply for a criminal record check or equivalent from authorities outside the United Kingdom. The DBS Administrator will provide the individual with the guidance available for the country concerned. Where the service is available for their country of residence, the individual will also be given the option to use the overseas background check service available through the University's criminal record check provider.

4.4.2 The individual is responsible for making the appropriate application for a criminal record check to cover the period of residency in another country from the age of 10 years old. The individual will obtain a certified translation of the criminal record check. It is the responsibility of the individual to cover the cost of the criminal record check and the certified translation.

4.4.3 Where a check is obtained directly from authorities outside the United Kingdom, the individual will present the original criminal record check documentation, the certified translation and one of the Group 1 forms of identification as outlined in the DBS ID checking guidelines.

4.4.4 With reference to Point 4.4.2, where it is not possible or practicable to obtain a criminal record check from the country concerned **or** where the individual is a refugee with leave to remain in the United Kingdom, at least two independent professional and character references will be obtained. The references should answer specific questions to help assess the individual's suitability to work with *Vulnerable Groups*. References should be followed up

by telephone or email. All such cases will be referred to the relevant Admissions Tutor who will oversee the action taken. References should not be accepted from a relative of the applicant (this includes partners, in-laws and step-parents) or a person writing solely in the capacity of a friend.

4.4.5 The DBS Administrator will record the details of the criminal record check including the name of the issuing authority, issue date, expiry date and reference number. The DBS Administrator will then follow the appropriate action for responding to a criminal record check.

4.5 Responding to a criminal record or self-declaration with convictions, cautions or pending prosecutions

4.5.1 The DBS Disclosure will be sent by the DBS to the home address of the applicant. The DBS Administrator will access the results by:

- Viewing the result on the umbrella body's online system.
- Requesting sight of the paper disclosure sent to the student for paper-based DBS applications.
- Checking the DBS Update Service online, whilst also checking the paper disclosure sent to the student.

4.5.2 Self-declaration forms are completed by:

- Applicants who have received an offer of a place on a *Relevant Programme* during the admissions process, and students who will undertake an activity eligible for a Standard or Enhanced DBS check during their programme or module.
- Students on *Relevant Programmes* where annual declaration is required or where mid-term declaration is required by the School's DBS Coordinator.
- Students on School of Health Sciences' Pre-registration Programmes where declaration is required at the end of the course.
- Students undertaking activities where a basic DBS check is required.

4.5.3 Where the DBS disclosure, self-declaration and non-UK checks are clear:

- A criminal record is clear if there is no evidence of convictions or cautions, and no other information has been disclosed by the Police or another authority.
- The individual's record will be updated to show that the Criminal Records Procedure is complete when all the required criminal record checks are found to be clear and if required, all references in relation to an individual's suitability to work with *Vulnerable Groups* are received and found to be satisfactory.
- Where applicable, the DBS Disclosure or equivalent document from an authority overseas and the associated certified translation will be returned to the individual.

