

Disclosure and Barring Service Policy

Policy Owner	Head of Learning and Quality
Policy Approver(s)	Academic Board, M.Ost Programme Committee and Health and Safety Committee
Related Policies	Single Equality Statement, Student Fitness to Practice Policy, Whistleblowing Policy, Admissions Policy, Child Protection Procedure, Vulnerable Adults Procedure.
Storage Location	ESO Learning Zone, ESO Website
Effective Date	March 14 th 2014
Next Review Date	March 2015

1. POLICY STATEMENT

The ESO has a duty of care to patients, staff and students and one of the measures we use to ensure greater protection is to use the Disclosure and Barring Service (formerly known as the Criminal Records Bureau (CRB) check). All new students are required to have an enhanced DBS check which is a condition of enrolment on the M.Ost programme. Due to the nature of the work carried out by the students at the ESO, an Enhanced DBS check is required.

This policy has been developed in accordance with the guidelines set out in the DBS Code of Practice and must be adhered to at all times. Completing the enhanced DBS check is a condition of a student's enrolment on the programme and failure to do so will be subject to formal investigation and may lead to disciplinary action.

2. SCOPE

All applicants to the ESO will be fully informed throughout the admissions process that enrolment on the course is subject to a DBS Enhanced Disclosure and the outcomes should a conviction be revealed. A criminal conviction will not necessarily be a bar to a student obtaining a place on the course, although it should be noted that osteopathy is a regulated activity and therefore is exempt from the provisions of the Rehabilitation of Offenders Act 1974.

2.1. This policy must be adhered to by all employees involved in recruitment onto the Integrated Masters programme.

2.2. In implementing this policy, the Admissions Team must ensure that all applicants are treated fairly, equitably and within the provisions and spirit of the ESO's Single Equality Scheme (2013)

<http://www.eso.ac.uk/documents/EqualOpportunitiesPolicy.pdf>

- 2.3. Special attention should be paid to ensuring the policy is understood when using it for students new to the ESO and those whose literacy or knowledge of the English language is weak.

3. RESPONSIBILITIES

3.1. Academic Board

The Academic Board has the oversight and approval of this policy for quality assurances purposes

3.2. Head of Learning and Quality

The Head of Learning and Quality has overall responsibility for:

- overseeing the correct application of this policy and, where applicable, will have overall responsibility for approving the risk assessments.
- ensuring adequate training for staff in the application of admissions process and provide relevant advice.
- for overseeing the work of the Evidence Checkers
- reviewing and maintaining this policy and ensuring that the policy is approved at all the appropriate committees.

3.3. Admissions Team

The Admissions Team has the responsibility to ensure that they abide by and reinforce this policy and that they attend relevant training.

3.4. Academic Registrar

The Academic Registrar will have the responsibility of abiding by and enforcing this policy and attending relevant training.

3.5. Human Resources Manager

The Human Resources Manager will have responsibility for monitoring compliance with the DBS Code of Practice and providing advice and guidance in the application of the DBS

3.6. Evidence Checker

The Evidence Checker is able to assist applicants in completion of the forms and verify the original documents required so that there is no need to send original documentation away.

3.7. The Registered Countersignatory

The Registered Countersignatory will have responsibility for registering with the DBS and operating within the Code of Practice. (Jenny Critchard, RCPA, Victoria House, Victoria Street, Taunton, Somerset, TA1 3GA)

4. DEFINITION OF POSTS REQUIRING DISCLOSURE

4.1. Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975

4.1.1. In order to protect certain vulnerable groups within society, there are a number of posts and professions that are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This includes osteopathy and students training to become osteopaths.

4.1.2. Applicants are therefore not entitled to withhold any information about convictions which for other purposes are 'Spent' under the provisions of the Act and in the event of enrolment; any failure to disclose such convictions could result in withdrawal from the programme or disciplinary action.

4.2. Enhanced Disclosures

4.2.1. An Enhanced Disclosure reveals all convictions (spent and unspent) plus any cautions, reprimands or warnings. In relevant cases it will reveal if the applicant is on any of the lists held by the Department of Health and the Department for Education and Skills (DfES) which lists those considered unsuitable to work with children or vulnerable adults. In addition it will reveal any non-conviction information held locally by the Police which is considered relevant in connection with the matter in question or capacity in which the individual will be employed.

4.3. Integrated Masters

4.3.1. Students are required to provide a satisfactory enhanced DBS to be able to study on the Integrated Master's programme. Failure to provide a satisfactory disclosure will lead to an investigation with the possible outcome of being asked to withdraw from the programme. Students will apply for the enhanced DBS during the induction week (see paragraph: XX)

4.3.2. Students are also required to subscribe to the on-line updating service so the School is able to check a student's status prior to the start of their clinical education and if required at any other time during the programme. Students are required to sign a disclaimer giving the ESO permission to access their information online (Appendix 1).

