



## **Policy on disclosure of criminal records and undertaking of criminal records checks on students and applicants for study**

**London Metropolitan University**

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## 1 Our mission

London Metropolitan University (the **University**) welcomes students from a wide variety of backgrounds and aims to provide a supportive learning environment in which students can fulfil their potential. It recognises that some of its applicants/students:

- may have unspent criminal convictions;
- may have spent criminal convictions that may be relevant in relation to their proposed course of study;
- may be charged with a criminal offence during the course of their study;
- may be convicted of a criminal offence during the course of their study;
- may apply for a course that has professional body accreditation, which requires a Disclosure and Barring Service (DBS) check and therefore the disclosure of spent and unspent criminal convictions that are not eligible for filtering; or
- may apply for a course which includes activities that require a DBS check and therefore the disclosure of unspent and spent criminal convictions that are not eligible for filtering.

The University aims to treat all such students fairly, while having due regard for its duty of care to all members of the University community; students and staff. The institution has a positive approach to supporting ex-offenders and disclosure of a conviction does not automatically result in the withdrawal of an offer or the termination of registration.

For a number of professionally accredited courses, whether or not they require a DBS check associated with placements or other activities, the standard of good conduct expected of students may be higher than those of other, non-accredited courses. Consequently, the University may impose stricter criteria both for admission and for remaining on such courses.

The University expects and requires its applicants and students to be **honest, open and to disclose their status** with regard to criminal convictions appropriately and in accordance with this Policy. Any failure to disclose this status to the University will, of itself, be regarded as a serious breach of trust and honesty and is likely lead to summary exclusion from the institution, regardless of the nature of the actual conviction.

## 2 Introduction

This document sets out the policy and requirements of the University in relation to the evaluation of applicants with criminal convictions, and to the management of students who commit criminal offences during the course of their study.

It also covers undertaking, assessment and retention of **DBS** disclosures for all students enrolled on courses involving work placements with children or vulnerable groups in a regulated activity (a **Relevant Placement**).

The aims of this policy are:

- to demonstrate a proper duty of care to students and staff;

- to treat applicants and students who have a current criminal record, and/or a history of offending, fairly and appropriately;
- to ensure compliance with all relevant legislation, recommendations and guidance and the DBS Code of Practice;
- to ensure that the University assists placement providers with meeting their commitment to the safeguarding and welfare of children and vulnerable groups; and
- to ensure that students are aware of safeguarding and welfare requirements before they enrol on courses involving Relevant Placements.

In relation to all aspects of this policy, the key points the University will consider when making a judgement are set out below:

- the seriousness of any offence or other matter revealed;
- the length of time since the offence or other matter occurred;
- whether the individual has a pattern of offending behaviour or other relevant matters;
- whether the individual's circumstances have changed since the offending behaviour or other relevant matters occurred;
- the circumstances surrounding the offence and the explanation(s) offered by the convicted person;
- whether the course of study has any professional accreditation or registration which would limit or prescribe or exclude the recruitment of students with an offending history; and
- if related to a Relevant Placement, whether the conviction or other matter revealed is relevant to that placement.

### **3 Applicants who are ex-offenders and have an unspent criminal conviction**

#### **3.1 Disclosure prior to offer or admission**

Prospective students who apply to the University to study on any course who have an unspent criminal conviction(s), must disclose these at the earliest stage and **before** an offer is made of a place on a course in accordance with this policy.

When an applicant has an unspent conviction and declares it prior to receiving an offer, they will be asked to give a full and frank account of the conviction to the member of admissions staff, who will then inform the course leader and Dean of Faculty. The Dean of Faculty and the course leader will then determine whether not to reject the applicant or to recommend that the student be made an offer.

If the Dean of Faculty and the course leader determine to reject the applicant this will be at their absolute discretion and not subject to any right of appeal.

If they wish to recommend the admission of the student, the Dean of Faculty will refer the matter to the University Secretary for a final decision. The decision of the University Secretary is final and there is no right of appeal.