4.5.4 Where the DBS disclosure, self-declaration or non-UK check show convictions, cautions or pending prosecutions:

- A Case Panel will be convened where information has been disclosed by the Police or another authority, or where a reference in relation to an individual's suitability to work with *Vulnerable Groups* is found to be unsatisfactory.
- In the case of the School of Health Sciences' Pre-registration Programmes and Social Work a Case Panel can be convened where information has been disclosed by self-declaration ahead of criminal records checks being undertaken.
- The amendments to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020) provides that certain convictions and cautions are considered 'protected'. They do not need to be disclosed on a *s*elf-declaration by individuals required to obtain a Standard or Enhanced DBS check, including those on *Relevant Programmes*, and if they are disclosed the Case Panel will not take them into account.
- Under the Rehabilitation of Offenders Act 1974, eligible convictions or cautions become 'spent' after a specified period of time known as the 'rehabilitation period', the length of which varies depending on how the individual was dealt with. They do not need to be disclosed on a self-declaration by individuals required to obtain a Basic DBS check, and if they are disclosed the Case Panel will not take them into account.
- The DBS filtering rules will be considered by the relevant Course Director/Programme Lead and School DBS Coordinator before offences committed outside of the UK are taken into account by a Case Panel.
- The DBS Administrator will send an email, inviting the individual to attend the Case Panel meeting. The individual will be asked to provide background information regarding their criminal record and any other documents that they may consider appropriate. The individual will be asked to send this to the DBS Administrator before the Case Panel meeting.
- The individual will have the right to invite a family member, a friend or other person to be present at the Case Panel meeting; however, there is no right to take a legal representative to the Case Panel meeting. The individual will inform the DBS Administrator beforehand of who will accompany them to the Case Panel meeting.
- At the discretion of the Head of School (or delegated responsible person) the individual may not be invited to attend the Case Panel meeting in some exceptional circumstances.
- Case Panel members will be notified in advance of who will be present.
- The DBS Disclosure or equivalent document from an overseas authority, along with any other information provided by the individual will be stored securely by the DBS Administrator in a locked filing system or electronically in a Microsoft Team with restricted access for authorised staff only.

4.6 Case Panel Meeting

4.6.1 Membership of the Case Panel will ordinarily consist of the School DBS Coordinator (or nominee) (Chair), relevant Course Director/Programme Lead/Admissions Lead (or deputy and /or Professional Lead where applicable), course tutor (where applicable) and the DBS Administrator, with additional members in the below programmes:

- Designated representatives from the Health Board in the case of the School of Health Sciences' Pre-registration Programmes.
- Child Protection Co-ordinator for Relevant Programmes run by the School of Education.
- Senior social work manager representing one of the partner local authorities in the case of the MA Social Work Programme.

Minutes of the Case Panel meeting will be recorded by the DBS Administrator.

4.6.2 The Chair will inform the Case Panel of the information disclosed by the self-declaration form or criminal record check. The Case Panel will receive the background information and any other documentation provided by the individual.

4.6.3 The individual will be invited to enter the Case Panel meeting and given an opportunity to explain the background to the information disclosed by the criminal record checks. The Case Panel will question the individual on the basis of his/her explanation.

The individual will be asked to leave the meeting and the Case Panel will then consider the following factors:

- the extent to which the sentence or any other issue on the individual's criminal record is relevant to the course and/or placement;
- the seriousness of the offence or any other matter;
- the length of time which has passed since the offence or any other matter took place;
- whether the individual has a pattern of offending behaviour or other relevant matters;
- whether the individual's circumstances have changed since the time of the offending behaviour or other relevant matters;
- the nature of the circumstances relevant to the offence and the explanation offered by the individual.
- whether the individual was open and transparent about their past and declared relevant information where required

4.6.4 On the basis of the above, the Case Panel must choose one of the following options:

- Decide that the individual should not be prevented from registering for, or continuing on, the course. The DBS Administrator will update the individual's record to show that the Criminal Records Procedure is complete.
- Postpone making a decision initially for up to 28 days on the basis that further information is required, in which case the Panel may require a suspension of studies or deferral of entry to the course of up to 12 months.
- For applicants, recommend to the Head of Admissions that the application be cancelled and, where appropriate, that an offer to study be withdrawn in accordance with *Policy and Code of Practice on Students Recruitment and Admissions*. The individual does not have the right to appeal against the decision to recommend to the Head of Admissions that the application be cancelled and, where appropriate, that an offer to study be withdrawn.
- For students on *Relevant Programmes,* refer for consideration under the relevant Suitability / Fitness to Practise Procedure. The Case Panel will not discuss the matter further with the individual at this point. The individual does not have the right to appeal against the decision to refer them for consideration under the Suitability / Fitness to Practise Procedure.

- For students on other programmes, refer concerns about the student to the Head of School with a recommendation that the concerns are referred to a Disciplinary Officer for consideration under the University's disciplinary procedures. The Case Panel will not discuss the matter further with the individual at this point. The individual does not have the right to appeal against the decision to refer them to a Disciplinary Officer for consideration under the University's disciplinary procedures.

