

UNIVERSITY OF ESSEX
STUDENT MEMBERSHIP AND DISCLOSURE AND BARRING SERVICE CHECKS
POLICY AND PROCEDURE
JULY 2020

1. OVERVIEW

- 1.1.1 When processing applications and admitting students¹ to study, the University of Essex is committed to ensuring (i) the safety of persons and property and good order in the University and its precincts, and (ii) that all students engaged in University-related activity involving vulnerable groups are suitable to do so, as set out in the University's Policy on Safeguarding Children and Adults at Risk.
- 1.1.2 The purpose of this policy is to set out how the University meets the commitment described in paragraph 1.1.1 within the context of the admission and readmission of students to the membership of the University who are known to either have a criminal record or where there are other grounds for concern about the student, and the management and oversight of the Disclosure and Barring Service (DBS) checks².
- 1.1.3 Disclosing an unspent criminal conviction is not a standard requirement of an application for membership to the University. When considering the membership of a student to the University a criminal record will only be taken into account during the admissions process where the course is subject to a mandatory DBS check.³ There are other circumstances in which a criminal record may be relevant to membership of the University and these are set out in this policy.
- 1.1.4 For the purpose of this policy where a criminal record or offence has been disclosed during the admissions or DBS check process, this may include (but is not limited to) convictions, cautions, reprimands, final warnings, bind overs or similar. Where there are other grounds for concern about a student, this may include a disciplinary record as a former student at the University of Essex, or elsewhere, or any other perceived risk that is identified during the admissions process.
- 1.1.5 This policy operates on the basis that all student DBS checks are managed centrally by the Academic Section and all staff DBS checks, including for students who are employed as staff by the University, are managed centrally by People and Culture.

2. POLICY

2.1 Courses subject to a mandatory DBS check

- 2.1.1 In accordance with DBS eligibility criteria and guidance on regulated activity, students who may come into contact with vulnerable groups, including adults and children, as part of their University course are required to undertake a DBS check prior to carrying out regulated

¹ For the purpose of this policy, the term 'student' is used to describe applicants and students.

² For the purpose of this policy, the term 'admission' is used to describe both admission and readmission. The policy covers mandatory and non-mandatory DBS checks, re-checks for other purposes and overseas criminal record checks. which may or may not be directly related to your course, including, for example, co-curricular activity and the appointment of Students' Union volunteers.

³ A list of the courses that require a mandatory DBS check is published on the University's DBS webpages. These are known as mandatory courses. Courses that require a mandatory DBS check involve regulated activity as defined by the Disclosure and Barring Service { [HYPERLINK "https://www.gov.uk/government/collections/dbs-eligibility-guidance"](https://www.gov.uk/government/collections/dbs-eligibility-guidance) \l "dbs%0Dworkforce-guides" \r { [HYPERLINK "https://www.gov.uk/government/collections/dbs-eligibility-guidance"](https://www.gov.uk/government/collections/dbs-eligibility-guidance) \l "dbs%0Dworkforce-guides" \r }

activity. Where a course is subject to a mandatory DBS check, and exempt from the Rehabilitation of Offenders Act 1974, a student is required to declare all criminal offences that are deemed to be unspent and spent in accordance with the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013. A student would not be required to declare a spent criminal offence that was deemed to be protected and filtered out from a standard and enhanced DBS Certificate.

