Disclosure of Criminal Records Policy

Policy owner: Human Resource Services

Version: 2.0

Implementation date: October 2026

Last review date: October 2026

Next review date: October 2027

Approved by: UET on 15 October 2026

---

1. Introduction

1.1. The University will consider criminal record information fairly, lawfully and proportionately in recruitment, employment, admission and participation in study, including apprenticeships. A criminal record will not automatically prevent employment or study. Checks and declarations will be limited to those justified by the role, programme or activity, taking account of safeguarding, rehabilitation and relevant professional requirements.

2. Scope

2.1. This policy applies to applicants and employees, including temporary and hourly paid staff, applicants for study, and students and apprentices undertaking University programmes. It covers relevant University activities and placements, subject to applicable local law outside England and Wales.

2.2. Apprentices are treated as students under this policy. Where they are employed by another organisation, that employer retains its own legal responsibilities. The University will establish responsibility for any required checks and obtain appropriate confirmation that these have been completed.

2.3. This policy should be read alongside the Safeguarding and Student Safety Policy (September 2026) and relevant recruitment, student suitability and data protection procedures.

3. Legal Framework and Disclosure

3.1. The University will comply with the Rehabilitation of Offenders Act 1974 and its Exceptions Order, the Police Act 1997, safeguarding and barring legislation, the UK GDPR, the Data Protection Act 2018 and applicable DBS guidance.

3.2. For roles and courses not covered by an applicable exception, disclosure

requirements will be limited to unspent convictions and cautions that may lawfully be disclosed. Where an exception applies, protected convictions and cautions filtered under DBS rules must not be requested or considered. The University will explain what information must be disclosed and why. Allegations and investigations will not be treated as convictions.

4. Recruitment and Admission

4.1. Criminal record declarations will normally be sought at conditional offer stage, unless an earlier request is justified by a specific legal, safeguarding or professional requirement. Applicants will be told when checks or declarations are required.

4.2. Any decision to withdraw an offer because of criminal record information will follow an individual assessment, with an opportunity for the applicant to explain relevant circumstances and correct inaccuracies.

5. DBS Eligibility and Checks

5.1. The University will determine whether a DBS check is required and establish statutory eligibility for the appropriate level before requesting it.

5.2. Required checks and suitability decisions must be completed before the individual undertakes the relevant activity, except where a lawful and appropriately authorised interim arrangement applies. Further checks will be undertaken where required by law, professional standards or placement requirements, or where otherwise justified by a risk assessment.

6. Students, Placements and Apprenticeships

6.1. For programmes or activities requiring DBS checks or professional suitability assessments, the University will ensure that the requirements are communicated and satisfied before the relevant activity begins.

6.2. Where apprentices are employed by another organisation, the University will establish responsibility for any required checks and obtain appropriate confirmation that the necessary checks and suitability assessments have been completed.

6.3. Where required checks or confirmation are outstanding, the apprentice must not undertake the relevant activity unless a lawful interim arrangement has been authorised.

6.4. Safeguarding concerns arising during apprenticeships or placements must be reported in accordance with the University's Safeguarding and Student Safety Policy and, where applicable, the employer's procedures.

7. Disclosure During Employment or Study

7.1. Employees, students and apprentices must promptly disclose criminal convictions, cautions, charges or investigations where a lawful and relevant disclosure requirement has been clearly communicated to them. Such requirements will reflect the nature of the role, programme or activity and any applicable safeguarding or professional obligations.

7.2. Employees should notify HR confidentially; students and apprentices should notify their designated programme or student suitability contact. Safeguarding concerns

must be referred under the Safeguarding and Student Safety Policy. Failure to comply with a lawful and clearly communicated disclosure requirement may be addressed under the relevant procedure.

8. Assessment and Decisions

8.1. Criminal record information will be assessed individually, taking account of its relevance to the role or programme, the circumstances of the case, rehabilitation and any safeguarding or professional requirements. Allegations, charges and investigations will not be treated as proof of wrongdoing.

8.2. Any interim restrictions will be proportionate, informed by an assessment of risk and subject to review. Decisions will be made under the relevant employment or student procedure, including any applicable right of appeal or review.

9. Safeguarding and Statutory Referrals

9.1. Safeguarding concerns must be referred promptly under the Safeguarding and Student Safety Policy. The University will consider and make any statutory DBS barring referral, or referral to a local authority, professional regulator or other agency, where the relevant legal threshold is met. Referral decisions will be recorded.

10. Overseas Criminal Record Information

10.1. Where appropriate to an eligible role, programme or placement, the University may require overseas criminal record evidence, taking account of residence history and relevant legal, professional and safeguarding requirements. Where evidence cannot reasonably be obtained, a proportionate alternative assessment will be documented. Overseas evidence does not replace a UK DBS check where required.

11. Confidentiality, Records and Data Protection

11.1. Criminal offence information will be processed only where there is a lawful basis and applicable condition under data protection legislation. Access will be restricted, and DBS information handled in accordance with the DBS Code of Practice and the University's retention arrangements.

11.2. The University will maintain appropriate records of required checks, suitability decisions and employer confirmations, including any outstanding requirements, without routinely retaining DBS certificates or unnecessary criminal record information.

12. Responsibilities and Review

12.1. HR is responsible for employment related application of this policy. Admissions and programme teams are responsible for student and apprenticeship arrangements, including obtaining required employer assurances. Designated safeguarding staff manage safeguarding referrals, and the relevant information governance function advises on criminal offence data.

12.2. This policy will be reviewed annually or sooner following material legal or regulatory change.