4.6.5 In the case of the School of Health Sciences' *Pre-registration* Programmes a Risk Assessment will be completed by the Case Panel and reviewed with the designated representatives from the Health Board or placement provider. Risk assessments will be reviewed periodically as required by the Case Panel.

4.6.6 When the Case Panel has concluded its deliberations, the individual will be invited back into the meeting and the Chair will convey the Case Panel's decision.

4.6.7 It will be made clear to the individual that they will be subject to criminal record checks in future if they apply for certain roles. It will be made clear that it will be the responsibility of each potential future employer and / or professional, statutory, or regulatory body to make their own decision regarding suitability for employment. The Case Panel will not require the student to disclose information about their criminal record to a third party.

4.6.8 All confidential papers distributed to the Case Panel will be handed to the DBS Administrator at the end of the meeting. The DBS Disclosure or equivalent document from an authority overseas and the associated certified translation will be returned to the individual.

4.6.9 A letter will be sent to the individual, within 5 working days, confirming the decision of the Case Panel.

4.7 Informing Initial Teacher Education (ITE) Placement Providers

4.7.1 Where the Criminal Records Procedure is complete, the placement provider is responsible for asking the trainee teacher for sight of their original DBS Disclosure. If required, the DBS Administrator will confirm that the trainee teacher has undergone a criminal record check and that they have been judged to be suitable to work with Children.

4.7.2 Where the Criminal Records Procedure is not complete by the start date of a placement, the placement provider will be notified that the trainee teacher should not attend placement until the provider receives confirmation from the University that the Criminal Records Procedure has been completed.

4.7.3 When the Criminal Records Procedure is completed after the start date of a placement, the DBS Administrator will contact the placement provider, within five working days, to inform them that the trainee teacher has now completed the Criminal Records Procedure and that they can attend placement.

4.7.4 Placement providers will be advised to contact the DBS Administrator if they require any further information. The placement providers will not be provided with a copy of a DBS Disclosure and the University will not share information contained within a DBS Disclosure with any third party.

4.7.5 Placement providers will have access to the *Criminal Records Policy and Procedures* and the *DBS Code of Practice* online.

4.7.6 Where a placement will be for a duration of ten days or less, the student will be provided with a general statement of information for the placement provider. This information will explain the Criminal Records Procedures with reference to the relevant advice from the relevant Primary or Secondary School. The placement provider will have access to the *Criminal Records Policy and Procedures* and the *DBS Code of Practice* on the relevant webpages. The placement provider will be responsible for asking students for sight of their original DBS Disclosure.

4.8 Informing other placement providers (non ITE)

4.8.1 The placement provider will not be contacted regarding the status of the Criminal Records Procedure; such courses include the School of Health Sciences' Pre-registration Programmes, Medicine, MSc Counselling, BA/MA Childhood and Youth Studies and MA Social Work.

4.8.2 Placement providers will have access to the Criminal Records Policy and Procedures and the DBS Code of Practice online.

4.9 Procedure if Criminal Records checks are not received before beginning of placement for Relevant Programmes

4.9.1 The Criminal Records Procedure must be completed before the start of a placement. Students will not be able to start their placement until the Criminal Records Procedure has been satisfactorily completed.

4.9.2 The DBS Administrator will notify the relevant Course Director/Programme Lead of the status of criminal records checks for students registered to their course.

4.9.3 In some circumstances, the Course Director/Programme Lead may require an interruption of studies pending completion of the criminal records checks.

4.10 Employment / Work Based Programmes and Research

4.10.1 Students with access to *Vulnerable Groups* while undertaking research, training or studying at their regular place of work, must have undergone a satisfactory criminal record check.

4.10.2 The employer or volunteer organisation will undertake the criminal record check in accordance with their own policy and procedure. The employer or volunteer organisation determines whether a student or prospective student is suitable for working with vulnerable groups.

4.10.3 The employer or volunteer organisation must not send a copy of the disclosure to the DBS Administrator and must not share any information contained in the DBS Disclosure.

