

Student Disclosure of Criminal Background (DBS) Policy

POLICY SCHEDULE	
Policy Title	Student Disclosure of Criminal Background (DBS) Policy
Policy Owner	Pro Vice Chancellor Student Journey and Academic Registrar
Lead Contact	Compliance Manager (Admissions)
Approving Body	Academic Board
Version	2 — Updated June 2026
Legislation Current To	June 2026
Next Review	November 2027
Related Documents	Admissions Policy and Procedures Request for Review of an Admissions Decision Safeguarding Policy Equality, Diversity and Inclusion Policy Applicant Privacy Notice
Key Legislation and Guidance	Rehabilitation of Offenders Act 1974 (as amended to May 2026) ROA (Exceptions) Order 1975 (as amended, including SI 2025 in force 21 January 2026) Protection of Freedoms Act 2012 Safeguarding Vulnerable Groups Act 2006 (Regulated Activity) (Amendment) Regulations 2012 Keeping Children Safe in Education 2025 Working Together to Safeguard Children 2023 Data Protection Act 2018 DBS Eligibility Guidance
Purpose	This document explains how the University of Cumbria considers criminal background information for applicants and students applying to programmes which require disclosure. It sets out the circumstances in which information must be provided, how disclosures are assessed, and the principles of fairness, confidentiality and safeguarding that underpin decision-making. It also explains how the University complies with relevant legislation and regulatory guidance while ensuring that no applicant is unfairly disadvantaged.

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1. Introduction

The University of Cumbria must fulfil its obligations under current legislation to ensure that students who work with children, young persons and vulnerable groups are fit to do so, and do not have any statutory bars on the activities in which they may partake. The Disclosure and Barring Service (DBS) exists at a national level to facilitate necessary checks on the criminal records background of persons seeking to work with children and vulnerable groups.

This Policy sets out the framework within which the University operates those checks. It is written to reflect the current legislative position as at June 2026 and must be read alongside the University's Admissions Policy and Procedures, Safeguarding Policy, and Equality, Diversity and Inclusion Policy.

2. Legislative Framework - Current as at June 2026

The University's DBS procedures comply with the following legislation and statutory guidance, in their current amended forms:

PRIMARY LEGISLATION

The following Acts of Parliament provide the legal framework for criminal record disclosure, safeguarding, and data protection:

- Rehabilitation of Offenders Act 1974 (as amended by LASPO 2012 and subsequent orders)
- Police Act 1997
- Protection of Freedoms Act 2012
- Safeguarding Vulnerable Groups Act 2006 (Regulated Activity) (Amendment) Regulations 2012
- Children and Social Work Act 2017
- Criminal Justice and Court Services Act 2000 (Schedule 4)
- Data Protection Act 2018 and UK General Data Protection Regulation (UK GDPR)

SECONDARY LEGISLATION (STATUTORY INSTRUMENTS)

The following regulations provide detailed legal provisions governing disclosure requirements and eligibility:

- ROA 1974 (Exceptions) Order 1975 (as amended), including:
 - ROA (Exceptions) (Amendment) (England and Wales) Order 2013
 - ROA (Exceptions) (Amendment) (England and Wales) Order 2020 (in force 28 November 2020)
 - ROA (Exceptions) (Amendment) (England and Wales) Order 2025 (SI 2025, in force 21 January 2026)

STATUTORY GUIDANCE

The following guidance is issued by the UK Government and must be taken into account in safeguarding and DBS-related decision-making:

- Keeping Children Safe in Education 2025
- Working Together to Safeguard Children 2023

DBS & OPERATIONAL GUIDANCE

The following guidance supports the application of legislation and statutory requirements in practice:

- DBS Code of Practice (current version)
- DBS Filtering Guidance (current version, reflecting 2020 rule changes and 2023 update)
- DBS Eligibility Guidance (current version)

3. Scope

This Policy applies to all applicants and students on any programme that requires a criminal background check, and to all students on non-DBS programmes who have relevant convictions that must be disclosed through the self-disclosure process once they have accepted their place.

The Policy covers full-time and part-time programmes, including Higher and Degree Apprenticeships. Programmes requiring DBS checks will have this clearly stated on the programme entry profile, in offer letters, and in pre-enrolment communications.