- 2.1.2 In addition to undertaking a DBS check, students are also required to provide an overseas criminal records check where they have lived outside of the UK for a period of 6 months or more in the last 5 years. Students are normally required to provide their overseas check prior to admission but this may vary by course.⁴
- 2.1.3 Decisions on whether the student may be admitted are taken on the basis of the risk the student might pose to the vulnerable groups that the student may come into contact with during the University placement or related activity.⁵
- 2.1.4 Where a criminal offence is disclosed during the admissions process for a mandatory course, or where there are other grounds for concern about the student, the case is considered by the Chair of the Student Membership and DBS Review Panel (hereafter referred to as the Review Panel), in consultation with others as necessary, once it has been decided that the application should not be rejected on academic grounds.
- 2.1.5 The Chair of the Review Panel considers each case on its merits and determines whether the admission should proceed as normal or be referred to a Review Panel for further consideration and decision.
- 2.1.6 A student is not normally required to provide specific details relating to their criminal record until it has been decided that the application should not be rejected on academic grounds, however some students may be asked to disclose further information as part of the selection process, for example where a representative from the relevant placement provider is involved in the interview process.⁶ Any information disclosed in this way by the student will not be taken into account by the University until an academic decision has been made. If the application is rejected on academic grounds, then this information is not considered.
- 2.1.7 Where a DBS Disclosure or overseas check highlights a criminal record that prevents a student from undertaking a placement or related regulated activity so they are unable to meet the course learning outcomes, the student is required to withdraw from the course or to transfer to an alternative course where possible.
- 2.1.8 Where a criminal offence is disclosed or comes to light following a formal admissions offer, but prior to registration, including where a student has deferred entry, the matter is normally considered within the provisions of this policy. Where a criminal offence is disclosed or comes to light following a formal admissions offer but after registration with the University, the matter is normally considered within the provisions of this policy and referred for consideration under the University's Code of Student Conduct and the University's Fitness to Practise Procedure. Where appropriate, the matter will also be considered in accordance with the University's Policy on Safeguarding Children and Adults at Risk.

2.2 All courses including those not subject to a mandatory DBS check

⁴ Where a student has lived in multiple countries for 6 months or more, within the last 5 years, an overseas criminal record check is required from each country.

⁵ Where a student is required to complete a DBS check the level of information revealed may differ depending on the level of check. Information about minor offences, penalty notices for disorder, anti-social behaviour orders or violent offender orders and other locally held police information may be revealed where it is appropriate to the course for a particular occupation or profession.

⁶ Placement provider representatives may include an existing or potential future employer, local health authorities or staff from a specific placement setting.

- 2.2.1 Where a course is not subject to a mandatory DBS check, students are not required to declare a criminal record or offence. However, students under supervision or on licence are encouraged to inform the University of any conditions or requirements which may prevent them from fully engaging with their course and the broader University community. Where possible, the University will undertake to make reasonable adjustments, but if it becomes apparent that the student is unable to meet the course learning outcomes, they may be required to withdraw their application or transfer to an alternative course. All cases will be referred to the Chair of the Review Panel for consideration.
- 2.2.2 Where students choose to share information about a criminal record or offence with the University, they will be offered support and guidance including access to the University's specialist services, where appropriate.
- 2.2.3 Students studying a non-mandatory course will be required to disclose their criminal record at a later date after registering for the course in cases where they engage in regulated activity that requires a DBS check, for example, through selecting an optional module or a specific research topic in a research module, through undertaking regulated activity alongside their University course or through certain activities organised by the Students' Union.

3. DBS CHECKS

3.1 Management of DBS Checks and Re-checks

- 3.1.1 The Government's Disclosure and Barring Service undertakes checks to help Universities and employers to make safe recruitment decisions and to prevent unsuitable people from working with vulnerable groups, including adults and children. The DBS process searches police records and, in relevant cases, barred list information, and issues a DBS Certificate to the student or prospective student.
- 3.1.2 The requirement for a student DBS check is determined, in the first instance, by the Department⁷ or relevant placement provider, in accordance with advice and guidance provided by the DBS Team and statutory and legal requirements as set out by the DBS. Departments are expected to consult with placement providers (where applicable) to determine the requirement for DBS checks. All requests by Departments for DBS checks will be verified by the DBS Team, in consultation with the Chair of the Review Panel where necessary, on the basis of any contractual, statutory and legal requirements. The requirement for an overseas check is determined by the student's address history.
- 3.1.3 DBS checks are only conducted for students who are referred by a Department, or where a request from a student has been authorised by the relevant Department. Checks are not carried out for students' private activities.
- 3.1.4 University of Essex student DBS checks are completed electronically using externally provided software, which is subject to formal contractual arrangements between the supplier, Atlantic Data Ltd⁸ and the University. Students are expected to apply directly for an overseas check via the appropriate country or embassy and pay the costs associated with this.
- 3.1.5 It is the responsibility of the student to retain their criminal record certificates and show these to the University of Essex or placement provider on request. Any student who is unable to present their certificate on request is liable for the cost of a new application.
- 3.1.6 Following the completion of the DBS check application, students on certain courses may be

⁷ In this context, "Department" is defined in the widest sense and encompasses the professional services, academic departments and schools, major centres and other significant units in the University.