4.10.4 Students with access to *Vulnerable Groups* while undertaking the Independent Prescribing course must have undergone a satisfactory criminal record check to carry out regulated activity. The student or prospective student's employer will undertake the criminal record check in accordance with their own policy and procedures. The employer determines whether a student or prospective student is suitable for working with vulnerable groups. The employer will inform the University in writing that the student has undergone a criminal record check including an Enhanced DBS check with a check of the Barred Lists and that they are suitable for working with vulnerable groups.

4.11 Students who offend whilst at University

4.11.1 Students who are required to undertake a criminal record check for admission to, or during their programme of study must immediately declare to the DBS Coordinator and Course Director/Programme Lead, any pending or issued conviction, caution reprimand or Police warning whilst a student.

4.11.2 Evidence of any conviction or caution issued to a student will be dealt with in accordance with the *Criminal Records Policy and Procedures*, where the student will be suspended from the placement and may be considered by a Case Panel. Serious offences will be referred directly to the Academic Registrar (or nominee) with a recommendation that that the evidence be considered under the Regulation for Student Discipline.

4.12 Suspected Identity fraud

4.12.1 If it is suspected that an individual has presented a false identity or false documents the application process will be suspended. The suspected identity fraud will be reported to the University Secretary and also to the authorities in accordance with DBS guidelines.

4.12.2 If identity fraud is suspected after a DBS application has been submitted, the applicable School's DBS Coordinator will contact the DBS.

4.13 Information Withheld

4.13.1 Where an individual withholds information about their criminal record they will be prevented from undertaking a placement or research which allows them access to *Vulnerable Groups* and the matter will be referred to the University Secretary and in some cases, this may lead to termination of the individual's registration on a programme.

4.14 Disputed DBS Disclosures

4.14.1 An individual can challenge or dispute the content of a DBS Disclosure if it contains an error, or inaccurate or irrelevant information. The individual should contact the DBS immediately and within 3 months of the DBS Disclosure issue date.

4.14.2 The Criminal Records Procedure is not complete until the dispute is resolved. At the discretion of the relevant Head of School, if a disputed DBS Disclosure refers to issues relating to working with Vulnerable Groups the student may not be allowed to undertake their placement until the Criminal Records Procedure is complete.

4.15 Referrals to the DBS

4.15.1 Referrals should be made to the University Secretary for consideration at a University level when it is believed that a person has harmed a child or vulnerable adult, put a child or vulnerable adult at risk of harm, or poses a risk of harm to Vulnerable Groups. Referrals may then be made DBS in accordance with current legal provisions. University staff have a duty to refer applicable concerns to the University Secretary where the conditions for referral to the DBS may be met.

4.16 Duration of criminal record checks validity

4.16.1 A DBS Disclosure does not have an expiry date and additional checks are not required during programmes, including those lasting longer than four years unless a student gives cause for concern, or unless we are required to carry out a new check in accordance with sector-specific guidance.

4.16.2 A student who has a break in their engagement with the programme of 6 months or longer will be required to complete a new DBS check before they re-register.

4.16.3 A student who moves to another programme, whilst having previously completed a DBS check at Bangor University, may be required to complete a new DBS check before they re-register.

5. Fees

5.1 It is the responsibility of the student or prospective student to provide the appropriate fee for the DBS disclosure and if applicable the non-UK criminal record check at the time of the application.

6. Relevant Bangor University Policies and Procedures

6.1 This policy should be read in conjunction with the following University policies and procedures:

- Data Protection Policy
- University Record and Data Retention Schedule
- Disclosure and Barring Checks (DBS) Policy
- Policy regarding the Security, Storage and Retention of Applicant/Staff Disclosure/ Criminal Records Information Policy Statement on the Recruitment of Ex-Offenders

- Policy and Code of Practice on Students Recruitment and Admissions.
- Suitability/Fitness to Practise Procedure
- Ordinance for Student Discipline
- Safeguarding Policy
- Equal Opportunities

7. Review

7.1 This policy will be reviewed every three years or earlier if necessary to comply with changes in legislation, procedure or guidance from the relevant authorities.

