



Disclosure and Barring Service and Criminal Convictions Policy (Students)

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Amendment History

Version	Revision Summary	Date Approved	Author
023/24	Para 10 added BACP; Para 12 students need to comply with procedures of placement organisation; Para 16,17,.27 added 'nominated organisation' rather than named DBS checker; Para 32 added may get exit award if relevant.	27/6/24	



Disclosure and Barring Service and Criminal Convictions Policy (Students)

Background

1. A number of Spurgeon's College programmes involve students undertaking a placement or activity that includes specified contact with children or vulnerable adults. This is classified as Regulated Activity. The College is committed to ensuring that all students engaged in College-related activity involving vulnerable groups are not unsuitable to do so.
2. The Disclosure and Barring Service (DBS), an executive non-departmental public body of the Home Office, provides access to criminal record information through its Disclosure Service. This service enables organisations to make safer recruitment decisions by identifying applicants who may be unsuitable for certain work, especially that which involves children or vulnerable adults. The DBS process searches police records and, in relevant cases, barred list information, and issues a DBS Enhanced Disclosure Certificate to the applicant.
3. The Information Commissioner's Office (ICO) defines criminal offence data as "personal data relating to criminal convictions and offences, or related security measures."¹

Scope

4. This policy applies to all student applicants, and all students of the College.
5. Criminal offence data may be self-disclosed by an applicant/student, or received from the DBS or other public sector agencies.

Policy Statement

6. Spurgeon's College is committed to the fair treatment of our current students, potential students, staff, potential staff and users of its services, regardless of religion, colour, nationality, ethnic origin, age, gender, marital status or sexual orientation, physical/mental disability or offending background.
7. Having a criminal record will not necessarily prevent applicants from studying at the College. This will depend on the nature of the course they are applying for and the circumstances and background of the offences.

¹ Article 10 of the EU General Data Protection Regulation 2018

8. The College encourages all applicants and students to disclose information about criminal convictions or police proceedings which may affect their ability to complete key aspects of their programme or placement. This includes personal restrictions or other conditions arising from court orders or parole conditions. e.g., travel, contact with others, use of equipment.
9. Some courses at the College require full disclosure of all convictions, investigations, cautions or reprimands, as they are exempt from the Rehabilitation of Offenders Act 1974. These programmes require students to undertake an Enhanced DBS check.
10. The College is required to undertake an Enhanced DBS check for:
 - Students who, as part of their course, will be required to work with children or vulnerable adults to gain work experience, undertake a placement, complete extended independent study, or conduct research.
 - Students involved in voluntary activities on behalf of the College, that do not form part of their programme of study, but which bring them into contact with children or vulnerable adults.
 - Students undertaking a programme of study that leads towards a professional accreditation and the professional body requires a check as a pre-condition of entry and practice e.g., the Baptist Union of Great Britain, British Association for Counselling and Psychotherapy.
11. For relevant courses, the College will require a new Enhanced DBS check at the commencement of the student's course, even if the student is able to present a disclosure from a present or previous post.
12. For students on Counselling courses and in other exceptional circumstances, the student may be required to undertake a DBS check through their placement organisation. Students will need to comply with the requirements and procedures of the placement organisation¹ regarding the nature and timing of obtaining the DBS.²
13. Where a DBS check is required as part of the entry requirements for a programme of study, this will be stated in the course descriptions and literature. Applicants will be informed of the procedure and requirements for providing information to the College and their approved agents at the appropriate time.
14. The DBS impose a charge for the disclosure, the cost of which will be met by the applicant.

¹ The College will require the placement organisation to declare that it has carried out the required checks and procedures.

² If a placement refuses to take a Counselling student because of information arising from a DBS check, an alternative placement may be found. If another placement cannot be found this may affect a student's progression, according to the relevant regulations.