⁸ Atlantic Data Ltd is an approved DBS umbrella body, which provides the University with an online platform for processing e-bulk DBS applications via a system called Disclosures Manager.

required to join the DBS Update Service where this is a requirement of the placement provider. The student is responsible for maintaining their subscription to the DBS Update Service which ensures that no further DBS check is required. Should the student fail to maintain their subscription they will be liable for the cost of any re-check required for the remainder of their course.⁹

- 3.1.7 An existing DBS Certificate may be accepted from a placement or equivalent provider in lieu of a University DBS check for certain courses, placements or related activity, but only where the University is able to verify the authenticity of the DBS Certificate and can confirm that the result has been deemed satisfactory by the placement provider or following a satisfactory Status Check (as set out in Section 3.2).
- 3.1.8 The period of time before which another check is required for University of Essex student DBS checks is managed in line with placement provider requirements. Where a DBS check is accepted from a placement provider, or via a Status Check, the disclosure result will usually be deemed valid for a period of four years from the date of verification.
- 3.1.9 All students who have a valid DBS check and are on a mandatory course, or who have been approved to undertake activity for which a DBS check is required, are required to notify the University and the Placement Provider (if on placement) if they are subject to any criminal proceedings or receive a criminal conviction. The matter will be considered within the provisions of this policy and referred for consideration under the University's Code of Student Conduct (where appropriate) and the University's Fitness to Practise Procedure. Where appropriate, the matter will also be considered in accordance with the University's Policy on Safeguarding Children and Adults at Risk. Students may be asked to self-disclose information relating to their criminal record at any stage during their studies, as and when deemed necessary by the University and/or placement provider.
- 3.1.10 Periodic re-checks are conducted for students where the course or placement requires it, as determined by the relevant Department. A re-check would not normally be required following a period of intermission where the student is able to meet the course learning outcomes within four years of the DBS check being issued or approved.
- 3.1.11 The Chair of the Review Panel considers all criminal offences that are disclosed via a criminal record check, including the DBS check and overseas check¹⁰, and determines whether the application should proceed as normal or be referred to a Review Panel for further consideration and decision. Where the Chair of the Review Panel determines that an application may proceed, it is usually subject to subsequent agreement by the relevant placement provider where applicable.
- 3.1.12 In all cases, the outcome of the criminal record check is recorded as follows:
- **Clear:** no criminal offence is disclosed
 - **Satisfactory:** One or more criminal offence is disclosed but has been considered in accordance with the policy and the student is permitted to register, continue the course or undertake the placement or related activity.
 - **Unsatisfactory:** One or more criminal offence is disclosed, has been considered in accordance with the policy and the decision has been taken to reject the application or require the student to withdraw from the course or transfer to an alternative course.

A clear or satisfactory result is needed in both the DBS check and overseas check, where relevant, before a student is permitted to undertake a University placement or related activity.

⁹ A list of the courses that require the DBS Update Service is published on the University's DBS webpages.

¹⁰ Unless the activity relates to the Students' Union.

3.1.13 Where a student is unable to obtain an overseas check, the case will be considered by the Chair of the Review Panel in liaison with the Programme Lead (or nominated representative) and, on the basis of risk that the student might pose when undertaking a placement or related regulated activity. The requirement for an overseas check may be waived or deferred as appropriate to the circumstances of the individual case.

