

Produced by Human Resources



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Human Resources Policy Statement HRPS27

DISCLOSURE OF CRIMINAL RECORDS

Scope of the Policy

1. This Policy applies to all prospective and current students and all prospective and current staff (including temporary and part-time hourly paid staff).

Background

2. The Rehabilitation of Offenders Act (ROA) 1974 was introduced to ensure that ex-offenders are not discriminated against when applying to study or work. Under the Act, prospective students and staff are not required to disclose information on criminal convictions after a set period of time for jobs or courses that do not require a Disclosure and Barring Service (DBS) disclosure. However, they must declare all unspent convictions (but not offences which have been dealt with by prompt payment of a fixed penalty notice or a penalty notice for disorder¹).

Certain types of work or programmes of study are exempt from the Act as they involve contact with young people under 18 or with vulnerable adults, or are positions of trust. Examples include financial services, dealing with Home Office visas, education, nursing, midwifery, social work, healthcare, sport and recreation and welfare services. Middlesex University is registered with the DBS to assess suitability for such programmes of study or positions of trust. The University will assist the employee or student to apply for an up to date DBS certificate which will list all spent and unspent convictions which the DBS deem appropriate to disclose.

4. In addition, the University requires all applicants and employees to disclose any police investigation they are subject to; any pending charges the police have brought against them and any new criminal convictions (but not offences which have been dealt with by prompt payment of a fixed penalty notice or a penalty notice for disorder¹).
5. The University undertakes not to discriminate unfairly against a disclosure of an investigation, charge or criminal record. **Disclosure will not necessarily bar an individual from studying or working with the University.** This will depend on the nature of the programme of study or the employment and the circumstances and background of the individual's offence(s). (see [Guidance on assessing a criminal investigation, charge or record](#))

Motoring offences, anti-social and nuisance offences are criminal offences. However, those dealt with by payment of a fixed penalty notice within 28 days are considered discharged and do not need to be declared. If a penalty notice is not paid within 28 days and you are found guilty you then have a criminal conviction.

PROCEDURES

Posts which are not subject to a DBS check

6.

Some types of investigation, charge or offence (e.g. sexual or violent offences) may be particularly strong indicators that an applicant is unsuitable and should not be offered a place or be employed; or that a current student or employee may be suspended, excluded or dismissed from the University

The nature of the University course or placement or post,

The nature of the course or placement or post will help to assess the relevance of the disclosure.

The age of the offence

A minor offence that occurred many years in the past may often have less relevance than a recent offence. The prospect of rehabilitation must be weighed against the need to protect children, vulnerable adults or members of the public, staff and students.

The frequency of the offence

A series of offences over a period of time is more likely to give cause for concern than an isolated (minor) conviction.

The activity they will be undertaking and whether it is regulated or controlled

The DBS defines activities as being either regulated or controlled. In some circumstances a person barred by the DBS