



LSE - Disclosure and Barring Service (DBS) Process Guidance Note

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1. Background

Where a post at LSE involves contact with children or adults at risk, and in certain other cases, LSE may make enquiries about a preferred applicant's criminal record, and their inclusion on "barred lists", by seeking a Disclosure through the Disclosure and Barring Service (DBS). This information is sought to help make safer recruitment decisions, and to allow the School to manage any risk that it is made aware of by relevant information in a Disclosure.

Any information contained in a DBS Disclosure must be kept confidential and only shared on a strictly 'need to know' basis, i.e. only with those within the School who are authorised to receive and consider it. The School's DBS Policy Statement, which includes information on how disclosure information will be stored, handled, used, retained and (where applicable) disposed of, can be found in Appendix B.

The HR Division manages the DBS Disclosure process for roles within the School, with the exception of casual staff roles recruited to support the work of the Widening Participation team, which is managed by that team in the Academic Registrar's Division (ARD).

2. When a DBS Disclosure Should be Requested

You should discuss with your HR Adviser whether a post requires a DBS Disclosure **prior to** commencing the recruitment process. A DBS Disclosure should only be requested where there is a genuine requirement for a Disclosure. For some posts there is a clear requirement for a Disclosure, for example a post which will involve work with children or adults at risk (unless the contact is very occasional). Other posts may require the HR Adviser (with advice from the Security Team) to evaluate the role before determining whether a Disclosure is required.

3. Roles that Require a DBS Disclosure

The School is registered with the DBS to seek DBS Disclosures for staff. Disclosure requests are normally sought for:

- those whose work involves contact with children (under the age of 18 years);
- those whose work involves contact with adults at risk (e.g. the infirm, elderly or mentally ill);
- those working within certain professions where there is a legal requirement to check; or
- where it is considered that there is a genuine need to check.

Prior to commencing the recruitment process, the HR Adviser and Recruiting Manager are responsible for checking the [DBS online tool](#) to determine whether a check is required and, if so, at what level.

The following roles within the School meet the Disclosure criteria and **will usually be subject to a DBS Disclosure**:

- Counselling staff.
- Lead Countersignatory (usually the Director of HR) and other Countersignatories (usually an HR Manager, the Head of Security, and managers and supervisors within Widening Participation team of ARD).
- Personal Tutors assigned to work with under 18s.
- Widening Participation Team Staff, as well as Student Ambassadors, that undertake outreach work.
- Those involved in Summer Schools with under 18s (unless the contact with under 18s is very occasional).
- Security staff.
- Wardens and Sub-wardens with under 18s or disabled or adults at risk under their care.
- Academic and Research staff working with under 18s or disabled or adults at risk under their care.
- Technical staff (such as IT managers) with access to data regarding children or adults at risk, or other sensitive information, and the ability to copy, export or misuse such information.
- Senior Officers (Director, Deputy Directors, Secretary, Academic Registrar, Finance Director) where a high degree of financial probity is required.

4. Advertising Roles that Require a DBS Disclosure

Once a need for a DBS Disclosure has been established, all advertisements and the Further Particulars for the role should state that the successful applicant will be subject to DBS check. The Further Particulars and the advert on the LSE e-recruitment system should also refer to the School's Policy Statement on the Recruitment of Ex-Offenders and the School's DBS Policy Statement.

5. Type of Disclosure

The DBS offers four levels of Disclosure, each representing a different level of check:

Basic Disclosure – This level of check can be used for any position or purpose to check for unspent convictions.

Standard Disclosure - This level of Disclosure does not apply for posts that involve working with children and adults at risk, for which enhanced disclosure should be used. A Standard Disclosure is available for positions considered appropriate, such as Security Staff. Standard Disclosures show current and spent convictions, cautions, reprimands and warnings held on the Police National Computer.

Enhanced Disclosure - This higher-level check is usually available for anyone involved in regularly caring for, training, supervising or being in sole charge of children or adults at risk. Enhanced checks contain the same information as the Standard check any relevant and proportionate information held by the local police forces.

Enhanced Disclosure with a Barred List check – This level of check is only available for

those individuals who are carrying out regulated activity and a small number of other positions. In addition to the information captured in an Enhanced Disclosure, this will also check against the children's and/or adult's barred lists.

Your HR Adviser can advise you which level of DBS Disclosure should be sought. For all casual staff working with the Widening Participation team please contact the Head of Widening Participation.