4.4. Eligibility for Enhanced Disclosures

In order to be able to request an Enhanced Disclosure, the ESO applies the following 'access' test.:

"Any employment or other work which is concerned with the provision of health services
AND

Which is of such a kind as to enable the holder of that employment or the person engaged in that work to have access to persons in receipt of such services in the course of their normal duties"

All students will have access to patients in the course of their normal duties and these posts will therefore be subject to an Enhanced Disclosure.

5. APPLICATION OF DISCLOSURES IN THE ADMISSIONS PROCESS

5.1. Marketing the programme.

5.1.1. Marketing for the ESO Integrated Masters makes reference to acceptance on the course being subject to receipt of an Enhanced Disclosure and in addition this will be stated in: -

5.1.1.1. Admissions Policy – DBS is included <http://www.eso.ac.uk/policies.html>

5.1.1.2. Open Day Presentation – details the schools requirement for an enhanced DBS check is part of the presentation.

5.1.1.3. Open Day Pack – included in the pack will be information on this policy and where the applicants can find it on the ESO website.

5.1.1.4. Application form – candidates applying to the ESO will be asked to declare on their UCAS form whether they have spent or unspent convictions. If a candidate fails to declare a spent or unspent conviction which is relevant to the practising of osteopathy and a conviction later comes to light on the DBS check the student will be investigated under the Student Fitness to Practise policy with the possible outcome of being withdrawn from the course.

- 5.1.1.5. Interview confirmation letter - candidates will be informed within the interview confirmation letter that DBS will be discussed as part of the interview, if appropriate. Any relevant information declared by a candidate will be explored with them as part of the interview process. See the Admissions Policy for further details <http://www.eso.ac.uk/policies.html>
- 5.1.1.6. Website – this policy and other associated policies are available on the ESO website <http://www.eso.ac.uk/policies.html>

6. Decision on offer

- 6.1. The decision on making an offer to an applicant who has a spent or unspent conviction will be based upon the abilities, skills, experience and qualifications to complete the course. Only then will the criminal convictions be taken into account. When an applicant returns a spent or unspent conviction, the DBS risk assessment procedure will be invoked. <http://www.eso.ac.uk/policies.html>

7. Making an offer

- 7.1. Based on the information gained through the application form, interview and risk assessment (if appropriate) the risk assessment panel will make a decision and identify any conditions on the offer. For further details on the risk assessment [LINK]
- 7.2. Applicants will be advised, in writing, that the ESO reserves the right to withdraw the offer should any clearances be unsatisfactory to the ESO.

8. Processing Disclosures

8.1. Requesting a Disclosure

- 8.1.1. Following the decision to offer a place the Admissions Officer will give the applicant details for online application for a DBS check.
- 8.1.2. The completion of the application will be completed during the induction week where support will be provided

8.2. Receipt of a Disclosure

- 8.2.1. From 17th June 2013, the DBS will issue disclosures directly to the applicant. Applicants to the ESO will be required to sign a form confirming, on registration, that they will supply a copy of the certificate to the ESO upon receipt. This will be stored in line with DBS guidelines. ESO students are required to subscribe to the DBS Updating Service which will enable the ESO to check the status of DBS checks online. See Annex 2

8.3. Where the Disclosure confirms information already known

- 8.3.1. If there is information listed in a disclosure, it is anticipated that this will confirm what was declared on the application form and would have been taken into account and discussed during the risk assessment process and prior to the conditional offer. The Academic Registrar will need to see the disclosure and confirm the data held at the School.

8.4. Where the Disclosure reveals new information

- 8.4.1. The Academic Registrar should be informed in all cases immediately.
- 8.4.2. The Academic Registrar will arrange to meet with the student to discuss the contents of the disclosure. The student will be questioned about why this information was not declared at application stage and the Academic Registrar will commence the risk assessment process. An investigation, under the Student Fitness to Practice policy is a possible recommendation of the risk

assessment panel and could lead to asking the student to withdraw from the programme.

9. International and EU applicants

- 9.1. The Police National Computer has only a limited number of overseas convictions on record and the data is not comprehensive. In respect of international or European Union applicants, a fax request may be submitted to the DBS who have access to data from 15 countries. Where countries do not offer this service applicants will be asked to provide a "Certificate of Good Conduct" from the appropriate embassy or a copy of their own criminal record from overseas. For further guidance, go to the DBS website [www.DBS.gov.uk/overseas]. See the International Student Guide for further information <http://www.eso.ac.uk/policies.html>
- 9.2. If a Certificate of Good Conduct is obtained, it is the student's responsibility to ensure that the ESO is provided with a certificated translation.
- 9.3. International and EU students are required to have a Disclosure and Barring Service check in Year 2 of the M.Ost Programme completed prior the summer clinic sessions.

10. Criminal Convictions obtained during the course

- 10.1. Students are required to notify the Academic Registrar, as soon as possible, of any charges or convictions which are obtained whilst studying at the ESO. If an ESO student does obtain a conviction a Student Fitness to Practice investigation will be initiated and the Student Fitness to Practice Policy will be followed.

