

Leicester Medical School

Disclosure Barring Service Checks

Background

The University is required to use the Disclosure and Barring Service (DBS) (formerly the Criminal Records Bureau (CRB)) to carry out an Enhanced Check with 'Barred Lists' check to assess the suitability of applicants to study medicine. This is the case for all Medical Schools.

The Enhanced Check will check for spent and unspent convictions and cautions, plus any additional information held by local police that is reasonably considered relevant to the workforce being applied to (the DBS has three categories of workforce: adult, child and 'other'). The additional check involves the DBS checking against its barred lists (one for people barred from working with vulnerable adults and one for people barred from working with vulnerable children). The medical workforce potentially comes into contact with both vulnerable adults and children, so both barred lists will be checked.

The amendments to the Exceptions Order 1975 (2013) provide that certain spent convictions and cautions are 'protected' and are not subject to disclosure. Filtering is the term that the DBS uses to describe the process which will identify and remove protected convictions and cautions so that they are no longer disclosed on a criminal record certificate issued by the DBS. Guidance and criteria on the filtering of these cautions and convictions can be found on the Disclosure and Barring Service website, <https://www.gov.uk/government/publications/dbs-filtering-guidance>.

The new intake of students will be sent information on how to apply for a Disclosure and Barring Service Certificate prior to arriving at the University. This will include international students who have been in the UK for over a year.

International students who have not already been in the UK for over a year will be asked to provide a 'Police Check/Good Conduct Letter' from their resident country, which should be handed in during the Induction Week. The letter should specifically confirm the student's suitability to be allowed to work with vulnerable adults and children.

Applicants are, in any case, required to declare whether or not they have any criminal convictions on their UCAS form and any that have previous or pending convictions are advised to contact the Medical School in writing (medadmis@le.ac.uk). Applicants are advised to answer any questions on this subject on the UCAS form correctly and to make any such background known to the School as soon as they are asked for an interview. This allows the Medical School to make any further enquiries without delaying the application process. The issue is considered by a separate process (known as 'Fitness to Practise') from the decision on whether an applicant is academically suited to the course.

In general, minor offences committed some time ago and when an applicant was young are not normally a barrier to studying medicine, provided they were an isolated event and the applicant is completely open about them from an early stage.

Students **must** declare any subsequent cautions and convictions (including pending cases) that may have arisen following the submission of their application or that occur at any time during their studies at the Medical School.

Application for a DBS Certificate

The University of Leicester uses an online application system for the Disclosure and Barring Service, via a third party (TMGCRB). Details on accessing the system are sent to students in August and they are expected to complete the application form and the document verification process prior to arriving at the University.

The Certificate is sent to the student and the Medical School does not receive a copy but is notified that the Certificate has been issued. The notification either informs the School that there were no issues found or that it needs to contact the student and ask to see the Certificate.

If an issue was found by the DBS Check but it is one the student has previously declared and it has already been considered by the Fitness to Practise process, no further action will be taken. The Medical School will take seriously any instances of issues being raised through the DBS process that were not previously declared. The Fitness to Practise process will then need to consider both the initial issue as flagged by the DBS process and also the integrity of the student for having failed to declare it.

Duty to Refer

The Safeguarding Vulnerable Groups Act 2006 places a legal duty on employers and personnel suppliers to refer to the DBS any person who has:

- Harmed or poses a risk of harm to a child or vulnerable adult;
- Satisfied the harm test; or
- Received a caution or conviction for a relevant offence.

The DBS then makes a decision on the basis of the referral (or a number of referrals about the same individual, indicating a pattern of behaviour) as to whether that person should then be placed on one or both of the Barred Lists.

Further changes to the legislation mean that the system now works on the basis of 'regulated activity' with adults and/or children (and not by a definition of vulnerability for individuals). Healthcare counts as a regulated activity.

As an educational institution that makes arrangements with a person with a view to supplying that person to employers to undertake regulated activity, the University therefore has a duty to refer students such as medical students.

There are two main conditions that need to be met to determine when a referral should be made:

1. Permanent removal from the regulated activity (this includes a student that withdraws before going through a Fitness to Practise hearing, as well as those who are terminated in the light of any such process).
2. The referring party thinks that the person has either:
 - Engaged in relevant conduct (i.e. conduct that endangers - can include verbal or financial abuse, or harm by omission)
 - Satisfied the harm test (the fear that they may do something, because of serious concerns regarding behaviour, likely to cause harm in the future)

- Received a caution for, or been convicted of, a relevant offence.

<https://www.gov.uk/government/publications/dbs-referrals-form-and-guidance>

Students should therefore be aware that the University has a duty, in law, to refer any events that can be considered as meeting the above conditions to the Disclosure and Barring Service.

The DBS has a form that needs to be completed to make any such referral. The form will be downloaded and sent to the DBS by Registered Post.