APPENDIX 1 Definitions and Terminology

Adult Workforce: Roles which relate specifically to working with adults.

Barred Lists: Those who are considered unsuitable to work with children and/or vulnerable adults are placed by the DBS on one or both of two barred lists:

- Children's Barred List
- Adults' Barred List

Basic Disclosure: this shows details of convictions and conditional cautions considered to be 'unspent' under the terms of the Rehabilitation of Offenders Act 1974. The basic check can be used for any purpose, however for certain roles you will need a higher level of criminal record check.

BACP: British Association for Counselling and Psychotherapy

BASW: British Association of Social Workers

Case Panel: Membership of the Case Panel will ordinarily consist of the School DBS Coordinator (or nominee) (Chair), relevant Course Director/Programme Lead (or deputy and /or Professional Lead where applicable), course tutor (where applicable) and the DBS Administrator, with additional members for some programmes.

Child Workforce: Roles which relate specifically to working with Children.

Child: A child is any person under the age of 18.

Counter-signatory: A countersignatory is a person within a Registered Body who is registered with the DBS to countersign applications, making a declaration that the position is eligible for the DBS check requested.

DBS: The Disclosure and Barring Service

DBS Administrator: The DBS Administrator works within Student Administration and undertakes the administration of Criminal record checks and Panel Meetings

DBS barred list: The 'Children's barred list' and the 'Adults' barred list' are the DBS barred lists of individuals who are unsuitable for working with Children and adults respectively.

DBS Coordinator: The DBS Coordinator within the academic Schools has oversight of criminal records checking and the Case Panel meetings

DBS Disclosure: The term that is used to describe the document issued to the applicant when a DBS check has been completed.

DBS Check: A criminal record check processed through the Disclosure and Barring Service

DBS Update Service: The update service is an online subscription for standard and enhanced checks only, that allows applicants to keep their DBS certificates up to date and allows employers to view an applicant's certificate. The update service cannot currently be used for basic checks.

Disclosure: The term that is used to describe the service provided by the DBS.

Enhanced check with a barred list check: This DBS check is the same as the enhanced check, but includes a check of the DBS barred lists.

Enhanced check: This shows the same as a standard check plus any information held by local police that's considered relevant to the role. This applies to specific roles, or the specific activities carried out within a role, that are included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975 and are also covered by the Police Act 1997 (Criminal Records) regulations.

EWC: Education Workforce Council

FPA: Faculty of Physician Associates

GPC: General Pharmaceutical Council

HCPC: Health and Care Professional Council

ITE: Initial Teacher Education
ITE Courses: Courses which lead to qualified teacher status (QTS)
School of Health Sciences' Pre-registration courses: BN, PGDip and MSc Nursing Programmes, BSc Diagnostic Radiography, BM Midwifery, DipHE Dental Hygiene, MSc/PGDip Physiotherapy.
Lead Counter-signatory: The person within a registered body who will oversee the DBS process within their organisation.
NMC: Nursing and Midwifery Council
'Other' Workforce: People who do not specifically work with Children or adults but potentially both.
PNC: Police National Computer
QTS: Qualified Teacher Status
RCA: Royal College of Physicians
Registered Body: Individuals can't apply for their own checks, only an employer or recruiter can apply to be a Registered Body, which can submit applications for vetting by the Disclosure and Barring Service.
Regulated activity: Regulated activity is work that a barred person must not do, excluding any activity carried out during family relationships, and personal, non-commercial relationships. Regulated activity is defined in the HM Government (2006) Safeguarding Vulnerable Groups Act (Chapter 47) and subject to amendments in the HM Government (2012) Protection of Freedoms Act (Chapter 1).
Regulated activity with adults: The Police Act 1997 (Criminal Records) (Amendment) Regulations 2013/1194 provides the legislative definition of work with adults, and the Department of Health (DH) factual note provides a definition of regulated activity with adults.
Regulated activity with children: The Police Act 1997 (Criminal Records) (Amendment No.2) Regulations 2013/2669 provides the legislative definition of work with children, and the Department for Education (DfE) factual note provides a definition of regulated activity with children.
Rehabilitation of Offenders Act (ROA) 1974: This enables some criminal convictions to be ignored after a rehabilitation period, giving people with spent convictions and cautions the right not to disclose them when applying for most jobs. See DBS guidance on Rehabilitation of Offenders Act 1974.
Relevant Programme: A programme during which a student or trainee will have access to *Vulnerable Groups*.
SCW: Social Care Wales
Standard check: This shows spent and unspent convictions and cautions, subject to filtering. This applies to positions, professions, employments, activities and licences included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975, as amended.
Vulnerable Adults: An adult is a person aged 18 or over. An adult is considered vulnerable during the time which they require services including; health care; personal care; social care; assistance with cash, bills and shopping; assistance with the conduct of their affairs and conveying (transport in relation to health, personal or social care provision).
Vulnerable Groups: Children and Vulnerable Adults.