6. Application for DBS Disclosure

- a. As soon as the successful applicant has indicated their acceptance of a post requiring a DBS Disclosure, the hiring manager should contact the HR Administrator for the post so that they can commence the DBS process for the candidate (if they have not done so already). For casual staff roles working with the WP team, please contact the head of Widening Participation in ARD.
- b. Your HR Administrator (or the Widening Participation Team for casual WP staff roles) will arrange to meet with the applicant to help them complete the application form and documents and view the proof of identity requirements. Where an online application form is used for the DBS check, aspects of this part of the process may be conducted remotely.
- c. The Countersignatory will approve and sign off the application.
- d. Once DBS have considered the application the outcome of the disclosure check will be notified to the Countersignatory **(this can take up to 6-8 weeks for paper forms)**. The candidate will receive a copy of their own Disclosure Certificate through the post. Once received, they will be asked to confirm to HR the DBS certificate number and the date of issue on the certificate.
- e. Any information revealed in a Disclosure that is relevant to the nature of the role and is likely to lead to the withdrawal or amendment of a job offer, will be discussed with the applicant before the offer is withdrawn or amended. Only the countersignatories will be privy to the information on the form.

7. Consideration of Disclosure Information

Any information revealed in a Disclosure that is relevant to the nature of the role, and is likely to lead to the withdrawal or amendment of a job offer, will be considered by the countersignatory and discussed with the applicant before the offer is withdrawn or amended. **If a countersignatory considers it essential to discuss the specifics of the DBS Disclosure with a hiring manager or another member of staff who is not a countersignatory, they must first obtain the applicant's written consent before this information can be passed on to the hiring manager.**

8. Confirmation/Alteration or Withdrawal of Employment Offer

When an applicant's DBS Disclosure is returned to the School the countersignatory will discuss any issues with the applicant. The countersignatory cannot pass the DBS check to any individual within the School who is not an authorised countersignatory. If the applicant challenges the accuracy of Disclosure information the countersignatory will raise a dispute with DBS, and the offer will be put on hold until the DBS have confirmed the accuracy of the Disclosure.

The countersignatory will inform the hiring manager that;

- a. The Disclosure information does not cause any concern in the performance of the post and the hiring manager can confirm the offer of new post and agree a start date (subject to any other conditions of employment offer being met);
- b. The Disclosure information does cause concern regarding performance of the post, but the risk is not sufficient to withdraw the offer of employment. However certain amendments need to be made to the role to protect the School and/or staff, such as limiting access to certain information, or supervising certain tasks performed by the applicant. The hiring manager can then make a revised verbal offer for the post which will be followed up by a revised written offer from the HR team; or,
- c. The Disclosure information has sufficient relevance to the performance of the post to put the School and/or Staff at risk and the offer is withdrawn. The HR team will prepare a

withdrawal letter.

9. Applicants that already hold a DBS Disclosure

The School does not accept a DBS Disclosure that has been obtained for use in a different organisation and requires a new DBS check where relevant for the position that is being recruited to.

Where an applicant has signed up to the DBS Update Service, a previous DBS check may be accepted as an interim measure to allow an individual to begin employment whilst applying for an up-to-date check.

10. Renewal of DBS Disclosures for Existing Staff

In line with DBS guidance on the validity of a DBS Disclosure, the School will require employees in a role that requires any Enhanced DBS check to apply for a new Disclosure within 3 years of the date of the previous Disclosure. HR (or the Widening Participation team for casual WP staff) will contact the employee and line manager before the expiry of the DBS to establish whether the nature of the role will require a new Disclosure application.

11. New Disclosures for Existing Members of Staff

It may become necessary to obtain a DBS Disclosure for an existing member of staff. This could be because an existing member of staff's role changes so that it is likely that s/he will begin to have regular or close contact with children or adults at risk (for example, a staff member who takes on pastoral responsibility as Warden or a role teaching under 18s in the Summer School). The process to determine whether a DBS is required should follow points 2 and 3 above. If the staff member (unreasonably) refuses consent for a DBS Disclosure the employment offer should be withdrawn.

If the requirement for a DBS check arises as a result of proposed changes to the staff member's existing substantive role and the staff member refuses, the manager should make changes to ensure the staff member does not have unsupervised contact with children or adults at risk. If this is not possible, or will undermine the role, please contact HR.

