

## SCHOOL OF HEALTH AND EDUCATION

### DISCLOSURE OF CRIMINAL RECORD

#### A Guide for Nursing, Midwifery and Social Work applicants and students

#### Why do I have to disclose any criminal record?

It is a legal requirement for anyone who intends to or is working with, children or vulnerable adults to disclose their criminal record, and to be subject to an enhanced Disclosure and Barring Service (DBS) check. If you fail to disclose a criminal record that is later reported by the DBS this will be considered a breach of University regulations and will be dealt with under the Disciplinary procedure, and will normally result in your offer of a place being withdrawn.

#### Will having a criminal record prevent me from becoming a nurse, midwife or social worker?

Not necessarily, each case is considered on an individual basis. You will be given an opportunity at your selection interview to discuss this with your interviewers.

#### What do I have to disclose?

You must disclose any convictions, cautions, reprimands, warnings or occasions when you have been bound-over. Sometimes police may have urged those arrested to take a caution or warning and advise that after some years this will not appear on any record. This is normally true, but does not always apply for those wishing to enter some professions, including nursing, midwifery and social work, where an Enhanced Disclosure is required. Since May 2013 the Court of Appeal made a ruling that certain cautions and convictions will be filtered from such checks, if they are the only offence, and these are:

- Cautions and warnings received before the age of 18 will be excluded after 2 years
- Convictions that were received before the age of 18 and did not involve a custodial sentence will be excluded after 5 years and six months
- Cautions and warnings received after the age of 18 will be excluded after 6 years
- Convictions that were received after the age of 18 and did not involve a custodial sentence will be excluded after 11 years

**Please note** that certain cautions and convictions will **never** be excluded, including:

- Sexual offences
- Violent offences
- Terrorism
- Offences relating to the safeguarding of children

If in doubt - disclose. Any history that you disclose, but is excluded from your DBS check will be disregarded. You should also disclose whether you are currently being investigated by the police and/or social services even though this may not yet have resulted in a criminal record.

**I received a caution for shoplifting when I was 14 (10 years ago) and was told that it is now considered as spent so do I need to disclose this?**

This will not appear on your DBS check as it is eligible for exclusion and so you do not have to disclose it, as long as it is your only offence. If you do disclose it, we will disregard it.

**I'm not sure if I was given a warning or caution – what should I do?**

Ignorance or uncertainty will not be accepted as excuses for non-disclosure. If you do not remember you should give details of any occasions when you are unsure of the outcome of any interaction with the police so that when your DBS report is received there will be a record of you having made your best attempt to disclose.

**What happens to my DBS report?**

Your DBS report will be sent directly to you and we will be informed as to whether there is any record of offences. If there is nothing recorded you will be cleared. If we are notified that there is something on your DBS record we will contact you and ask you to present it to us. We will check it against what you have already told us and should there be any discrepancies you will be required to attend a disciplinary meeting at which this will be considered. If there are not any discrepancies you will be cleared.

Strict DBS principles have been introduced to protect your privacy and in order to comply with these we:

- Do not make a copy of your DBS report, or retain any details beyond the point at which clearance is given
- Do not reveal anything included in your DBS report (content or ID number) to any 3<sup>rd</sup> party
- Do not tell you to show your DBS report to any 3<sup>rd</sup> party
- Limit information given to placement providers to confirming that you have been cleared to commence placement
- Keep a record that demonstrates you have received clearance to attend placement from the University

**What if I get a conviction, caution, reprimand, warning, or am bound-over once I have started the programme?**

You must inform your Professional Development Tutor (nursing and midwifery) or Programme Leader immediately, and they will advise you how to proceed. You should also be aware that, if the police or social services are in any way concerned about your conduct they are required to contact us directly. If you fail to disclose a criminal record that is acquired during your programme it will be considered a breach of University regulations and will be dealt with under the Disciplinary procedure. At the end of progression point students are required to make a signed declaration affirming that you remain of good health and character and free from any further criminal record.

When applying to be entered on the NMC register you are required to disclose your criminal record. If you do disclose anything we will be contacted by the NMC and asked to confirm that you had fully disclosed this record to us. If we cannot confirm this, it is likely that you will be denied entry to the register

### **How long does my DBS certificate last?**

The university will carry out a DBS check on your behalf at the commencement of your programme of study. This certificate will be accepted for the duration of your programme. Please note that your certificate is not transferrable to another programme and will not be accepted by future employers once you have completed your studies. In order to be able to transfer your DBS certificate to another institution/employer you can join the DBS Update Service as detailed below.

### **How to register for the update service**

You can register online via the DBS website (<https://www.gov.uk/dbs-update-service>) as soon as you have your application form reference number. You can ask for the number when you apply for your DBS check.

Or you can wait and register with your certificate number when you receive your DBS certificate. If so, you must do so within 19 days of the certificate being issued.

You can view your details online (<https://secure.crbonline.gov.uk/crsc/subscriber>) once you've registered.

Registration lasts for 1 year and costs £13 per year, payable directly to the DBS. Please note that you cannot register or pay for the update service via the University.

You'll get an ID number with your registration that you need to log on to the service.

### **What you get from the update service**

When you join, you'll get an online account that lets you:

- take your certificate from one job to the next
- give employers permission to check your certificate online, and see who has checked it
- add or remove a certificate

Professor Kay Caldwell – (Reviewed –Jul 2015)