New disclosures during study may be referred to Fitness to Practise procedures.

4. Understanding Spent and Unspent Convictions - The Rehabilitation of Offenders Act 1974

The Rehabilitation of Offenders Act 1974 (ROA) allows most criminal convictions to become 'spent' after a specified rehabilitation period. Once spent, a conviction does not need to be disclosed in most contexts.

However, for programmes involving work with children or vulnerable adults, the ROA Exceptions Order 1975 (as amended) disapplies these protections — meaning spent convictions must still be disclosed and considered.

4.1 Rehabilitation Periods - Adults (aged 18 or over at time of conviction)

The following rehabilitation periods apply to adults. Periods run from the end of the sentence (including any licence period) for custodial sentences, and from the date of conviction for non-custodial sentences:

Sentence / Disposal	Adult Rehabilitation Period	Youth (under 18) Period
Simple caution (adult)	Spent immediately	n/a (youth cautions: spent immediately — not disclosed on DBS)
Conditional caution	3 months from date of caution	n/a (youth cautions: spent immediately)
Fine	1 year from date of conviction	6 months
Community order (with fixed end date)	Period of order + 1 year	Period of order + 6 months

Community order (no specified end date)	2 years from date of conviction	1 year
Custodial sentence of 6 months or less (incl. suspended)	2 years after end of sentence (incl. licence)	18 months after end of sentence
Custodial sentence over 6 months up to and including 30 months	4 years after end of sentence (incl. licence)	2 years after end of sentence
Custodial sentence over 30 months up to and including 48 months	7 years after end of sentence (incl. licence)	3.5 years after end of sentence
Custodial sentence over 4 years (unless excluded — see below)	7 years after end of sentence (incl. licence) - CHANGE from October 2023	3.5 years after end of sentence - CHANGE from October 2023
Sentence for a specified serious violent, sexual or terrorist offence (Schedule 18, Sentencing Act 2020) — regardless of length	NEVER SPENT — must always be disclosed	NEVER SPENT
Public Protection Sentence (IPP or similar)	NEVER SPENT	NEVER SPENT

4.2 DBS Filtering - What Appears on a Certificate

Even where a conviction or caution is spent under the ROA, it may still appear on a Standard or Enhanced DBS certificate unless it has been 'filtered' (become a 'protected' caution or conviction). The current filtering rules, in force since 28 November 2020, are as follows:

Record Type	Filtered (Protected) — will NOT appear on DBS	ALWAYS Disclosed — will appear on DBS
Youth cautions, reprimands and warnings (under 18)	All youth cautions/reprimands/warnings automatically filtered (protected) - CHANGE from 28 November 2020. They will NOT appear on any DBS certificate.	Youth conditional cautions are NOT automatically filtered.
Adult cautions (simple or conditional)	Filtered if: (1) issued 6+ years ago (adult); 2+ years ago (youth); AND (2) not for a 'specified offence'.	Cautions for 'specified offences' are NEVER filtered. Unfiltered adult cautions must be disclosed.
Spent convictions — non-custodial, for non-specified offences	Filtered if: 11+ years ago (adult) or 5.5+ years ago (youth). Each conviction is assessed individually - the 'multiple conviction rule' was removed on 28 November 2020.	Not yet met the time threshold. Custodial sentences. Specified offences. Sentences listed on Schedule 18 Sentencing Act 2020.
Custodial sentences — all lengths	NEVER filtered - always disclosed on Standard/Enhanced DBS certificate.	All custodial sentences (including suspended sentences) always disclosed.

Specified offences	NEVER filtered - always disclosed.	Full list at: gov.uk/government/publications/dbs-filtering-guidance/dbs-filtering-guide
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5. Disclosure Requirements for University Programmes

For programmes that are exempt from the ROA under the Exceptions Order 1975 (as amended) - principally those involving regulated activity with children or vulnerable adults - applicants must disclose ALL convictions and cautions, including spent ones, UNLESS they are 'protected' (filtered) as defined below.