12. Overseas Applicants

Disclosure reports for applicants that have recently resided overseas, (including current UK residents and British nationals) may not include information on convictions from outside the UK. As such, where an applicant has spent more than six months in the previous five years living abroad, the School will follow DBS [guidance](#) on obtaining criminal records information in a variety of foreign countries. The applicant will also be requested to obtain a certificate of good conduct from the country in which they were resident.

Where an applicant has been resident in the UK for a minimum of two months, a Disclosure report will also be sought in addition to the overseas check.

13. Hourly Paid Staff

Staff hired on hourly paid contracts should follow the same DBS Disclosure as for permanent or fixed term staff at the School.

14. Temporary Staff – supplied by a recruitment agency

All temporary staff bookings at the School should be made through the School's preferred temporary staff supplier, Adecco. They will ensure that DBS checks are conducted on temporary staff where required before they commence their engagement with the School. If a manager is unable to source a suitable temporary staff member through Adecco, the manager must ensure

that any other agency that they use undertakes the necessary DBS checking. If in doubt, please contact your HR Adviser for advice.

15. Duty to Refer to the DBS

The School has a legal responsibility to make a referral to the DBS if it has concerns that an individual may have harmed a child or adult at risk, or put them at risk of harm. Following a referral, DBS will consider if the individual should be added to a barred list.

In accordance with DBS Guidance, a referral will be made when the following two conditions have been met:

Condition 1

- the School has withdrawn permission for a person to engage in regulated activity with children and/or adults at risk; *or*
- the individual is moved to another area of work that isn't regulated activity.

This includes situations in which the action would have been taken but the person was re-deployed, resigned, retired, or left.

Condition 2

The School believes that an individual has carried out one of the following:

- engaged in relevant conduct in relation to children and/or adults. An action or inaction has harmed a child or adult at risk or put them at risk or harm; *or*
- satisfied the harm test in relation to children and / or adults at risk. E.g. there has been no relevant conduct but a risk of harm to a child or adult at risk still exists; *or*
- been cautioned or convicted of a relevant (automatic barring either with or without the right to make representations) offence.

Examples of relevant conduct in relation to children (under 18) and adults at risk (18 and over who are being provided with, or getting a service or assistance which is classed as regulated activity for adults) as well as the definition of 'harm' can be found in the [DBS Guidance Referral Guide](#).

The legal duty to refer where the relevant conditions are met applies to those individuals who work in regulated activity and is in addition to other reports that may have been made to another body, e.g. a local authority safeguarding team. It applies irrespective of whether a referral to the DBS in relation to the same person by another body.

The School also reserves the right to make a referral in good faith where the legal duty has not been met in the interests of safeguarding children or adults at risk.

16. Who to Contact

All Roles within the School (with the exception of casual staff working with the WP team)

Please contact your HR Adviser with any queries on whether a DBS check may be required for any role within the School, to arrange a DBS check for a new member of staff, and for renewal of a DBS Disclosure.

<http://www2.lse.ac.uk/intranet/LSEServices/divisionsAndDepartments/humanResources/aboutHR/home.aspx>

All casual staff in the WP team

For all queries regarding DBS checks for casual staff role in the WP team, please contact the Head of Widening Participation.

Appendix 1

Policy Statement: Ex-Offenders

LSE actively promotes equality of opportunity for all and actively welcomes applications from a wide range of applicants, including those with criminal records.

LSE uses the Disclosure and Barring Service (DBS) to help assess the suitability of applicants when recruiting to positions that are likely to involve working with children or adults at risk, or other positions of trust. Therefore, LSE complies fully with the DBS Code of Practice and undertakes to treat all applicants fairly. LSE also undertakes not to discriminate unfairly against any subject of a DBS check on the basis of a conviction or any information revealed.

All applicants who apply for positions requiring a DBS check will be made aware of the Code of Practice during the recruitment process and will be provided with a copy on request. This policy will be made available to all Disclosure applicants at the outset of the recruitment process through LSE's website.

All applicants will be asked to declare any unspent criminal convictions when applying for a position at LSE. This information will only be viewed by appropriate staff within the HR Division and will not be automatically passed on to hiring managers. Unless the nature of the position allows LSE to ask questions about an individual's entire criminal record, LSE will only ask about unspent convictions as defined in the Rehabilitation of Offenders Act 1974. Failure to declare any unspent convictions may lead to an offer of employment being withdrawn.