#### **3.2 Failure to disclose**

All offers of a place on any course at the University are conditional upon the:

- the applicant disclosing all unspent criminal convictions in accordance with this Policy; and
- the applicant complying with this Policy.

If a student fails to disclose an unspent criminal conviction, before an offer of a place is made or at any time after, this will be regarded as a serious act of misrepresentation by the student and an attempt to deceive or mislead the University.

Where a student fails to disclose an unspent criminal conviction, or has otherwise failed to comply with this Policy, the University Secretary may withdraw the offer or terminate their registration on the basis that these conditions have not been fulfilled. In such cases the decision of the University Secretary will be final and there will be no right of appeal nor will there be a refund of any fees already paid.

A failure to disclose a previous conviction may also amount to a criminal offence and the University may report this to the Police.

In accordance with the Rehabilitation of Offenders Act 1974, students who have a spent criminal conviction(s) applying for courses which do not involve a Relevant Placement will not be required to disclose them.

## **4 Applicants who are ex-offenders and have a spent criminal conviction(s) who apply to a Relevant Course and/or involves a Relevant Placement**

### **4.1 Disclosure prior to offer or admission**

Relevant Courses are those which have particular professional body accreditations or involve a Relevant Placement and are exempt from the Rehabilitation of Offenders Act 1974. Relevant Courses include (but are not limited to) Social Work, Dietetics, Teacher Training courses and other courses that involve working with children. Prospective students who apply to the University to study such courses who have a spent criminal conviction(s) that are not eligible for filtering, are required to disclose these at the earliest stage and **before** an offer is made of a place on a course.

When an applicant has a spent conviction that is not eligible for filtering and declares it prior to receiving an offer, they will be asked to give a full and frank account of the conviction to the member of admissions staff, who will then inform the course leader and Dean of Faculty. The Dean of Faculty and the course leader will then determine whether to reject the applicant or to recommend that the student be made an offer.

If the Dean of Faculty and the course leader determine to reject the applicant this will be at their absolute discretion and not subject to any right of appeal.

If they wish to recommend the admission of the student, the Dean of Faculty will refer the matter to the University Secretary for a final decision. The decision of the University Secretary is final and there is no right of appeal.

### **4.2 Failure to disclose**

All offers (including “unconditional offers”) of a place on a Relevant Course or a course that involves a Relevant Placement are conditional upon the:

- the applicant disclosing all spent and unspent criminal convictions that are not eligible for filtering in accordance with this Policy; and
- the applicant complying with this Policy.

If a student fails to disclose any spent or unspent criminal conviction(s) that was not eligible for filtering before an offer is made, or at any time after, this will be regarded as a serious act of misrepresentation by the student and an attempt to deceive or mislead the University.

Where a student fails to disclose an unspent conviction or spent criminal conviction that was not eligible for filtering, or has otherwise failed to comply with this Policy, the University Secretary may withdraw the offer or terminate their registration on the basis that these conditions have not been fulfilled. In such cases the decision of the University Secretary will be final and there will be no right of appeal nor will there be a refund of any fees already paid.

A failure to disclose a previous conviction may also amount to a criminal offence and the University may report this to the Police.

## **5 Students participating in a course which is a Relevant Course and/or involves a Relevant Placement**

For the avoidance of doubt the University will apply for the relevant DBS disclosure for students who have enrolled on any course that is a Relevant Course and/or involves a Relevant Placement, whether those placements are mainly supervised or unsupervised.

It is a condition of continuing on these courses that students consent to the University applying for a DBS check. Continued study on courses covered by this Policy is conditional upon the University Secretary being satisfied with the following:

- the DBS disclosure;
- that a student is not barred from working with children and/or vulnerable groups or in a regulated activity; and
- such other checks that the University or a placement provider is required to complete or undertake from time to time.