IMPORTANT — Mandatory Disclosure Requirements

MANDATORY DISCLOSURE - PROGRAMMES EXEMPT FROM THE ROA (Education, Nursing, Midwifery, Allied Health Professions, Social Work, Counselling, and equivalent programmes):

Applicants **MUST** disclose:

- All unspent convictions and unspent conditional cautions
- All spent convictions that are NOT filtered/protected (including all custodial sentences, all specified offences, and convictions not yet meeting the time thresholds)
- All adult cautions that are NOT filtered/protected

Applicants do NOT need to disclose:

- Convictions and cautions that are 'protected' under the ROA (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020 - i.e. those that meet the filtering criteria above
- Youth cautions, reprimands and warnings received under age 18 (automatically protected from 28 November 2020)
- Fixed Penalty Notices and Penalty Notices for Disorder (these are not criminal convictions)
- Anti-Social Behaviour Orders (ASBOs) and Violent Offender Orders (VOOs) - unless the applicant has contested a Penalty Notice for Disorder or breached the terms of an ASBO/VOO and this resulted in a criminal conviction, in which case the conviction must be disclosed

For any programme requiring an Enhanced DBS check, the DBS certificate will also contain any relevant non-conviction information from local police records that a chief police officer considers relevant to the role.

6. Types of DBS Check

Most University programmes requiring criminal background checks will use an Enhanced DBS check with a check of the relevant Barred List(s). The type of check required will be clearly stated on the programme entry profile.

Check Type	What It Shows
Basic DBS	<i>Unspent convictions and conditional cautions only. Not used for University programmes requiring regulated activity checks.</i>
Standard DBS	<i>All unspent convictions and conditional cautions, plus spent convictions and cautions that are not protected/filtered. Used for some roles but not regulated activity with children/adults and not used for any University of Cumbria programmes of study.</i>
Enhanced DBS	Everything on a Standard certificate, plus any relevant non-conviction information from police records. Used for most University programmes involving children or vulnerable adults.
Enhanced DBS + Children's Barred List	As Enhanced DBS, plus confirmation of whether the individual is barred from working with children. Required for regulated activity with children (e.g. Education, Early Years programmes).
Enhanced DBS + Adults' Barred List	As Enhanced DBS, plus confirmation of whether the individual is barred from working with vulnerable adults. Required for regulated activity with adults (e.g. some health and social care programmes).
Enhanced DBS + Both Barred Lists	Full check including both barred lists. Required where the programme involves regulated activity with both children and vulnerable adults.

7. People Barred from Working with Children and/or Vulnerable Adults

It is a criminal offence under the Safeguarding Vulnerable Groups Act 2006 for a person barred from working with children or adults in regulated activity to apply for, or to be engaged in, such work. It is equally an offence for the University knowingly to admit a barred person to a programme leading to regulated activity.

Anyone barred from working with children or vulnerable adults will have been placed on the DBS Children's Barred List or Adults' Barred List and will have received a formal notification of barring. Placement on a Barred List is an absolute bar to admission to any relevant programme at the University - there are no discretionary circumstances where a barred individual can be admitted to a programme requiring regulated activity.

8. DBS Check Fee

Applicants to programmes requiring an Enhanced DBS check will normally be required to pay the University DBS fee (£69.50 as of June 2026), unless the programme is exempt due to alternative funding arrangements.

DBS checks are required for courses which include placements or activities involving children or vulnerable adults. This includes, but is not limited to, programmes in education, social work and certain health and professional areas.

Some programmes, particularly those with NHS or external funding arrangements and all apprenticeships, will not need to pay a fee for the DBS check.

Details of which courses are required to pay for the DBS check are available on the University [Applicant Pages](#)

9. DBS Application Process and Timescales

Stage	Action	Timescale
Offer made	Applicant directed to DBS information pages and self-disclosure requirements on University website	At point of offer
Firm acceptance confirmed	Applicant directed to detailed DBS guidance and self-disclosure form (Criminal Record Self-Disclosure Form)	Within 5 working days of firm acceptance and no earlier than three months before the course start date
DBS initiation	DBS application process opened - applicant required to provide Right to Work evidence and identity documents	Approximately 3 months before course start (condensed timescales may apply in some circumstances)
Self-disclosure review	University reviews completed self-disclosure forms. Applicants with relevant disclosures contacted to discuss.	Within 10 working days of receipt of completed form
DBS Panel Convened	Where the University determines a panel is required to discuss your self-disclosure, you will be invited to attend a panel interview on Microsoft Teams	Invite sent within 10 working days of confirmation that a panel is required (and within 20 working days of a completed form).
DBS certificate receipt	Applicant must share DBS certificate with the University immediately on receipt if anything is shown on the DBS certificate (applicant retains original)	On receipt by applicant from DBS
Clearance decision	University makes clearance decision - confirmed, conditional, or refused. Written outcome issued.	Within 10 working days of receipt of DBS certificate and all supporting information
Pre-registration	Where timescales are condensed, provisional registration may be granted pending clearance.	As required - confirmed to applicant in writing Where provisional registration is permitted students must have submitted their DBS application no later than 4 weeks after the course commences and will be