As a result of legislation which came into force on 29 May 2013, certain old and minor cautions and convictions will no longer be subject to disclosure. All cautions and convictions for specified serious violent and sexual offences, and other specified offences of relevance for posts concerns with safeguarding children and adults at risk, will remain subject to disclosure. In addition, all convictions resulting in a custodial sentence, whether or not suspended, will remain subject to disclosure, as will all convictions where an individual has more than one conviction recorded.

LSE will ensure that every recruitment decision related to DBS checks or other safeguarding concerns will be overseen by an individual who has been suitably trained to identify and assess the relevance and circumstances of any offences disclosed. LSE will also ensure that appropriate guidance and training has been provided in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.

At interview, or in a separate discussion, LSE will ensure that an open and measured discussion takes place on the subject of any offences or other information revealed that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought may lead to an offer of employment being withdrawn.

LSE undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment. Having a criminal record will not necessarily bar an individual from working with LSE, depending upon the nature of the position sought as well as the circumstances of the revealed offence.

Appendix 2

Policy Statement: Disclosure and Barring Service

General principles

LSE uses the Disclosure and Barring Service (DBS) to help assess the suitability of applicants when recruiting to positions that are likely to involve working with children or adults at risk, or other positions of trust. Therefore, LSE complies fully with the DBS Code of Practice regarding the correct storage, handling, usage, retention and disposal of information (both physical and electronic) obtained through DBS checks.

All applicants for a DBS check will be made aware of the Code of Practice during the recruitment process and will be provided with a copy on request. This policy statement will be made available to all disclosure applicants at the outset of the recruitment process through LSE's website.

LSE also complies fully with its obligations under the General Data Protection Regulation (GDPR) and other relevant legislation regarding the safe handling, use, storage, retention and disposal of such information. LSE has a written policy on these matters which is available on request.

An application for a DBS check will only be submitted to the DBS where a check has been identified in advance as necessary for the position. In such cases, the recruitment information related to the position will include a statement that an application for a DBS check will need to be submitted if the applicant is offered the position.

Storage and access

LSE keeps physical and electronic records of disclosure information. Physical disclosure information (such as that maintained on employee files) is kept securely, in lockable, non-portable, storage containers. Electronic information relating to individual certificates (where used) is kept in electronic files within LSE's secure folder structure. Emails that contain disclosure information (such as email conversations concerning an individual certificate) are kept in line with LSE's [Data Protection and HR related email and documents: Guidance for staff](#), which also sets out the circumstances in which such information may be shared and the precautions that must be taken.

All access to disclosure information (both physical and electronic) is strictly controlled and limited to those who are entitled to see it as part of their duties.

Handling

In accordance with section 124 of the Police Act 1997, disclosure information is only passed to those who are authorised to receive it in the course of their duties. LSE maintains a record of all those to whom disclosures or disclosure information has been revealed and it is a criminal offence to pass this information to anyone who is not entitled to receive it.

Usage

Disclosure information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given. LSE undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment, should this be necessary.

In line with the Code of Practice, LSE undertakes to treat all applicants fairly. LSE will not discriminate unfairly against any subject of a DBS check on the basis of a conviction or other information revealed.

LSE will ensure that every recruitment decision related to DBS checks or other safeguarding concerns will be overseen by the Senior HR Partner; they will receive suitable training to identify and assess the relevance and circumstances of any offences disclosed. LSE will also ensure that

appropriate guidance and training has been provided in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974. LSE has a written policy on the recruitment of ex-offenders which is available on request.

Retention

Once a recruitment (or other relevant) decision has been made, LSE will not keep any information disclosed through a DBS check for any longer than is necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints where relevant. Where exceptional circumstances make it necessary to keep such information for longer than six months, LSE will consult with the DBS, give full consideration to GDPR and the individual's human rights, and will inform the individual before making a decision. Throughout this time, the usual conditions for safe storage and strictly controlled access will apply.

Disposal

Once the retention period has elapsed, LSE will ensure that any information disclosed as part of a DBS check is immediately destroyed by secure means. Any physical information awaiting destruction will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack). LSE will not keep any photocopy or other image of the information or any copy or representation of the contents of a DBS check.

However, notwithstanding the above, LSE may keep a record of the date of issue of a disclosure, the name of the subject, the type of disclosure requested, the position for which the disclosure was requested, the unique reference number of the disclosure and the details of the recruitment decision taken.