



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

1. **Background**
2. **When DBS Disclosure Should be Requested**
3. **Roles That Require DBS Disclosure**
4. **Advertising Roles that Require a DBS Disclosure**
5. **Type of Disclosure**
6. **Application for DBS Disclosure**
7. **Consideration of Disclosure Information**
8. **Confirmation/Alteration or Withdrawal of Employment Offer**
9. **Portability of DBS Disclosures**
10. **Renewal of DBS Disclosures for existing Staff**
11. **New Disclosure for existing members of Staff**
12. **Overseas Applicants**
13. **Hourly Paid**
14. **Temporary Staff – supplied by a recruitment agency**
15. **Who to contact**

Appendix A – Policy Statement on the Recruitment of Ex Offenders

Appendix B – Policy Statement on the Secure Storage, Handling, Use, Retention & Disposal of Disclosures and Disclosure Information

1. Background

Where a post at LSE involves contact with children or vulnerable adults, 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. The Disclosure information will only be provided to those within the School who are authorised to receive and consider it. The School's Policy Statement on the Secure Storage, Handling, Use, Retention & Disposal of Disclosures and Disclosure Information can be found in Appendix B.

The HR Division manages the DBS Disclosure Process for roles within the School, with the exception of Student Ambassador Roles which are managed by the Widening Participation Team in the Academic Registrar's Division (ARD).

2. When Should a DBS Check be Requested

You should discuss with your HR Advisor 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 vulnerable adults (unless the contact is very occasional). Other posts may require the HR Advisor (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 vulnerable adults (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.

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

- Nursery staff (including Nursery Assistants, Nursery Administrators/ Managers and generally all staff working in the Nursery, including hourly paid nursery staff).
- 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 in Schools.
- Those involved in Summer Schools with under 18s (unless the contact with under 18s is very occasional).
- Security staff.

3.2 Other roles may require evaluation by the HR Division and Security Team before determining whether a DBS Disclosure is required. The following will be considered when evaluating a role:

- Does any aspect of the post involve contact with children or vulnerable adults?
- Does the post require a significant degree of trust e.g. access to money
- What level of supervision will the post holder receive?
- Will the nature of the post present any opportunities for the post holder to re-offend, or put other staff and students, or put School security at risk?

Please contact your HR Adviser for advice on whether a DBS Disclosure is required before commencing the recruitment process. In some cases evidence of a new employee's ongoing registration with a professional body may negate the need for a separate DBS Disclosure. Some of roles that **are likely to require** a DBS Disclosure include (this is not an exhaustive list):

- Wardens and Sub-wardens with under 18s or disabled or vulnerable adults under their care.
- Academic and Research staff working with under 18s or disabled or vulnerable adults under their care.
- Technical staff (such as IT managers) with access to data regarding children or vulnerable adults, or other sensitive information, **and** the ability to copy, export or misuse such information.
- Senior Officers (Director, Deputy Directors, Secretary, Academic Registrar, Director of the Finance Division) 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 Policy Statement on the Secure Storage, Handling, Use, Retention & Disposal of Disclosures and Disclosure Information (available on the LSE website for applicants to view).

5. Type of Disclosure

The DBS offers two levels of Disclosure, each representing a different level of check. The two levels of Disclosure are Standard and Enhanced.

Standard Disclosure - This level of Disclosure does not apply for posts that involve working with children and vulnerable adults, 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 vulnerable adults. Enhanced checks contain the same information as the Standard check but also include a check of the new barred lists and any relevant and proportionate information held by the local police forces.

Your HR Adviser can advise you which level of DBS Disclosure should be sought. For Student Ambassador roles please contact the Widening Participation and Community Engagement Manager

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 Advisor for the post so that they can commence the DBS process for the candidate (if they have not done so already). For roles in ARD please contact the Widening Participation Team in ARD
- b. Your HR Adviser (or the Widening Participation Team for Student Ambassador roles) will arrange to meet with the applicant to help them complete the application form and documents, and view the proof of identity requirements.
- c. The Countersignatory will approve and sign off the application.
- d. Once DBS have considered the application the DBS Disclosure Certificate will be returned to the Countersignatory **(this can take up to 6-8 weeks)**. The candidate will also receive a copy of their own Disclosure 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 that 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