3.2 Management of Status Checks for DBS

3.2.1 Subject to the agreement of the placement provider, an existing DBS Certificate may be accepted from a third party if the student has registered with the DBS Update Service and the certificate matches the DBS check needed for the current placement or related activity, for example it is for the same workforce where the same type and level of criminal record check is required. Where the requirements do not match the student would be expected to complete a new DBS check through the University.

3.2.2 Where it is agreed that a student can use an existing DBS Certificate in lieu of a new check a member of the DBS Team will carry out a Status Check, with the student's permission, using an online service provided by the DBS. A nominated representative from within the relevant department will be responsible for verifying the result of the Status Check alongside the student's existing DBS Certificate.

3.2.3 The result of the Status Check will be recorded as follows:

- **Contains no criminal record information:** the DBS Certificate did not reveal any information and remains current as no further information has been identified since its issue.
- **Contains no new criminal information:** the DBS Certificate revealed information about the student, but no new information has been found since its issue and can therefore be accepted as being still current and valid.
- **Contains new criminal information:** new information has come to light since the DBS Certificate was issued and the Certificate is no longer current.

3.2.4 Where the result of the Status Check contains no criminal record information, a member of the DBS Team will contact the nominated representative to verify that the existing DBS Certificate can be used in lieu of a new DBS check. Where the Status Check is approved the student does not need to complete a new DBS check.

3.2.5 Where the result of the Status Check contains no new criminal information, the student is advised that they will be considered as a membership case, in accordance with this policy, before their Status Check can be processed any further. Where the Chair of the Review Panel determines that the application should proceed as normal, a member of the DBS Team will contact the nominated representative to verify that the existing DBS Certificate can be used in lieu of a new DBS check. Where an existing DBS Check is not accepted, the student will be required to undertake a new DBS Check. Where an existing DBS Check is accepted, the nominated representative will be asked to verify the Status Check at the same time as considering the student's suitability to attend the placement or related activity. Where the Chair of the Review Panel determines that the application should be rejected the Status Check will not be processed.

3.2.6 Where the result of the Status Check contains new information, the DBS Certificate is deemed no longer current and the student will be required to complete a new DBS check through the University. The student is contacted and asked for further information about their criminal record in accordance with this policy for consideration by the Chair of the Review Panel.

4 TRAINING

4.1.1 All members of staff involved in conducting student DBS identity checks are required to read the DBS Code of Practice and undertake initial and refresher training on a regular

basis, as determined by the DBS Administrator.

- 4.1.2 All members of staff who participate in the decision-making process related to DBS disclosures as a member of the Review Panel or Student Membership and DBS Appeal Panel (hereafter referred to as the Appeal Panel) are required to read the DBS Code of Practice and NACRO Guidance relating to the Rehabilitation of Offenders Act 1974, Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and undertake relevant training, as determined by the DBS Administrator. Separate guidance is provided for members of staff involved in student membership cases.
- 4.1.3 All other members of staff identified in the Roles and Responsibilities are required to have an understanding of the content of the DBS Code of Practice and the Rehabilitation of Offenders Act 1974.

5 RETENTION OF RECORDS

- 5.1.1 All members of staff involved in the approval or implementation of education or research activity that may involve regulated activity are required to familiarise themselves with the University's Policy on Safeguarding Children and Adults at Risk and available guidance on regulated activity.
- 5.1.2 In line with the DBS Code of Practice, the University of Essex Information Security Policy, and the University of Essex Data Protection Policy, a records management procedure is in place to cover the secure handling, storage, retention and disposal of all student data.
- 5.1.3 Where a DBS check has been processed by the University via Atlantic Data the DBS Disclosure data are retained by the DBS Team for a period of twelve months. This allows for the consideration and resolution of any disputes or complaints prior to the start of a student's first placement. Atlantic Data retains the Disclosure data for a period of seven years, which is accessible via the Disclosures Manager system. Disclosures relating to an overseas check are retained by the DBS Team for the duration of student's registration. Where a DBS Certificate has been accepted from a placement provider via the vetting procedure, or via a Status Check, the Disclosure data are retained by the DBS Team for the duration of a student's registration.
- 5.1.4 After a case referred to the Review Panel has been completed, all correspondence and documents relating to student are kept in a confidential file held by the DBS Team for the current academic year plus six subsequent academic years. No information relating to a criminal offence is held on the Student Records Database or on any other University file.