		allowed to remain provisionally enrolled for a maximum of 8 weeks after which point the deregistration process would be enacted
Update Service	Applicants who have registered a previous DBS with the Update Service may use a status check in lieu of a new check (see Section 10)	Subject to conditions in Section 10

10. Consideration of Criminal Records - Factors and Process

Having a criminal record will not automatically bar an applicant from a University programme unless they appear on a Barred List (see Section 7). Each case is assessed individually and fairly, taking into account all relevant factors. The following factors are considered:

- Whether there has been a failure to disclose, denial, or deliberate misrepresentation of a criminal record
- The nature and seriousness of the offence(s) and their relevance to the programme (e.g. contact with vulnerable groups, level of supervision, responsibility for others)
- The policies of relevant Professional, Statutory and Regulatory Bodies (PSRBs) and of placement employers (noting that for some convictions the PSRB may prohibit registration).
- The number and frequency of offences
- The recency of the offence(s) and time elapsed since
- Whether the applicant displays a pattern of offending behaviour
- The level of intent and the circumstances of the offence(s)
- The wider personal, financial or domestic circumstances at the time of the offence(s)
- Changes in lifestyle, circumstances or attitudes since the offence(s)
- The country in which the offence was committed
- Whether the offence has since been decriminalised
- Character references (sought only with the applicant's consent)

Where a clearance interview is required, it will be conducted by a minimum of two senior designated members of staff from Academic Registry and the relevant area of study. The chair of the clearance panel is usually the Head of Admissions, and they have the ultimate right to refuse admission where, after reasoned and reasonable consideration of all relevant facts, the candidate cannot be admitted to a professional training programme.

The second panel member will be an academic registered with the professional body aligned with the course applied for.

For Teacher Training provision, a representative from a placement school may be part of the decision-making process. Schools have the right to view students' DBS certificates before or during placement.

Panel members undertake training in safeguarding and unconscious bias.

Applicants will be told what to expect at the panel, and will submit written statements as part of the self-disclosure process.

Reasonable adjustments, if required, must be requested in advance and in writing. Accompanying individuals may be allowed in a supportive capacity and cannot act as an advocate.

11. Possible Outcomes

There are four possible outcomes following consideration of a criminal record:

- Clearance confirmed without condition - offer of a place confirmed.
- Clearance confirmed with conditions - applicant placed 'on probation', with regular review meetings with an Institute representative. Relevant facts disclosed to the Institute on a need-to-know basis.
- Provisional registration - where timescales are condensed, provisional registration may be granted pending full clearance. This is confirmed in writing.
- Admission refused - where, after full consideration, the University concludes the candidate cannot be admitted. The decision is confirmed in writing with reasons. Where possible, an alternative non-vocational programme may be offered.

12. DBS Update Service

The DBS Update Service allows individuals to keep their DBS certificate up to date and permits employers and universities to carry out online status checks. Where an applicant or a returning student has registered a previous DBS certificate with the Update Service, the University may conduct a status check in lieu of a new certificate, subject to the following conditions:

- The certificate was issued for the same level of check (Enhanced with same Barred List checks) as currently required and for a paid role
- The applicant remains subscribed to the Update Service
- Applicant must be in possession of the original certificate
- The Update Service status check shows no changes to the certificate

The Update Service status check facility is used at the University's discretion. Where any doubt exists, a new DBS check will be required at the student's cost.

A repeat DBS check must be processed (at the student's cost) before a student returns to course following intercalation or a period of external student status of 6 months or more.