An enhanced DBS disclosure will contain details of all convictions on record that are not eligible for filtering (including those which are defined as "spent") together with details of any cautions, reprimands or warnings held on the Police National Computer that are not eligible for filtering. An enhanced disclosure with DBS Barred List checks will also reveal whether an individual is barred from working with children or vulnerable groups in a regulated activity by virtue of his / her inclusion on those lists. A DBS disclosure may also contain non-conviction information from local police records which a chief police officer thinks may be relevant in connection with the matter in question.

The University will normally apply for a DBS disclosure prior to an individual undertaking a Relevant Placement. The disclosure must have been reviewed and be deemed satisfactory by the University and the placement provider before the placement can begin.

Students must show their DBS disclosure to University staff when it is received by the student.

Students must consent to the University making a copy of the DBS disclosure, which it will store in accordance with the Data Protection Act 1998.

Students must retain their DBS disclosure for the duration of the course and must make it available to placement providers if requested by the University Secretary or the placement provider.

Students are advised, but not obliged, to subscribe to the DBS Update Service.

Students who subscribe to the Update Service must consent to status checks. The University would consider the refusal to consent to status checks as failure to disclose.

If a further DBS check is required for a student who has not subscribed to the DBS Update Service the student must meet the full cost of the additional check.

Students will not ordinarily be required to provide or apply for a further DBS disclosure during the course unless

- a DBS status check reveals a change; or
- a status check is required and the student has not subscribed to the DBS Update Service.

It is a condition of enrolment that students consent to the University discussing the information contained in the DBS disclosure or status check with the placement provider. Students may be required to attend an interview with the placement provider to discuss the information contained in the disclosure or status check before a final decision on suitability can be taken.

In the event that relevant information about a student (whether in relation to previous convictions or otherwise) is obtained through a DBS check or DBS status check during the course of study, the University Secretary will determine how to proceed.

If an individual wishes to dispute any information contained in a disclosure, he / she can do so by contacting the DBS directly.

## **6 Students who commit criminal offences during their study**

6.1 Once a student commences any course at the University they are under a continuing duty to immediately notify their personal tutor or Head of Department:

- if they are charged or convicted of any criminal offence; or
- if they are in receipt of a police caution, reprimand or warning.

The personal tutor or Head of Department shall in turn inform the Dean of Faculty.

In the event that relevant information about a student (whether in relation to previous convictions or otherwise) is volunteered by a student during the course of study, the Dean of Faculty will consult with the University Secretary as to how to proceed.

The University Secretary will determine what action shall be taken including whether or not to proceed with a disciplinary charge against the student, under the relevant student disciplinary regulations which are accessible on the University's website.

6.2 If a student commences a course which has professional body accreditation and/or is a Relevant Course and/or involves a Relevant Placement, then as well as complying with 6.1 above they must also immediately notify their personal tutor or Head of Department:

- if there is a formal child protection investigation of the student or any member of their household or,

- if they are barred from working with children or vulnerable groups or in a regulated activity or;
- if they are the subject of a referral to the DBS;

The personal tutor or Head of Department shall in turn inform the Dean of Faculty.

In the event that relevant information about a student (whether in relation to previous convictions or otherwise) is volunteered by a student during the course of study, the Dean of Faculty will consult with the University Secretary as to how to proceed.

The University Secretary will then determine what action shall be taken. including whether or not to proceed with a disciplinary charge against the student, under the relevant student disciplinary regulations, which are accessible on the University's website

## **7 Retention and security of disclosure information**

The University's policy is to observe the guidance issued or supported by the DBS on the use of disclosure information, but is under no obligation to do so.

In particular, the University will:

- store disclosure information and other confidential information issued by the DBS in secure areas , access to which will be restricted to University staff with a legitimate professional need and then solely for the purposes of the University or your course of study;
- not retain disclosure information or any associated correspondence for longer than is necessary. The University will keep a record of the date of a disclosure, the name of the subject, the type of disclosure, the course in question, the unique number issued by the DBS and the suitability decision taken;

The University complies with the provisions of the DBS Code of Practice.