An applicant may have completed the Disclosure process for another position at the School, or with a previous employer, and already possess a Disclosure report. If a hiring manager is considering accepting a previously issued Disclosure they must first obtain written consent from one of the School's countersignatories in HR if it is for a role that requires a Standard Disclosure. If the post requires an Enhanced Disclosure, the School must obtain a new Disclosure before the applicant can commence a role. If this is unfeasible, the individual may commence employment but only on a supervised basis for those aspects of the job involving contact with children or vulnerable adults **until such time as a satisfactory Disclosure report is received.**

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 an Enhanced DBS check to apply for a new Disclosure within 3 years of the date of the previous Disclosure. HR (or the Widening Participation and Community Engagement Manager for Student Ambassador Roles) will contact the employee or 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 vulnerable adults (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 vulnerable adults. 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. A DBS Disclosure should still be sought. DBS can offer guidance on the availability of criminal record checks in a variety of foreign countries. The applicant may then be asked to obtain the equivalent checks from the country in question where available.

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

15. Who to Contact

All Roles within the School (with the exception of Student Ambassadors)

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 Student Ambassador Roles

For any queries about whether a DBS check may be required for a permanent or hourly paid student ambassador role, to arrange a DBS check for a new student ambassador, to renew a DBS disclosure for student ambassadors, and for all issues regarding the DBS disclosures of student volunteers, please contact the Widening Participation and Community Engagement Manager.

<http://www2.lse.ac.uk/intranet/LSEServices/services/headsOfDepartmentHandbook/ard/divisionalStructure.aspx#generated-subheading7>

HR Division – November 2010

Appendix 1

Policy Statement on the Recruitment of Ex-offenders

- As an organisation using the Disclosure and Barring Service (DBS) Disclosure service to assess applicants' suitability for positions of trust, LSE complies fully with the DBS Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of a conviction or information revealed.

- No applicant for an appointment at LSE, or member of staff once appointed, will be treated less favourably than another on the grounds of sex (including gender reassignment), marital or parental status, race, ethnic or national origin, colour, disability, sexual orientation, religion, age or offending background.

- This document is the School's written policy on the recruitment of ex-offenders, which is available to all Disclosure applicants at the outset of the recruitment process through our website

- We actively promote equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records. We select all candidates for interview based on their skills, qualifications and experience.

- A Disclosure is only requested after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a Disclosure is required, the job adverts and further particulars will contain a statement that a Disclosure will be requested in the event of the individual being offered the job.

- We ask all applicants to declare any 'unspent' criminal convictions when making an application for an appointment at LSE. This information will only viewed by the HR Division and is not automatically passed on to hiring managers. Unless the nature of the position allows LSE to ask questions about your entire criminal record, we only ask about 'unspent' convictions as defined in the Rehabilitation of Offenders Act 1974.

- Failure to declare unspent convictions may lead to withdrawal of an offer of employment.

- We ensure that all those at LSE who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of the offences. We also ensure that they have received appropriate guidance and training 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, we ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.

- We make every subject of a DBS Disclosure aware of the existence of the DBS Code of Practice and make a copy available on request.

- We undertake to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment.

Having a criminal record will not necessarily bar you from working with us. This will depend on the nature of the position and the circumstances and background of your offence.

Updated November 2010

Appendix 2

Policy Statement: Secure Storage, Handling, Use, Retention & Disposal of Disclosures and Disclosure Information

General principles

As an organisation using the Disclosure and Barring Service (DBS) Disclosure service to help assess the suitability of applicants for the positions of trust, LSE complies fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information. It also complies fully with its obligations under the Data Protection Act 1998 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information and has a written policy on these matters, which is available to those who wish to see it on request.

Storage and access

Disclosure information must be kept 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

In accordance with the 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. We maintain 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.

Retention

Once a recruitment (or other relevant) decision has been made, we do not keep Disclosure Information document 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. If, in very exceptional circumstances, it is considered necessary to keep a Disclosure Information Document for longer than six months, we will consult the DBS about this and will give full consideration to the data protection and human rights of the individual before doing so. Throughout this time, the usual consideration to the data protection and human rights of the individual before doing so. Throughout this time, the usual conditions for safe storage and strictly controlled access will prevail.

Disposal

Once the retention period has elapsed, we will ensure that any Disclosure Information document is immediately destroyed by secure means, i.e. by shredding, pulping or burning. While awaiting destruction, the Disclosure Information document will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack). We 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, we 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.

Updated November 2010