15. It is the applicant's responsibility to submit all information needed to process a disclosure within the time frame designated by the College. Failure to adhere to this deadline (so causing delays in DBS clearance) may result in removal of an offer to undertake the programme, or restrictions on placements and placement activities.
16. Ministerial students of all denominations obtain their DBS through the College, and are required to use the College's nominated organisation to carry out the DBS checks under the auspices of the Baptist Union. The nominated organisation will comply fully with the DBS Code of Practice and undertakes to treat all applicants fairly: <https://www.gov.uk/government/publications/dbs-code-of-practice>
17. The nominated organisation will notify the College, the applicant and the Baptist Union (if relevant) of the result of DBS checks, any relevant criminal convictions a student holds and, if appropriate, whether they are barred from working with children or vulnerable adults.
18. Information contained within the disclosure will be considered and a decision will be made about whether a place or offer of a place is confirmed, withdrawn or an interview or further information is required.
19. Applicants who are deemed unsuitable to undertake a programme of study or placement after due consideration of the contents of a disclosure will receive a written explanation as to the College's decision.
20. A DBS disclosure will be considered valid for the duration of study or five years, whichever is shorter.
21. Students who are registered on a programme of study and who subsequently have any change in circumstances surrounding their suitability for study on that course, including any criminal conviction or caution, must inform the College immediately so that appropriate action can be taken. This may involve undergoing another DBS check, and/or action being taken under the Student Conduct and Disciplinary Procedure or other relevant procedures. Depending on the individual circumstances, this may not necessarily involve withdrawal from the College and a transfer to alternative programmes of study may be considered.

DBS filtering of convictions and cautions

22. Legislation allows for some old or minor convictions and cautions to be exempt from disclosure under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended). This means that applicants do not need to declare certain old and minor convictions or cautions, and the nominated organisation/Baptist Union/College cannot take these into account in their decisions, even though the applicant may be carrying out what the DBS calls Regulated Activity. This process is referred to as the *filtering* of convictions.

22. All cautions and convictions for serious violent and sexual offences as well as a list of other specific offences will still be subject to disclosure for courses where the safeguarding of children and vulnerable adults is involved. All convictions where a custodial sentence has been given also remain subject to disclosure.
23. Guidance on filtering, including which offences qualify for filtering, is provided on: <https://www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check>

Students or applicants with declared convictions

25. Having a criminal record, or receiving a caution, will not in itself preclude a student from entry to a course. This will depend on the programme of study, the nature of the conviction, and the circumstances and background of the offences.
26. In the event of an unsatisfactory disclosure, the College will take the advice of the Baptist Union Safeguarding Team, or relevant professional or regulatory body regarding the suitability of the applicant or student for the programme.

Procedure for applying for a DBS Disclosure (College)

27. The procedure for applying for a DBS disclosure through the College includes:
 - Applicants holding offers of places on courses requiring DBS Enhanced Disclosure are emailed by the Admissions Department with instructions how to apply. The disclosure application should not normally be submitted to the DBS earlier than three months prior to the start of the course, therefore deferred applicants required to provide a DBS Enhanced Disclosure will not normally be sent a form.
 - The College and Baptist Union use a nominated organisation for DBS checks.
 - The College registers each relevant student with the nominated organisation, who then email the student with a web link, a username and password.
 - Students should follow the instructions on the website and submit their application on-line as soon as possible.
 - Students should make the required on-line payment as requested when submitting the application.
 - The College's DBS Verifier will verify the required documents for confirmation of identity. The relevant identification information is noted in the disclosure application. A list of documents which are acceptable as confirmation of identity is provided to the student and can be found on the DBS Website. Please note that only original documents are acceptable.
 - Due to the College having a later application process than many other institutions and students having to travel long distances, applicants may be asked to bring documentation to their interview which will be used for verification. This documentation will be copied and certified as a copy of the

original but will only be processed for a DBS check if an offer of a place is made. If no offer is made, the documents will be securely destroyed.

- Once the check is completed, the nominated organisation will notify the student, the College and the Baptist Union as relevant.
- If the outcome is clear or satisfactory, and other conditions attached to the offer of a study place have been met, the student can be admitted to, or continue on, the course.
- In the event of an unsatisfactory Disclosure:
 - The nominated organisation will inform the BU who will contact the student for further information as necessary.
 - After considering the disclosure, they will reach a decision and inform both the College and the student.
 - The College will write to the student withdrawing the offer of a place, withdrawing them from the course, or offering them a transfer to an alternative course if applicable.

