

**The Disclosure and Barring Code of Practice and Explanatory Guide for Registered Persons and other recipients of Disclosure Information**

A copy of the above document is available on the DBS website at:

<http://www.homeoffice.gov.uk/publications/agencies-public-bodies/dbs/dbs-checking-service-guidance/cop>

**The Code of Practice requires Anglia Ruskin University, as a Registered Body to:**

‘have a written policy on the recruitment of ex-offenders, so that a copy can be given to all applicants for positions where a Disclosure will be requested’.

Please refer to the attached Anglia Ruskin University document ‘Recruitment of Ex-offender Students’ for the relevant information.

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## **OFFICE OF THE SECRETARY & CLERK**

### **RECRUITMENT OF EX-OFFENDER STUDENTS**

#### **1.0 Background**

- 1.1 From 11 March 2002, new arrangements were introduced to enable employers to carry out criminal record checks on applicants seeking work in positions of trust. Such checks are also available in respect of volunteers and students occupying similar positions.
- 1.2 Criminal record searches are administered by the Disclosure and Barring Service (DBS), (formally known as the Criminal Records Bureau between March 2002 and December 2012) the government agency established under the Police Act 1997, by means of the Disclosure Service.
- 1.3 The Disclosure and Barring service assists employers and others in making safe recruitment decisions by identifying candidates who are unsuitable for certain activity, particularly activity which involves contact with children or vulnerable adults. It may also be relevant for occupations which are exceptions to the Rehabilitation of Offenders Act 1974 (ROA).
- 1.4 Anglia Ruskin University is a registered user of the DBS and will use the Disclosure service as an additional applicant recruitment check in appropriate cases: e.g. students applying for places on teaching, nursing or social work courses. As a registered body, Anglia Ruskin University complies with the DBS Code of Practice and undertakes to treat all applicants fairly and consistently. It will not discriminate unfairly against any applicant for admission on the basis of conviction or other information revealed in a Disclosure and Barring Disclosure certificate.
- 1.5 Anglia Ruskin University is committed to the fair treatment of its staff, potential staff and students, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical or mental disability or criminal record.

#### **2.0 General Guidelines**

- 2.1 This policy will be made available to all applicants for whom a Disclosure and Barring Service application will be required at the outset of the recruitment process. Applicants will also be made aware of the DBS Code of Practice and provided with a copy on request.
- 2.2 Anglia Ruskin University actively promotes equality of opportunity for all, and welcomes applications from a wide range of candidates, including those with

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criminal records. Offers of places are made on the basis of merit and suitability. Criminal conviction will not automatically preclude an applicant from recruitment by Anglia Ruskin University.

- 2.3 A Disclosure will only be requested after a risk assessment by the Dean of School has indicated that one is proportionate and relevant to the course concerned. The risk assessment will be returned by the Dean.
- 2.4 Where a Disclosure is required, recruitment documentation will include a clear statement to this effect.
- 2.5 Recruitment and Admissions processes will enable the applicant to declare or discuss details of their criminal record in a confidential setting. The applicant will be required to apply for a Disclosure as a condition of admission.
- 2.6 All Disclosures will be sent under separate, confidential cover to designated DBs countersignatories within Anglia Ruskin University only and are guaranteed to be shared only on a need to know basis as part of the recruitment process and/or those with professional responsibility for giving advice in such matters.
- 2.7 Unless the nature of the course requires Anglia Ruskin University to ask about an applicant's entire criminal record (i.e. if it is a regulated position<sup>1</sup>), it will only enquire about 'unspent' convictions as defined in the ROA.
- 2.8 Anglia Ruskin University undertakes to ensure that all those involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences and in the relevant legislation relating to the employment of ex-offenders (i.e. ROA).
- 2.9 Anglia Ruskin University undertakes to ensure that any offences or other matter relevant to the appointment revealed on a Disclosure are discussed fully and in a confidential process with the applicant before a decision to admit is made.
- 2.10 Failure to reveal information directly relevant to admission to a course that is subsequently revealed on a Disclosure may lead to the withdrawal of a conditional offer. Information revealed in a Disclosure will be considered carefully and discussed by the Dean of School with the applicant before the offer is withdrawn or the student is discontinued.

<sup>1</sup>Regulated Position – defined in the Criminal Justice & Court Services Act 2000 as 'working with children'. See Annex A for the full definition of regulated positions contained within the Act.

S G Bennett  
Secretary & Clerk  
March 2013

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**Criminal Justice and Court Services Act 2000**

Meaning of  
are -  
'Regulated  
position'

36. – (1) The regulated positions for the purposes of the Part

(a) a position whose normal duties include work in an establishment mentioned in subsection (2),

(b) a position whose normal duties include work on day care premises,

(c) a position whose normal duties include caring for, training, supervising or being in sole charge of children,

(d) a position whose normal duties include unsupervised contact with children under arrangements made by a responsible person,

(e) a position whose normal duties include caring for children under the age of 16 in the course of the children's employment,

(f) a position a substantial part of whose normal duties includes supervising or training children under the age of 16 in the course of the children's employment,

(g) a position mentioned in subsection (6),

(h) position whose normal duties include supervising of managing an individual in his work in a regulated position.

(2) The establishments referred to in subsection (1) (a) are –

(a) an institution which is exclusively or mainly for the detention of children

(b) a hospital which is exclusively or mainly for the reception and treatment of children

(c) a care home, residential care home, nursing home of private hospital which is exclusively or mainly for children,

(d) an educational institution,

(e) a children's home or voluntary home,

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(f) a home provided under section 82(5) of the Children Act 1989.

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