APPENDIX 2 Publications & Key Legislation

School of Health Sciences

- GPC (2019). *Standards for the education and training of pharmacist independent prescribers*. London: GPC.
- GPC (2017). *Standards for pharmacy professionals*. London: GPC.
- HCPC (2016). *Standards of conduct, performance and ethics*. London: HCPC. (Section 9.5).
- HCPC (2017). *Standards of education and training*. London: HCPC. (Section 2.4).
- HCPC (2018). *Standards of education and training guidance*. London: HCPC. (SET 2).
- HCPC (2010) *Guidance on conduct and ethics for students*. London: HCPC.
- HCPC (2012) *Guidance on health and character*. London: HCPC.
- HCPC (2008) *Standards of conduct, performance and ethics*. London: HCPC.
- NMC (2019) *Draft: Standards for pre-registration midwifery programmes*. London: NMC.
- NMC (2018). *The Code: Professional standards of practice and behaviour for nurses, midwives and nursing associates*. London: NMC. (Section 23.2).
- NMC (2018). *Part 1: Standards framework for nursing and midwifery education*. London: NMC. (Section 1.2-1.4).
- NMC (2018) *Part 3: Standards for pre-registration nursing programmes*. London: NMC.
- NMC (2018) *Quality Assurance Handbook*. Version 9. Cambridge: Mott MacDonald.
- NMC (2010) *Guidance on conduct and ethics for nursing and midwifery students*. London: NMC.
- NMC (2008) *The Code: Standards of conduct, performance and ethics for nurses and midwives*. London, NMC.COT (2010) *Code of Ethics and Professional Conduct, Performance*. London: COT.

School of Education

- EWC Code of Professional Conduct and Practice

General Legislation

- Children Act 1989 London: The Stationery Office.
- Criminal Justice and Court Services Act (2000) (s.35 and 36)
- Criminal Records Bureau (2001) Code of Practice and Explanatory Guide for Registered Persons and other recipients of Disclosure Information. DBS.
- Department of Health (2000) No Secrets: Guidance on Developing and Implementing Multi-Agency Policies and Procedures to Protect Vulnerable Adults From Abuse. London: The Stationery Office.
- Health Inspectorate Wales (2010) Safeguarding and Protecting Vulnerable Adults in Wales A review of the arrangements in place across the Welsh National Health Service. Caerphilly: Health Inspectorate Wales.
- Department of Health (2012) Regulated activity (adults) The definition of 'regulated activity' (adults) as defined by the Safeguarding Vulnerable Groups Act 2006 from 10th September 2012. London, DH.
- Police Act (Part V) 1997 London: The Stationery Office.
- Protection of Children Act 1999 (s.6) London: The Stationery Office.
- Rehabilitation of Offenders Act 1974 London: The Stationery Office.
- Safeguarding Vulnerable Groups Act Chapter 47 2006 London: The Stationery
- Data Protection Act 2018

APPENDIX 3 Web links

UK Government web links:

The Disclosure and Barring Service:
https://www.gov.uk/government/organisations/disclosure-and-barring-service

DBS Code of Practice:
https://www.gov.uk/government/publications/dbs-code-of-practice

DBS guidance on eligibility, Child Workforce, Adult Workforce, 'Other' Workforce and Department for Education guidance on the scope of Regulated Activity in relation to Children:
https://www.gov.uk/government/publications/dbs-check-eligible-positions-guidance

DBS Update Service:
https://www.gov.uk/dbs-update-service

DBS identity checking guidelines:
https://www.gov.uk/government/publications/dbs-identity-checking-guidelines

DBS filtering guidance:
https://www.gov.uk/government/collections/dbs-filtering-guidance

Home Office guidance on the application process for overseas criminal record checks:
https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants

Contact details for foreign embassies in the UK:
https://www.gov.uk/government/publications/foreign-embassies-in-the-uk

Guidance for employers on criminal record checks:
https://www.gov.uk/dbs-check-requests-guidance-for-employers

The scope of Regulated Activity in relation to adults:
https://www.gov.uk/government/publications/new-disclosure-and-barring-services

Statutory guidance: Supervision of activity with Children which is regulated activity when unsupervised:
https://www.gov.uk/government/publications/supervision-of-activity-with-Children

Statutory guidance: Working together to safeguard Children:
https://www.gov.uk/government/publications/working-together-to-safeguard-Children--2

Statutory guidance: Keeping children safe in education:
https://www.gov.uk/government/publications/keeping-Children-safe-in-education--2

Department of Education advice: Safeguarding practitioners: information sharing advice:
https://www.gov.uk/government/publications/safeguarding-practitioners-information-sharing-advice

Department of Education advice: What to do if you're worried a child is being abused:
https://www.gov.uk/government/publications/what-to-do-if-youre-worried-a-child-is-being-abused--2

Bangor University web links:

Bangor University's Disclosure and Barring Checks (DBS) Policy
https://www.bangor.ac.uk/humanresources/policies/recruitment/DBS%20Policy%20EN.pdf

Bangor University's Safeguarding Policy
https://www.bangor.ac.uk/governance-and-compliance/safeguarding.php.en

Bangor University's Data Protection Policy:
https://www.bangor.ac.uk/governance-and-compliance/datafreedom.php.en

Bangor University's Termination of Studies Procedure, Academic Regulations and Codes of Practice:
https://www.bangor.ac.uk/regulations/

Bangor University's Regulation for Student Discipline:
https://www.bangor.ac.uk/regulations/regulations/reg21.php.en

APPENDIX 4 DBS Application Methods

DBS Update Service

Individuals who have joined the DBS Update Service can use their existing DBS Disclosure providing it is for the appropriate Workforce and it is of the appropriate level of check, including a check of the DBS Barred List(s) if required. The individual's permission must be obtained before using the DBS Update Service to undertake a status check. The University must be legally entitled to obtain the information contained within the DBS Disclosure, including a check of the DBS Barred List(s) if applicable.

For DBS guidance see

- DBS Update Service - GOV.UK (www.gov.uk)
- DBS Update Service: employer guide - GOV.UK (www.gov.uk)

The individual will present the original criminal record check documentation and one of the Group 1 forms of identification as outlined in the DBS ID checking guidelines.

The DBS Administrator will use the identification document to verify that the DBS Disclosure belongs to the individual. The DBS Administrator will check that the DBS Disclosure is for the appropriate Workforce, that it is of the appropriate level of check and that it includes a check of the DBS Barred List(s) if required.

The DBS Administrator will access the DBS Update Service online to check the status of the individual's DBS Disclosure, there are three possible outcomes:

- This DBS certificate did not reveal any information and remains current as no further information has been identified since its issue.
- This DBS certificate remains current as no further information has been identified since its issue.
- This DBS certificate is no longer current. Please apply for a new DBS check to get the most up-to-date information.

The DBS Administrator will record the DBS Disclosure reference number, the DBS Disclosure issue date and the date that the DBS Update Service was used. The DBS Administrator will follow the appropriate action for responding to a criminal record check.

