

Birmingham City University

DBS Panel – Guidance Document

Introduction

This guidance sets out the arrangements for holding a Disclosure and Barring Service Panel ('DBS Panel') and should be read alongside the University's [Criminal Convictions Policy and Procedure](#).

A DBS Panel will be held in circumstances where:

- You have been successful in securing an offer of a place to study at the University on a regulated course. Regulated courses are those courses which are subject to professional, statutory and regulatory body requirements. Such courses may also involve undertaking placements with children and/or vulnerable adults and examples include Nursing, Midwifery, Diagnostic Radiography and Paramedic Science; and
- You have declared a criminal conviction on your Criminal Convictions Declaration Form and have been required to obtain an enhanced DBS certificate as a result; and
- The DBS certificate includes a positive disclosure.

The purpose of the Panel is to assess any risk you that may pose to the University community.

Membership

The DBS Panel will be made up of the following members:

- A Head of Department or staff member of equivalent seniority (Chair)
- An additional staff member with experience in undertaking relevant risk assessments
- A representative from an external practice partner

In all cases at least one member of the Panel will be registered with a professional, statutory and regulatory body.

All panel members will be impartial. Although it is normal practice for panellists to have no previous knowledge of either you or the matter being considered, it may be necessary to hold a panel if you or the matter being considered is known to one or more of the panellists. In circumstances where a Panel member declares a conflict of interest, we will arrange for a suitable substitute to take that Panel member's place.

Who will attend the panel meetings?

The following people may attend the panel meeting for different reasons. These people do not form part of the panel for the purpose of reaching a decision, but the panel may ask them for information during the meeting.

Clerk	The Panel will be clerked by a member of Student Governance. The clerk arranges the panel meeting, attends the meeting to take notes of the main discussion points, gives procedural advice to the panel and writes up the panel's decision. The clerk is allowed to be present during all private meetings of the panel.
Observers	Observers can attend the Panel with prior approval of the Chair. Up to two observers may attend for training purposes.
Companion	You are entitled to bring a companion with you to the Panel. Anyone can act as a companion, but companions must not be acting in a legal capacity during the panel meeting. The role of the companion is to offer support.
Personal Representative	In exceptional circumstances, and only with prior approval from the Chair, you can ask another person to represent you at the Panel. The representative must not be acting in a legal capacity, but may speak on your behalf. In these cases we will assume that your representative is familiar with your case and is authorised to give the panel information about you and make decisions on your behalf. You are responsible for your representative's behaviour during the panel meeting.

Scheduling meetings

Panels may take place on either of the University's campuses.

Since the decision of the DBS Panel will influence your ability to study at the University, we will convene the Panel as quickly as possible. You will be given details of the Panel and will be invited to attend; if you are unable to attend, the Panel will usually proceed unless the Chair considers there is good reason to postpone.

Panel duties and possible outcomes

It is the responsibility of the Panel to conduct a risk assessment in light of your DBS certificate and to decide whether you may pose a risk to the University community. The range of outcomes available to the Panel is set out in the Criminal Convictions Policy and Procedure.

Proceedings

As proceedings may vary depending on the nature of the matter being considered, the Panel will give you, and everyone else who will be attending, specific information on the likely proceedings at the start of the Panel meeting. In all cases, panels meet

privately both before and after meeting with you. When you are present, you will have the opportunity to make any representations you wish to make and will be able to respond to any questions the Panel members wish to ask.

If you have evidence that you would like the Panel to take into account then you should provide this to the Clerk, and in advance of the Panel meeting wherever possible. If you present evidence at the meeting itself, there may be a break in proceedings while the Panel considers the evidence.

We may reasonably adjust the process for the DBS Panel to take account of any disability you have disclosed to us. For example, this could involve an extra person being present during meetings to provide sign language interpretation, or more breaks during the meeting.

Panel decision

Not everyone on the Panel has to agree on the panel decision – the Panel can issue a majority decision. You will receive the Panel's decision within 7 days of the panel meeting and the decision will include:

- the names of everyone who attended;
- the matters considered (and, if relevant, any matters the Panel decided not to consider);
- the outcome reached by the Panel;
- the process if you wish to appeal the Panel's decision.

Version number	1
Date applicable from	11 May 2020
Owner	Assistant Director Student Governance, Mental Health & Wellbeing
Date of review	11 May 2021