

## LJMU CRIMINAL CONVICTIONS POLICY



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<b>Relevant to</b>	All LJMU Students and Applicants	
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# **LJMU CRIMINAL CONVICTIONS POLICY**

## **1. Introduction**

- 1.1. Liverpool John Moores University (LJMU) is committed to providing, creating and maintaining an atmosphere which is conducive to the academic and social well-being of the University community.
- 1.2. The University has a duty of care to staff, students, visitors and clients. In order to discharge this duty it is incumbent upon the University to consider the impact of any criminal convictions.
- 1.3. The University acknowledges that some applicants may have criminal conviction(s) or be subject to police investigation prior to making an application to the University. Equally students may be subject to a criminal investigation, charged with an offence or convicted of a criminal offence during their time at the University.
- 1.4. This policy considers all applicants and students on all programmes, including those on taught and research degrees.
- 1.5. LJMU defines convictions as: any pending charges, police investigations, cautions, bind-overs, reprimands or criminal convictions.
- 1.6. The LJMU Criminal Convictions Policy and process operates in consideration of relevant statutory legislation and professional body requirements.

## **2. General Principles**

- 2.1. There is a requirement for all applicants and students to declare relevant police investigations and criminal convictions to the University throughout the duration of their course.
- 2.2. LJMU defines relevant and un-spent convictions in line with the Rehabilitation of Offenders Act 1974 (ROA) Appendix 1.
- 2.3. Professional Programmes are exempt from the ROA (Appendix 1) and require full disclosure of all convictions, investigations, cautions or reprimands.
- 2.4. All information provided as part of this process will be considered objectively assessing any risk to LJMU staff, students, visitors and clients.
- 2.5. Information provided will be treated as 'sensitive, confidential data' in line with University Policy and the Data Protection Act 1998.

## **3. Disclosing Conviction(s)**

### **Applicants**

- 3.1. The University requires applicants to declare all relevant criminal convictions (as defined in 1.5) on application. Irrespective of the route of application, the application form requests disclosure of relevant criminal convictions.
- 3.2. If an applicant is convicted of a relevant criminal offence after submission of their application they must inform the University at the earliest opportunity.
- 3.3. Applications to programmes at LJMU are initially considered according to the established admissions procedures and criteria prior to the consideration of the declared criminal convictions.

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### Current Students

- 3.4. Students are required to inform the University of any relevant cautions, reprimands, final warnings, convictions or pending charges/investigations during their time as students of the University.
- 3.5. Students are advised to contact Student Governance (SG) and their programme leader to confirm the details of relevant convictions, charges, and investigations.

### Failure to Disclose

- 3.6. If a person applying for a programme fails to declare a relevant conviction(s), the application may be considered to be 'fraudulent'. Where appropriate, as well as taking internal action, the University will normally report such activity to the relevant external admissions body, who may take the matter forward under their established procedures. Applications may be rejected for non-declaration or partial disclosure.
- 3.7. Students who fail to declare a relevant criminal conviction(s) may be subject to disciplinary proceedings and may be expelled from their programme of study.

### General Programmes

- 3.8. For general programmes and modules, University applicants and students must disclose relevant unspent convictions, as defined by the ROA. Appendix 1.
- 3.9. If the programme or module requires contact with children or vulnerable adults then applicants and students are required to declare **ALL** unprotected convictions and cautions and a disclosure may be required from the Disclosure and Barring Service (DBS) and will be considered at the relevant Panel (Appendix 2).
- 3.10. Advice can be obtained from SG, the Admissions Department and from the Programme Leader.
- 3.11. A number of programmes, whilst they may not be exempt from the ROA or require a DBS Disclosure they may be subject to external validating agency admissions policy, in relation to accepting applicants with criminal conviction(s).
- 3.12. Certain programmes (such as Law and Psychology etc) upon successful completion may lead to application for registration with professional bodies. Applicants and students applying for such programmes are advised to seek advice from such professional bodies, regarding the impact of criminal conviction(s) on their chosen career.
- 3.13. While LJMU may be willing to admit an applicant on a programme of study or allow a current student to continue, successful completion of the programme does not guarantee that the applicant/student will be able to practise, or take up a related profession.
- 3.14. Students and applicants should be aware that if accepted onto the programme they are also required to declare all convictions on any application for registration to the professional body.