11. Disclosures obtained by other organisations

- 11.1. The ESO will accept disclosures obtained by other organisations providing that the check is of the required level and has been undertaken within six months of the enrolment date. The student will have to be a member of the update service and authorises the ESO to have access to carry out status checks.

12. RE-CHECKS

- 12.1. Student disclosures will be re-checked prior to starting in the Clinic at the end of year 2 using the on-line Update Service. If the School is unable to check a student's status, the student can be withheld from clinic until appropriate checks have been made.

13. UPDATING SERVICE

- 13.1. All students are required to be a member of the on-line Update Service as stated in this policy and informed during the admissions process
- 13.2. For an annual subscription of £13 (at date of publication), the Update Service enables people to keep their DBS check up to date. Students must register online at www.gov.uk/dbs within 14 days of receiving your disclosure certificate. More information about the Update Service is on the DBS website. www.gov.uk/dbs-update-service.

14. COSTS OF DISCLOSURES

- 14.1. The cost of checks relating to admission onto the ESO Integrated Masters will be met by the student. The ESO can check DBS status free of charge via the

update service providing that the student is a member. If the student's membership for the on-line Updating Service lapses, the cost of any re-checks required will be borne by the student.

15. DISPUTES

15.1. Where a student disputes the information contained in the disclosure, the student must contact the DBS's Dispute line and inform the Academic Registrar of the dispute. It is the student's responsibility to keep the School informed of the progress and outcome of the DBS dispute. If the School is not kept up to date with the dispute, the student can be withheld from attending clinic and Student Fitness to Practice investigation can be instigated.

16. SECURITY

16.1. The ESO will operate within the DBS code of practice with regards to security and safekeeping of Disclosure information. (See Appendix 2).

17. TRAINING

17.1. All staff and faculty that are involved in the Disability and Barring Service policy will receive the relevant training to implement this policy.

18. REVIEW AND MONITOR

18.1. The effective implementation of this policy will be monitored by the Head of Learning and Quality in conjunction with the HR Manager, who will carry out random checks on the process.

APPENDIX One

Disclosure and Barring Service CHECKS

I _____ hereby confirm that upon receipt of my DBS certificate, I will provide a copy to the Academic Registrar at the European School of Osteopathy.

I understand that the information will be held in accordance with the DBS storage and disposal guidelines.

I also confirm that I have subscribed to the online updating service and have the responsibility to maintain the subscription to allow the ESO to access, with notification, my information as required.

I am aware that if I do not maintain my subscription to the online updating service I will be liable to pay for any further DBS checks required by the School.

I also confirm that I will notify the School of any charges and/or convictions or any other matter that may affect my fitness to practise. Failure to do so will result in a Student Fitness to Practice investigation with the possible outcome of being asked to withdraw from the programme.

Signature: _____

Print name: _____

Date: _____

Appendix Two

CORRECT HANDLING AND SAFEKEEPING OF DISCLOSURE INFORMATION

As well as complying with the DBS Code of practice, the ESO will also comply fully with its obligations under the Data Protection Act and other relevant legislation pertaining with the safe handling, use storage, retention and disposal of Disclosure information.

Storage and access to DBS Disclosures

Disclosure information is never kept on an applicant's personal file and is always kept separately and securely in lockable, non-portable storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties.

Handling

Disclosure information is only passed to those who are authorised to receive it in the course of their duties. The ESO maintains a record of all those to whom Disclosures or Disclosure information has been revealed and recognises that it is a criminal offence to pass this information to anyone who is not entitled to receive it. It is an offence for anyone who has access to criminal records to disclose information about spent convictions unless officially authorised.

When a conviction or caution is revealed, the Disclosure will be passed to the Academic Registrar who will liaise with the Head of Learning and Quality so that procedures can be put in place.

Following this, the disclosure will be returned to the relevant evidence checker to store appropriately.

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.

Retention

When an offer decision has been made the ESO will not keep Disclosure information for any longer than is absolutely necessary. This is generally for a period of 6 months to allow for the consideration and resolution of any disputes or complaints. If in very exceptional circumstances it is considered necessary to keep Disclosure information for longer than 6 months, the ESO will consult with the DBS and give full consideration to the data protection and human rights of the individual subject before doing so. Throughout this time, the usual conditions regarding safe storage and strictly controlled access will prevail.

Disposal

When the retention period has elapsed, the ESO will ensure that any Disclosure information is immediately suitably destroyed by secure means. While awaiting destruction, Disclosure information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack). The ESO will not keep any photocopy or other image of the Disclosure or any copy or representation of the contents of a Disclosure. However, notwithstanding the above the ESO will keep a record through a database of the: -

- date of issue of a Disclosure
- name of the applicant
- type of Disclosure requested
- position for which the Disclosure was requested
- unique reference number of the Disclose
- details of the recruitment decision taken

This includes situations where the portability option is exercised