6 PROCEDURE

6.1 Roles and Responsibilities

- 6.1.1 The Registrar and Secretary has ultimate responsibility for all matters relating to the operation and application of this policy.
- 6.1.2 The Director of Academic Services or nominee is Chair of the Review Panel.
- 6.1.3 The Chair of the Review Panel is responsible for:
- considering each case on its merits and determining whether the admission should proceed as normal or be referred to a Review Panel for further consideration and decision
 - in cases where a student chooses to disclose information about their criminal convictions, referring requests for specialist support to the appropriate support service
 - in cases where a student is unable to obtain an overseas check, considering the risk that the student might pose and determining what action is required

- ensuring the effective operation of the meetings in accordance with this policy and the DBS Code of Practice, with support from the DBS Administrator
- providing management responsibility for this policy, the supporting procedures and the delivery of student DBS checks.

- 6.1.4 The Academic Registrar or nominee is Chair of the Appeal Panel and responsible for ensuring the effective operation of the meetings in accordance with this policy and the DBS Code of Practice, with administrative support from an Appeal Secretary. In no instance may the Academic Registrar's nominee be an individual who has been a member of the Review Panel that considered the case that is subject to the Appeal.
- 6.1.5 The DBS Administrator has operational responsibility for managing the student DBS checks process, ensuring all students complete checks when required, by liaising with the relevant Department. The DBS Administrator oversees the identity checks process and escalates cases to the Chair of the Review Panel in accordance with this policy. The DBS Administrator is Secretary to the Review Panel. The DBS Administrator is based in the Student Progress Team and is supported by a wider DBS Team which has responsibility for administering DBS checks and processing student membership cases.
- 6.1.6 Departments are responsible for identifying students requiring DBS checks and agree the timescales for conducting the checks with the DBS Administrator. All relevant Departments must notify the DBS Administrator of any changes to placement requirements relating to student DBS checks.
- 6.1.7 All Review Panel members and Appeal Panel members are required to consider each case in accordance with the DBS Code of Practice and contribute to the discussions and decision making process of the panel.
- 6.1.8 Designated members of staff from the Academic Section that are trained in accordance with the DBS Code of Practice verify the identity of students by checking the documents provided, ensuring they meet the DBS approved identification document requirements.¹¹

6.2 Implementation of the Procedure

- 6.2.1 Where a criminal offence is disclosed or comes to light during the admissions process or via a criminal record check, or where there are other concerns raised about a student, the student is informed that the case has first to be considered in accordance with this policy. A member of the DBS Team writes formally to the student to inform them of the procedure to be followed and to request that additional information is provided using a standard pro forma. Where a student does not reply to the DBS Team within the timescales provided in the letter it is assumed that they do not want to proceed with their application and the Admissions Office is advised accordingly.
- 6.2.2 The Chair of the Review Panel considers the information that has been received relating to the individual case and determines whether (i) the admission should proceed as normal or (ii) be referred to a Review Panel for further consideration and decision.
- 6.2.3 For cases referred to the Review Panel, all decisions are taken on the basis of a risk assessment relating to the circumstances of the individual case.
- 6.2.4 Where a satisfactory DBS check is a mandatory entry requirement of a course, the Review Panel considers whether any criminal record disclosed might affect the student's admission on to the course. If it is deemed that, on the basis of the information declared or disclosed, the individual should be allowed to be admitted on to the course, the Review Panel will recommend that the offer may proceed, subject to approval from the placement provider.

¹¹ A list of acceptable ID documents can be found on the University's DBS webpages and the GOV.UK website.