13. Applicants who have lived Overseas

13.1 Applicant has lived overseas for over 12 months in the past 10 years

Applicants who have lived for 12 months or more (whether continuously or in total) in the last 10 years, while aged 18 or over will be required to provide an overseas criminal records check or certificate of good conduct equivalent to a DBS certificate from each relevant country and if not in English, include a verified translation. This is in addition to any UK DBS check required.

13.2 Overseas Applicants

Applicants to Education and Health courses where placements take place in the UK will always be required to complete a UK DBS check, even if they have not previously been resident in the UK.

Further information on obtaining overseas criminal records checks is available at: [gov.uk — Criminal records checks for overseas applicants](https://gov.uk/criminal-records-checks-for-overseas-applicants).

14. Equal Opportunities

The University is committed to the principle of equality of opportunity and will make every effort to prevent unfair discrimination against applicants with a criminal record. Disclosure of criminal records information will be considered in the context of the nature of the role and the risk presented. The University's processes are designed to be sensitive, supportive and inclusive. The self-disclosure and clearance process is conducted separately from the academic selection decision.

Applicants who hold a Gender Recognition Certificate (GRC) are entitled to additional privacy protections under the Gender Recognition Act 2004.

For DBS purposes, applicants are required to provide details of previous names and addresses where relevant. However, applicants who are transgender may use the DBS Sensitive Applications Process, which allows previous identity information to be provided directly to the Disclosure and Barring Service without being disclosed to the University. Contact the DBS Sensitive Applications line on 0300 131 2784 or sensitive@dbb.gov.uk for guidance.

The University will respect the confidentiality of all applicants and will not require disclosure of gender history beyond what is necessary and lawful.

15. Appeals Against DBS Clearance Decisions

Appeals against DBS clearance decisions may only be made on the following grounds, and within the stated timescales:

Grounds for Appeal	Details	Timescale
Maladministration/Procedural Irregularity	Evidence that the DBS clearance procedure was not conducted in accordance with this Policy.	Submit within 10 working days of the clearance decision. Submit in writing to the Pro Vice Chancellor, Student Journey and Academic Registrar
New evidence	New evidence not available at the time of the original consideration that has material bearing on the clearance decision.	Submit within 10 working days of the clearance decision, or as soon as practicable after the new evidence becomes available. Explain why the evidence was not available earlier.

Appeals will be reviewed by the Pro Vice Chancellor, Student Journey and Academic Registrar as they are independent of the initial decision. The outcome of an appeal will be communicated in writing within 20 working days of receipt of the appeal. The University's decision on appeal is final. Full details of how to appeal will be provided within the outcome notification and will be via the [Request to Review an Admissions Decision process](#).

A record of the decision and rationale will be retained in line with the University's records retention schedule.

16. Data Protection and Confidentiality

All information obtained through the DBS process is handled in accordance with the Data Protection Act 2018 and UK GDPR. DBS information is used solely for the purpose of assessing fitness to participate in regulated activity as part of the University programme.

Under the Protection of Freedoms Act 2012, the University no longer receives a copy of the DBS certificate - applicants receive the certificate directly and must provide it to the University for review. The University will not retain a copy of the DBS certificate. The applicant's name, date of birth, and the certificate number and issue date may be recorded for audit purposes.

DBS certificate information will only be disclosed on a need-to-know basis to those staff involved in the clearance process, and to placement providers where this is required and with the student's knowledge.

17. Quality Assurance

Through this Policy the University will:

- Demonstrate full compliance with the DBS Code of Practice
- Co-operate with any DBS assurance checks on the use and safekeeping of DBS certificate information
- Report to the DBS any suspected malpractice in relation to the Code of Practice or misuse of certificates
- Review new programmes to assess whether they involve regulated activity or other DBS-eligible activity
- Ensure staff involved in admissions and clearance have guidance on ex-offenders and receive appropriate training
- Review this Policy bi-annually, or sooner if new legislation requires an immediate update

Contact

DBS / Criminal Background queries: DBS@cumbria.ac.uk

DBS Sensitive Applications (for GRC holders): 0300 106 1452 | sensitive@dbb.gov.uk

DBS Filtering Guidance: gov.uk/government/publications/dbb-filtering-guidance/dbb-filtering-guide

Overseas criminal records checks: [gov.uk — Criminal records checks for overseas applicants](https://gov.uk/criminal-records-checks-for-overseas-applicants)