Online DBS application

Individuals apply for a DBS Disclosure online using the University's umbrella body service. The DBS Administrator will initiate the check on the umbrella body's website. The individual with undertake a Digital ID check, take their ID to the Post Office for verification (participating branches only) or to the DBS Administrator, as applicable. The individual pays the appropriate fee for the DBS check. The DBS application can be tracked using the umbrella body's website.

The DBS Administrator views the result of the DBS check online, there are two possible outcomes:

- The DBS check is clear. The DBS Administrator will record the DBS Disclosure reference number, role and issue date. The DBS Administrator will follow the appropriate action for responding to a criminal record check.
- The DBS check is not clear. The DBS Administrator will record the DBS Disclosure reference number, role and issue date. The individual will be asked to present their DBS Disclosure to the DBS Administrator. The DBS Administrator will follow the appropriate action for responding to a criminal record check.

The umbrella body's website is currently only available through the medium of English. Students wishing to apply for their DBS check through the medium of Welsh are advised to contact the DBS Administrator.

Paper-based DBS application

The DBS Administrator will refer the individual to Gwynedd Council who provide a paper-based DBS application. The individual will complete the DBS application form and will present the form and the identification documents as required . Individuals who cannot provide the necessary identification documents will be asked to go for fingerprinting at their local police station. The individual pays the appropriate fee for the DBS check.

The Counter-signatory will sign the application form and send it to the DBS. The DBS application can be tracked online using the DBS Tracking Service. The DBS will send the DBS Disclosure to the individual's current address.

The individual will present the DBS Disclosure to the DBS Administrator. The DBS Administrator will record the DBS Disclosure reference number and issue date and follow the appropriate action for responding to a criminal record check.

APPENDIX 5 Summary the type and level of checks required for Relevant Programmes

Programme	Statutory / regulatory body	Professional body	Level of Check	Child Barred	Adult Barred	Self-declaration
School of Education						
BA Primary Education	EWC	EWC	Enhanced	Yes	No	On admission and annually
PGCE Primary	EWC	EWC	Enhanced	Yes	No	On admission and annually
PGCE Secondary	EWC	EWC	Enhanced	Yes	No	On admission and annually
MA Education Studies (15m full-time)			Enhanced	Yes	No	On admission and annually
BA Childhood and Youth Studies			Enhanced	Yes	No	On admission and annually
MA Childhood and Youth			Enhanced	Yes	No	On admission and annually
MA Music and Education			Enhanced	Yes	No	On admission and annually
School of Health Sciences						
BN, PGDip & MSc Nursing, all fields, full & part time.	NMC	NMC	Enhanced	Yes	Yes	On admission, annually & end of course
BM Midwifery	NMC	NMC	Enhanced	Yes	Yes	On admission, annually & end of course
BSc Diagnostic Radiography	HCPC	HCPC	Enhanced	Yes	Yes	On admission and annually
MA Social Work	SCW	BASW	Enhanced	Yes	Yes	On admission and annually
Return to Practice Nursing and Midwifery	NMC	NMC	Enhanced	Yes	Yes	On admission, annually & end of course
DipHE Dental Hygiene	GDC	GDC	Enhanced	Yes	Yes	On admission, annually & end of course
MSc/PGDip Physiotherapy	CSP	CSP	Enhanced	Yes	Yes	On admission and annually
North Wales Medical School						
MSc Physician Associate Studies	RCP	FPA	Enhanced	Yes	Yes	On admission and annually
Medicine (BMBS) year 1 and graduate entry	GMC	GMC	Enhanced	Yes	Yes	On admission and annually
School of Psychology and Sport Sciences						
MSc Counselling		BACP	Enhanced	Yes	Yes	Pre, middle and end of placement
Dip/CNSL Counselling Children & YP		BACP / NCPS	Enhanced	Yes	Yes	Pre, middle and end of placement

Please note that **Appendix 5** may be subject to change and may not list all the *Relevant Programmes*