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### **Professional Programmes**

- 3.15. Professional Programmes are exempt from the ROA and therefore convictions can never be classed as 'spent'. Applicants and students for these programmes are required to provide details of **ALL** unprotected convictions and cautions (see Appendix 1).
  - 3.16. Application to study on some professional programmes or modules may require applicants and students to undertake a DBS disclosure. Appendix 2.
  - 3.17. Such programmes would include teaching, health, social work, pharmacy or courses involving work with children or vulnerable adults.
  - 3.18. Professional programmes may also request all students to declare annually that no further or new convictions have been obtained.
  - 3.19. Applicants may be accepted onto a programme of study, subject to satisfactory police checks. Students will not be allowed to commence placements until a satisfactory DBS is received.
  - 3.20. Students can be suspended/discontinued from the programme at any time if DBS disclosures are unsatisfactory.
  - 3.21. Professional programmes are subject to suitability requirements and recommendations from professional bodies such as the General Teaching Council (GTC), Training and Development Agency for Schools (TDA), Nursing and Midwifery Council (NMC), Healthcare Professionals Council (HPC), General Social Care Council (GSCC), General Pharmaceutical Council (GPhC), as well as any other relevant Professional and/or Statutory Body Requirements. Appendix 4-8.
  - 3.22. Students and applicants should be aware that if accepted onto the programme they are also required to declare all convictions on any application for registration to the professional body.
  - 3.23. Advice can be obtained from the Admissions Department and from the Programme Leader.
4. **Procedure following the disclosure of criminal conviction(s)**
- 4.1. Upon receipt of a criminal conviction disclosure from an applicant or student, the SG office and/or appropriate contact in the Faculty of Education, Health and Community (EHC) and the Faculty of Science (SCS) will liaise with appropriate staff to determine if any immediate action needs to be taken. This may include:
    - Assessing if there is any immediate risks to staff, students, clients and visitors.
    - Suspension of student from placement.
    - Suspension of student from University.
    - Referring students to appropriate support services.
    - Requesting additional information from the student/applicant.
    - If appropriate the case will be referred to the Faculty or University Fitness to Practise Panel for consideration.
    - Referring the case to the relevant Criminal Convictions Panel (CCP)
  - 4.2. Applicants are normally required to respond to the request for further information **within 20 working days**. If no response is received then the application may be rejected.

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- 4.3. Students who fail to respond to requests for information regarding disclosed convictions may be suspended, and will be unable to resume their studies until the information is received and considered by the appropriate CCP.

### **5. Stage One: Criminal Convictions Panel**

- 5.1. All conviction(s) will be considered by the appropriate CCP, taking into account the individual circumstances of the case, in view of current practise and the University's duty-of-care to staff, students, visitors and clients.
- 5.2. Students and applicants will be given the opportunity to provide written representation to the Panel. All information provided to the Panel will be considered as confidential and sensitive data.
- 5.3. The Panel will consider all information provided and will assess whether the declared conviction(s) poses any risk to LJMU staff, students, visitors and clients.
- 5.4. The Panel will consider if the conviction impacts on the programme of study. This includes consideration of any relevant professional Codes of Practice and/or Government legislation.
- 5.5. The Panel may:
- Seek advice from professional/academic members of staff or external representatives to assess any implications on the programme, placement or future career.
  - Request additional information.
  - Defer consideration of a decision where there is a pending charge or ongoing investigation.
  - Refer the case for consideration under the Student Disciplinary Procedure, Fitness to Practise Procedure or any other University Policy and Procedure.
- 5.6. After consideration of the disclosed conviction(s) the relevant CCP may make the following recommendations:

#### **Applicants**

- Reject the application
- Defer entry to the programme for a defined period
- Recommend that the applicant is advised to consider an alternative programme of study.
- Recommend the application is accepted, subject to satisfactory police checks (such as Enhanced DBS Disclosure).
- Recommend the application is accepted

#### **Students**

- No further action is required and the student is allowed to continue on the programme.
- Recommend to the Vice-Chancellor that the student be excluded from the programme for a defined period.
- Recommend to the Vice-Chancellor that the student is expelled from the programme and/or the University.
- Recommend that the student is advised to consider an alternative programme of study.
- Recommend that the student is referred to other University procedures such as LJMU Disciplinary Procedure or LJMU Fitness to Practise/Study

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- 5.7. Notes of the decisions will be taken and made available upon request to the individual concerned. Verbatim minutes will not be recorded.
- 5.8. The decision of the CCP will be notified to the applicant or student in writing and the applicant or student will be advised of the appeals process, as outlined in Section 6.
- 5.9. If the CCP recommend exclusion for a defined period of time or permanent expulsion from the programme or the University this will be referred to the Vice-Chancellor (or nominee) via the office of Student Governance for approval.
- 5.10. The decision of the Vice-Chancellor will be notified to the Panel and to the student. Students will be advised about the appropriate appeals procedure: Appeal against Expulsion <http://www.ljmu.ac.uk/corporate/126123.htm>

