Guidelines for Staff – Disclosure and Barring Service (DBS) and Duty to Refer Guidance

The Safeguarding Vulnerable Groups Act (SVGA) 2006 and the Safeguarding Vulnerable Groups (Northern Ireland) Order (SVGO) 2007, places a duty to share information and make referrals to the Disclosure and Barring Service (DBS) when an individual has engaged in an activity that causes concern for the safeguarding of children or vulnerable adults. In addition, there is an existing duty to provide information the University holds to the DBS when requested by them. Further information on the DBS can be found via: www.gov.uk/dbs.

The University of Sheffield’s Duty to Refer:

As an institution the University of Sheffield places students with external organisations, usually as a direct requirement of a student’s programme of study, for example, clinical placements for Medical and Dental students. In addition, opportunities may arise whereby students will undertake work or activities which are non-compulsory, but are associated aspects of their course, for example, undertaking a research study at a school for their dissertation. In such cases students may have regular contact with children and vulnerable adults. The University is therefore deemed by the DBS to be a 'personal supplier' and thus has a legal duty to refer students to them, in line with the DBS’s referral policy.

A referral should be made when a student has:

- Been cautioned or convicted for a relevant offence; or
- Engaged in relevant conduct in relation to children and/or vulnerable adults (i.e. an action or inaction (neglect) that has harmed a child or vulnerable adult or put them at risk of harm); or
- Satisfied the Harm Test in relation to children and/or vulnerable adults (i.e. there has been no relevant conduct (i.e. no action or inaction) but a risk of harm to a child or vulnerable adult still exists).

A referral to the DBS will usually occur once the University's internal procedures, such as Fitness to Practise, Discipline or Progress of Students, have been completed and where the proceedings have resulted in the student being suspended, excluded or expelled from their programme of study, Faculty or the University. This does not include when a student has been suspended from their programme before the completion of the University's internal procedures, i.e. suspension pending further investigation. A referral should also be made if a student opted to withdraw from the University before the conclusion of the relevant proceedings but where the student would have been referred had they not withdrawn.

Please note that the DBS only considers referrals that are related to safeguarding children or vulnerable adults. Where there are other forms of misconduct these should be referred, as appropriate, to the police, local authority or relevant regulatory body (e.g. General Medical Council).

Further information on the DBS’s duty to refer can be found via: www.gov.uk/dbs

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1 The DBS provides definitions and further guidance on 'Regulated' Activity. Please refer directly to the DBS Referral Guidance.
Implications for the University of Sheffield:
The University of Sheffield already has existing procedures for dealing with concerns about individual students that could reasonably result in the need to make a referral to the DBS. These procedures include Discipline, Fitness to Practise and Progress of Students, but consideration would also need to be given when action is being taken under the University's Health Requirement Regulations.

Where a member of staff has concerns about a student (which could ultimately result in the need to make a referral to the DBS) these should be discussed initially with appropriate members of staff within the academic department, (e.g. Head of Department or Director of Teaching). Advice can also be sought from the Student Engagement and Progress Team (UG and PGT students), Research and Innovation Services (PGR students) or the Student Conduct and Appeals Office (the latter where student discipline is involved). The academic department may also wish to consult with the relevant regulatory body or authority (e.g. GMC or NHS). This initial investigatory phase may also include interviewing the student, collating supporting documentary evidence and then referral onto Faculty.

If concerns are serious enough steps will then be taken in accordance with the formal procedure being invoked (e.g. Fitness to Practise or Discipline). As part of this process discussion will need to take place on whether or not a referral would be appropriate. This consideration is likely to take place as part of a formal process, i.e. as a recommendation of a Fitness to Practise or Discipline Committee. This does not preclude action being taken by Faculty if there are concerns, but a formal referral is deemed inappropriate. It is, however, anticipated that such instances will be extremely rare.

Referrals to the DBS will be co-ordinated by the Student Engagement and Progress Team, Research and Innovation Services or the Student Conduct and Appeals Office (depending on what procedure has been followed). Consultation, with the academic department will, however, be necessary to ensure that all appropriate parts of the form are completed as fully as possible and the proper documentary evidence is supplied.

After a referral has been made, confirmation will only be provided by the DBS as to whether or not they bar the student from working with children or vulnerable adults if the University is deemed to have a ‘legitimate interest’ in the person that has been referred, for example if the student continues to be registered at the University. If barred, the student will not be permitted to undertake regulated activity with either or both of these groups. Furthermore, the University will not be permitted to allow a student to engage in such activity. This will have implications if a student has not been withdrawn from their programme of study but may, as a result of a referral be barred from the DBS’s lists. Such cases are expected to be extremely rare and may ultimately result in a student transferring course, voluntarily withdrawing from the University or having their record terminated.

Any questions about this process or individual student cases can be discussed directly with your contact in the Student Engagement and Progress Team, Research and Innovation Services or, in relation to discipline matters, the Student Conduct and Appeals Team.