Overseas procedures

28. For students applying for relevant courses, the DBS checks are for UK criminal records only. International applicants/students or those who have been out of the UK, including in the European Union or the European Economic Area, for more than six consecutive months since the age of 18 must also obtain a police check (often called a 'Certificate of Good Conduct' or similar) from the relevant countries. This must be translated into English if necessary.
29. The DBS application and the non-UK check can be processed simultaneously. Many countries have provided the DBS with details of how to apply for certificates of good conduct and/or criminal records checks, and these can be found on the DBS webpages. For further information, refer to <https://www.gov.uk/government/publications/criminal-records-checks-foroverseas-applicants>.
30. We advise applicants to confirm with the relevant embassy the process which applies to the country they have been resident in.

Current students and students wishing to change programmes

31. Current students who wish to change course onto a programme which requires an Enhanced DBS check should inform the Safeguarding Officer at least 12 weeks in advance of the commencement of that activity.
32. Programme Directors should inform the Safeguarding Officer of any courses where any student/s will be working with children or vulnerable adults for any reason (e.g. as part of work experience, placements, voluntary activity, extended independent study or research).

Portability and DBS Update Service

33. The College will require a new Enhanced DBS Disclosure, even if the applicant is able to present a Disclosure from a present or previous post. In exceptional

circumstances, the College may admit a student to a course with a Disclosure dated within the last 3 years, whilst awaiting the results of the College check.

34. If the applicant already subscribes to the DBS update service it may be possible to carry out a Status Check in line with DBS process: more information at www.gov.uk/dbs-update-service. However it should be noted that students on Ministerial Programmes are likely to have to undergo a new DBS check due to the more rigorous professional requirements for admission to the course.

Voluntary disclosure by a student or applicant

35. Where a student who is applying for, or studying on, a programme not requiring a DBS check has voluntarily made a disclosure about a criminal offence, the College Safeguarding Committee will consider the disclosure.
36. When considering the matter, the Committee will consider the safety of the College and its community. They will consider:
 - The seriousness of the offence.
 - Whether a risk is posed to others, particularly children and/or vulnerable adults.
 - The length of time since the offence occurred.
 - Whether the offence was a one-off or repeated (ignoring spent convictions).
 - Is the student under licence or supervision?
 - Any relevant information offered by the applicant about the circumstances which led to the offence being committed. Have those circumstances changed.
 - The nature of the programme and any opportunities that may present the applicant to re-offend.
 - The country in which the offence was committed – for example, some activities are offences in Scotland and not in England and Wales, and vice versa.
 - Whether the offence has since been decriminalised by Parliament.
37. The Committee will discuss the contents of the disclosure with the applicant/student before making a decision. Having carefully considered these matters, the Committee will determine whether the applicant/student should be admitted to or continue on the programme. If the decision is not to proceed or continue then the applicant/student will be written to with reasons for the decision. If the student is not permitted to continue on a programme of study, they may be issued with an exit award, if this is applicable.

Information disclosed by a third party

38. The College will treat with caution any information received from members of the public, family, a school or college, other students or anonymously, regarding a conviction which has not been declared. This includes more general information about the student's behaviour which has given cause for concern. If

any such information is received the College will seek to verify the information externally. If the information is found to have substance, then the matter will be raised with the student and they may be required to undergo another DBS check and/or action may be taken under relevant College procedures.

Appeals

39. Applicants can submit an appeal against the outcome of their application. The grounds and procedure for this is contained in the College's Admissions Policy.

Privacy statement

40. The information declared regarding criminal convictions and all communications regarding a student's criminal conviction will be dealt with on a strictly confidential basis and held and processed in line with the Data Protection Act 2018, GDPR and subsequent legislation.
41. Spurgeon's College Privacy Notice for Prospective Students, Applicants and Offer Holders, explains how we collect, use and maintain personal data. These are available on our website or on request.