### 6. **Stage Two Appeal: The Criminal Convictions Appeals Panel (CCAP)**

#### **Appeal other than against expulsion**

- 6.1. If the applicant or student is dissatisfied with the outcome and considers that the decision of the Panel is unreasonable or the procedures have not been followed, then he/she may appeal against the decision to the Criminal Convictions Appeals Panel (CCAP). Disagreement with the decision of the Panel is not in itself sufficient reason to appeal.
- 6.2. The applicant or student must write to SG within **10 working days** of receiving the written decision of the CCP. A full statement detailing the reasons for the appeal and supporting evidence must be provided.
- 6.3. The CCAP will consider the information provided by the applicant or student the decision and documents of the original CCP and the Stage Two Appeal submission from the applicant/student. In normal circumstances, new information will not be permitted at this stage.
- 6.4. The CCAP will consider whether the decision was reasonable in the circumstances of the case and if the procedure was followed correctly.
- 6.5. The Appeals Panel may:
  - Amend the decision of the original CCP
  - Uphold the decision of the original CCP
  - Refer the case back to the CCP for reconsideration
  - Defer the decision pending further information.
  - Reject the Appeal.
- 6.6. The decision and any recommendations or advice of the CCAP will be notified to the student or applicant and to the Admissions Manager or relevant Faculty.

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## Appeal against Expulsion

- 6.7. The decision to exclude or expel a student will be confirmed by the Vice-Chancellor and will be notified to the Panel and to the student.
- 6.8. Students will be advised about the appropriate appeals procedure. Appeal against Expulsion <http://www.ljmu.ac.uk/corporate/68217.htm>

## 7. Completion of Procedures and the Office of the Independent Adjudicator (OIA)

- 7.1. A completion of procedures letter will be issued to students when the internal procedures have been exhausted.
- 7.2. Students who have completed the internal procedures and remain dissatisfied with the outcome and believe that the university has failed to follow this procedure may take their case to the Office of the Independent Adjudicator for Higher Education (OIA). Further information can be found at <http://www.oiahe.org.uk/>

## 8. Amendments and Review of Policy and Process

- 8.1. The University reserves the right to amend and review the LJMU Criminal Convictions Policy in the light of operating experience and/or prevailing circumstances such as government legislation or changes to professional body requirements.

## 9. Further Information

- 9.1. Further information on LJMU Criminal Convictions Policy and other Student Policies can be obtained by contacting: **LJMU Student Governance** at Kingsway House (Third Floor), 24 Hatton Garden, Liverpool, L3 2AJ Telephone: 0151 231 8147. Email: [StudentGovernance@ljmu.ac.uk](mailto:StudentGovernance@ljmu.ac.uk)

All forms, documents and guidance notes can be accessed at: <http://www.ljmu.ac.uk/corporate/SPR/84204.htm>

- 9.2. Independent advice and guidance can be obtained by the contacting: **Liverpool Student Union Welfare and Advice Centre** Tel: 0151 231 4900, Email: [lsuadvice@ljmu.ac.uk](mailto:lsuadvice@ljmu.ac.uk).

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## LJMU Criminal Convictions Policy Appendices

Appendix 1	Guidance Notes for Students - Rehabilitation of Offenders Act 1974
Appendix 2	Guidance Notes- Disclosure and Barring Service (DBS)
Appendix 3	Criminal Convictions Panel Membership and Composition
Appendix 4	School of Nursing and Applied Health (NAH) and Centre for Public Health Criminal Convictions Terms of Reference
Appendix 5	School of Nursing and Applied Health (NAH) and Centre for Public Health: Professional Body Suitability Requirements and Recommendations
Appendix 6	School of Teacher Education, and Professional Learning, and School of Education, Leisure and Sports Studies: Criminal Convictions Terms of Reference
Appendix 7	ITT Suitability Requirements
Appendix 8	Faculty of Science Terms of Reference
Appendix 9	Process Chart Applicants
Appendix 10	Process Chart Students

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## Appendix 1:

### **Guidance Notes for Students - Rehabilitation of Offenders Act 1974**

The Rehabilitation of Offenders Act 1974 enables criminal convictions to become 'spent' or ignored after a specified 'rehabilitation period'. After this period, with certain exceptions, an ex offender is not normally obliged to mention their conviction.

Students are not obliged to disclose Spent convictions if they are applying for or attend programmes that are not professionally validated programmes or do not require a DBS disclosure.