- 6.2.5 The Programme Lead (or nominated representative) within the relevant department is responsible for corresponding with the placement provider, providing anonymous information where possible, to seek confirmation that the student could be placed in practice. Where it is not possible to carry out this process anonymously, or, where the placement provider requests to discuss a case further with the student, permission will be sought from the student prior to the release of their personal details.¹² Where consideration of a student's criminal record has already taken place during the selection process, the Programme Lead (or nominated representative) may refer to the student's admissions file to confirm whether the student could be placed in practice, rather than contacting the placement provider directly. In liaison with the Chair of the Review Panel, the Programme Lead is also responsible for considering the risk and determining what action is required in cases where a student is unable to obtain an overseas check.
- 6.2.6 When a student discloses a criminal offence in advance of completing a mandatory DBS application, the DBS Team requests additional information from the student, the relevant Department, and the placement provider, as appropriate to enable a decision to be made as described above. On receipt of the DBS Disclosure, a member of the DBS Team compares the information contained in the Disclosure with the information disclosed by the student. If this information corresponds, the original decision of the Chair of the Review Panel or Review Panel is upheld. If it does not correspond, the matter is referred to the Chair of the Review Panel for consideration.
- 6.2.7 On receipt of a DBS Disclosure that has been completed as a result of a mandatory periodic recheck, the DBS Team will compare the information held on the Certificate with the information disclosed during the admissions process. If this information corresponds, the student is automatically approved to commence placements for that academic year. If the information does not correspond, or the student has been convicted of a criminal offence since their last check, the matter will be considered by the Review Panel in accordance with this policy and referred for consideration under the University's Code of Student Conduct and the University's Fitness to Practise Procedure. Where appropriate the matter will also be considered in accordance with the University's Policy on Safeguarding Children and Adults at Risk.
- 6.2.8 In cases where a student has disclosed a criminal record or conviction for the purposes of accessing the University's specialist support services, the Chair of the Review Panel will determine which are the appropriate services, and notify the appropriate member of staff.

6.3 Activities requiring a DBS check

- 6.3.1 If a student is registered with the University of Essex and requires a DBS check for a placement or related activity that is not mandatory for the completion of the course, the DBS Team requests additional information from the student, the relevant Department and the placement provider as appropriate.
- 6.3.2 The Chair of the Review Panel considers all criminal offences that are disclosed during the admissions process or disclosed via a criminal record check, in accordance with the relevant legislation, and determines whether (i) the student should be permitted to undertake the placement or related activity, or (ii) the matter should be referred to the Review Panel for further consideration and decision.
- 6.3.3 Under these circumstances, if a student discloses a criminal record in advance of completing a DBS application or providing an overseas check, on receipt of the disclosure, a member of the DBS Team compares the information held on the Certificate with the information disclosed by the student. If the information corresponds, the decision

¹² If the student does not agree to the release of their personal details the student would not be able to register on the course. If the student had already registered for the course they would be required to either withdraw from the course or to transfer to an alternative course where possible.

of the Chair of the Review Panel or Review Panel is upheld. If it does not correspond, the matter is referred to the Chair of the Review Panel for consideration.

- 6.3.4 Where a disclosure is received relating to a student wishing to undertake non-academic activities, the case is not referred to a Review Panel and it is the responsibility of the relevant office of the University to determine what action should be taken following notification of the disclosure in line with the University's Policy on Safeguarding Children and Adults at Risk.
- 6.3.5 Where a disclosure is received relating to a student wishing to undertake an activity with the Students' Union, the case will be referred to the Students' Union and be subject to the procedures outlined in the SU Safeguarding Policy. Under these circumstances, it is the responsibility of the Students' Union to determine what action should be taken following notification of the disclosure. The University will be notified of any arrangements put in place by the Students' Union in relation to a Safeguarding concern.

7 REVIEW AND APPEAL PANELS

7.2 The Student Membership and DBS Review Panel

- 7.2.1 The terms of reference of the Review Panel are:
To consider each case referred to it, taking into account the nature of the course or activity to be carried out, any additional information provided, the recommendations of the relevant Department and placement provider as appropriate, and the DBS Code of Practice and to resolve on behalf of the University:
- that no objection be raised to admission to the course; or
 - that no objection be raised to the student continuing on the course; or
 - that the student may not be admitted to or continue on the course.

