

POLICY ON REFERRAL TO THE DISCLOSURE AND BARRING SERVICE: STUDENTS

Department	Partnerships / Student Administration		
Author	Pro-Vice Chancellor, Partnerships		
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I have carried out an equality impact assessment screening to help safeguard against discrimination and promote equality			✓
I have considered the impact of the Policy/Strategy/Procedure (delete as appropriate) on the Welsh language and Welsh language provision within the University.			✓

1. Purpose of Policy on referral to the Disclosure and Barring Service:

The purpose of this policy statement is to set out the conditions under which the University will make a referral to the Disclosure and Barring Service (DBS).

2. Organisational Definition of Policy on referral to the Disclosure and Barring Service:
2.1 General Principles

As an institution the University places students with external organisations, often as a direct requirement of a student's programme of study. In addition, opportunities may arise whereby students will undertake work or activities which are non-compulsory, but are associated aspects of their course. In such cases students may have regular contact with children and vulnerable adults.

The Safeguarding Vulnerable Groups Act (2006) places a legal duty on the University to make a referral to the Disclosure and Barring Service (DBS) in certain circumstances. This

would normally be when the University had removed a student from regulated activity because the student had caused harm or posed a future risk of harm to children or vulnerable adults. The University also has a legal requirement to refer an individual to DBS if the University was planning to withdraw the student for either of these reasons but the student suspended or withdrew from the programme first.

A referral should be made when a student has:

1. Been cautioned or convicted of a relevant offence; or
2. Engaged in relevant conduct in relation to children and/or vulnerable adults (i.e. an action or inaction (neglect) that has harmed a child or vulnerable adult or put them at risk of harm); or
3. Satisfied the Harm Test in relation to children and/or vulnerable adults (i.e. there has been no relevant conduct but a risk of harm to a child or vulnerable adult still exists).

Further explanation of the above categories is provided below:

Caution or conviction for a relevant offence

If a student who engages with children or vulnerable adults in regulated activity has been cautioned or convicted for a relevant offence the University must make a referral to the DBS. This will be done as soon as the University is aware of the caution or conviction.

A relevant offence is a serious offence that will, subject to consideration of representations where permitted, automatically bar a person from working with children or vulnerable adults.

Relevant conduct or harm test is satisfied

The University must make a referral to the DBS if the following criteria have been met:

- It has removed the student from contact with children or vulnerable adults (or would/may have done so if the student had not withdrawn from the programme); because
- The person has engaged in relevant conduct; or the Harm Test is satisfied.

2.2 Duty to Refer

A referral will not be made when an allegation is first made. The University will undertake an investigation using internal procedures, such as the Suitability for Practice Procedure or Disciplinary Procedure for Students. This involves gathering evidence to ascertain if the allegation has grounds. A referral will be made once the University's internal procedures have been completed and where the proceedings confirm the criteria for making a referral to DBS have been met.

A referral should also be made if a student opted to withdraw from the University prior to the conclusion of the relevant proceedings but where the student would have been referred had they not withdrawn.

There are situations in which the University may make a referral but there is no legal duty to refer. For example, if following an internal investigation there is insufficient evidence to show relevant conduct occurred but there are serious concerns about that individual. Even though the circumstances do not meet legal requirements as the individual may have left the University programme but if it is known and/or believed that they may or are continuing to work in regulated activity in another setting. This may be reported as "patterns of behaviour" and may form evidence on which the DBS might make a future decision to bar.

2.3 Duty to provide Information to the DBS

The DBS has the legal right to receive information where it asks for it from regulated activity providers. There may be occasions during an investigation when the DBS will ask for additional information to assist it with its decision making. However, this legal right only extends to existing information.

2.4 Making a referral to DBS

In all cases, the referral will be made on the DBS Referral Form and posted to the DBS enclosing all relevant information that the University holds.

Responsibility for initiating a referral will lie with the Programme Leader / Head of Faculty who has raised the initial concern. To ensure that the University has a consistent approach to the delivery of information to the DBS all student referrals should be made through the Pro Vice-Chancellor who has responsibility for making the referral to the DBS. Consultation, with the academic department will, however, be necessary to ensure that all appropriate parts of the form are completed as fully as possible and the proper documentary evidence is supplied.

After a referral has been made, confirmation will only be provided by the DBS as to whether or not they bar the student from working with children or vulnerable adults if the University is deemed to have a 'legitimate interest' in the person who has been referred, for example, if the student continues to be registered at the University. If barred, the student will not be permitted to undertake regulated activity with either or both of these groups. Furthermore, the University will not be permitted to allow a student to engage in such activity. This will have implications if a student has not been withdrawn from their programme of study but may, as a result of a referral be barred from the DBS's lists. Such cases are expected to be extremely rare and may ultimately result in a student transferring course, voluntarily withdrawing from the University or having their enrolment terminated.

3. The Scope of the Policy

This policy applies to all students across the University.

4. Responsibilities for Delivery

4.1 Responsibilities of Heads of Faculties

- To raise any issues which may result in a referral with the Pro Vice-Chancellor
- To undertake any investigation which may be required.
- To make themselves aware of this policy and to comply with its requirements.

4.2 Responsibilities of the Pro Vice-Chancellor

- To undertake referrals to the DBS and act as a point of contact.

4.3 Responsibilities of all staff

- To make themselves aware of this policy and to cooperate with any investigations.
- To comply with the requirements of this policy.

5. Implementation Strategy

5.1 Support and Advice

Further support and advice can be obtained from the Pro Vice-Chancellor

5.2 Procedures

- Glyndŵr University Policy & Procedure for Considering Admission to the University for Programmes Requiring a DBS Check and from Candidates with Criminal Convictions

5.3 Policies

- Glyndŵr University Secure Storage Use Retention and Disposal Policy
- Glyndŵr University Referral to the Disclosure and Barring Service
- Glyndŵr University Policy Statement on the recruitment of ex-offenders

5.4 Guidelines and Forms

- DBS referral form
- DBS Code of Practice
- DBS A counter signatory's guide to completing the DBS application form
- An applicant's guide to completing the DBS application form

5.5 Communication Strategy

This policy is available on My Uni Portal /Moodle

6. Evaluation

The University is committed to continuous improvement in its service provision, and will continue to monitor the efficiency of this policy with qualitative and quantitative data. This process will ensure that a detailed evaluation of the effectiveness of the policy is undertaken, and any problems of implementation or management brought to the attention of the Pro Vice-Chancellor

This policy will also be reviewed in line with requirements from the DBS.