To consider as appropriate criminal record checks in relation to students undertaking academic related activities that are not a mandatory requirement for admission or continuation on a course and to determine appropriate action.

To consider reasonable adjustments to enable course learning outcomes to be met for students who have informed the University of any conditions which may prevent them from fully engaging with their course and the broader University Community.

- 7.2.2 The Review Panel comprises the Director of Academic Services or nominee (Chair), a representative from the relevant Department, the placement provider (where necessary), an independent representative, and any other relevant stakeholders as appropriate. The DBS Administrator acts as Secretary.
- 7.2.3 The Review Panel does not normally seek to interview the student, but the Panel is free to request an interview, to request additional documentation or to consult any person it sees fit before reaching a final decision on the case.
- 7.2.4 Where there is disagreement between members of the Panel, the Chair's decision is final taking into account all views expressed and the risk assessment.
- 7.2.5 The Secretary to the Review Panel completes a risk assessment, which also formally records the Panel's deliberations and the decision reached.
- 7.2.6 The Chair of the Review Panel writes to the student to inform them of the decision and outcome. This will normally be sent to the student, via e-mail, within five working days of

the date of the Review Panel.

7.3 Student DBS Appeal Panel

7.3.1 A student may appeal against the decision of the Review Panel. The grounds on which an appeal may be submitted are:

- (a) that there were procedural irregularities in the operation of this policy of such a nature as to cause reasonable doubt as to whether the result might have been different had they not occurred;
- (b) that new evidence has come to light which could not reasonably have been made available to the Review Panel.

7.3.2 A student wishing to submit an appeal should write to the Academic Registrar within ten working days of the date of the original outcome letter sent by the Chair of the Review Panel, setting out the grounds for appeal. The Academic Registrar or nominee considers the appeal and determines whether there are grounds for appeal and whether the case should be referred to an Appeal Panel. Where the Academic Registrar determines that there are no grounds for appeal, the appeal is dismissed. It is at the discretion of the Academic Registrar to determine whether any new evidence could reasonably have been submitted to the original Review Panel.

7.3.3 The terms of reference of the Appeal Panel are:

to consider each case referred to it, taking into account the original decision of the Review Panel, including the risk assessment, the grounds of appeal and any conditions or circumstances relating to the student's work placement or related activity requiring a criminal record check; and on behalf of the University, to resolve that the appeal be upheld or dismissed and, where the appeal is upheld to resolve:

- that no objection be raised to admission to the course; or
- that no objection be raised to the student continuing on the course; or
- that the student may not be admitted to or continue on the course.

7.3.4 The Appeal Panel comprises the Academic Registrar or nominee (Chair), the Head of the relevant Department and a Head of Department or representative from another Department. The Appeal Panel does not include any members with previous involvement in the case and is serviced by an independent secretary.

7.3.5 Where there is disagreement between members of the Panel, the Chair's decision is final, taking into account all views expressed.

7.3.6 The Chair of the Appeal Panel writes to the student to inform them of the decision and outcome. This will normally be sent to the student, via e-mail, within five working days of the date of the Appeal Panel.

7.3.7 The decision of the Appeal Panel is final.

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| Title | Student Membership and Disclosure and Barring Service Checks Policy and Procedure |
| Version number | 1.0 |
| Policy author | Emma Hardy, Deputy Academic Registrar, Director of Academic Services Talia Francis, Student Progress Manager, DBS Administrator |
| Original policy author | Emma Hardy, Deputy Academic Registrar, Director of Academic Services Talia Francis, Student Progress Manager, DBS Administrator |
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| Date of next review | June 2021 |
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| Document classification | Public |
| Questions and queries | { HYPERLINK "mailto:dbs@essex.ac.uk" } |
| Related policies | Not applicable |
| Supersedes | Student Membership and Disclosure and Barring Service Checks Policy and Procedure 2019-20, September version |
| Superseded by | Not applicable |