#### **Exceptions: Professionally Validated Programmes**

There are a number of programmes which the University define as 'exempt from the Rehabilitation of Offenders Act'. This means that applicants and students are required to declare **ALL** unprotected Convictions, cautions, reprimands and cases pending. Such programmes include teaching, nursing, pharmacy and those where students will work with children or vulnerable adults. Students applying for these courses will be asked to complete a DBS enhanced disclosure.

Please note that some modules or some work placements on non-professional programmes may require students to complete a DBS disclosure. **An enhanced DBS disclosure will detail all unprotected cautions and convictions, whether they are spent or not (see Appendix 2).**

Applicants and Students should refer to Government Guidance on the Rehabilitation of Offenders Act 1974, which is available at <https://www.gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offenders-act-1974> for detailed information on Rehabilitation periods, Exceptions and DBS Disclosures at

#### **Rehabilitation Periods: How long it will take before the caution or conviction becomes spent.**

Please note that this is intended as general guidance for applications and students and refers to the Government's Guidance at <https://www.gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offenders-act-1974>

**The Rehabilitation period is** the period which is defined in the Act and specifies the amount of time which must pass before an offence can be classed as 'spent'. The length of the rehabilitation period depends on the type of disposal administered or the length of the sentence imposed and the age of the person when convicted.

Where a court imposes more than one sentence or penalty for the offence then the longest rehabilitation period determines when the conviction may become spent.

Once a conviction becomes spent it remains spent, even if a person is convicted of other offences later. However if a person gets another caution or conviction **before the first conviction becomes spent** then this may impact of the rehabilitation periods please see <https://www.gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offenders-act-1974> for further information.

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The following sentences become spent after fixed periods from the **end date of the sentence (including the licence period)**:

Sentence/Disposal	Rehabilitation Period (People aged over 18 when convicted)	Rehabilitation Period (People aged under 18 when convicted)
Custodial sentence <sup>1</sup> of over 4 years, or a public protection sentence	Never Spent	Never Spent
Custodial sentences of over 30 months (2 ½ year) and up to and including 48 months (4 year)	7 years	3 1/2 years
Custodial sentences of over 6 months and up to an including 30 months (2 ½ years)	4 years	2 years
Custodial sentence of 6 months or less	2 years	18 months
Community order or youth rehabilitation order <sup>2</sup>	1 year	6 months

The following sentences become spent after fixed periods **from the date of conviction**:

Sentence/Disposal	Rehabilitation Period (People aged over 18 when convicted)	Rehabilitation Period (People aged under 18 when convicted)
Fine	1 year	6 months
Conditional Discharge	Period of the order	Period of the order
Absolute Discharge	None	None
Conditional Caution and youth conditional caution	3 months or when the caution ceases to have effect if earlier	3 months
Simple caution, youth caution	Spent immediately	Spent immediately
Compensation order	On the discharge order (i.e. when it is paid in full)	On the discharge order (i.e. when it is paid in full)
Binding over order	Period of the order	Period of the order
Attendance centre order	Period of the order	Period of the order
Hospital order (with or without a restriction order)	Period of the order	Period of the order
Referral order	Not available for adults	Period of the order
Reparation order	Not available for adults	None

### Rehabilitation periods for motoring offences

An **endorsement** for road traffic offence listed in Schedule 2 to the Road Traffic Offenders Act 1988, imposed either by the court or by means of a Fixed penalty notice (FPN) may become spent after 5 year (or two and half years where the offender is under 18). Road traffic legislation specifically provides for a FPN in these circumstances to be treated as a conviction and dealt with as such under the 1974 Act.

A FPN can be used to deal with minor road traffic offence, but is not a criminal conviction or a caution.

Penalty points and a driving disqualification imposed by the court on conviction may become spent when the cease to have effect (penalty points have effect for three years).

Where more than one sentence or penalty for the offence is imposed by the court then the longest rehabilitation period determines when the conviction may be come spent.

<sup>1</sup> Custodial Sentence includes sentence of imprisonment (both an immediate custodial sentence and a suspended sentence, a sentence of detention in a young offenders institution, a sentence under detention under section 91 of the Powers of Criminal Courts(Sentencing) Act 2000, a detention and training order, a sentence of youth custody a sentence of corrective training and a sentence of Borstal training.

<sup>2</sup> In relation to any community of youth rehabilitation order which has no specified end date the rehabilitation period is 2 years from the date of conviction.

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## Appendix 2:

### **Disclosure and Barring Service (DBS)**

The Disclosure and Barring Service (DBS) helps employers make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups, including children. It replaces the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA).

The DBS is responsible for

- processing requests for criminal records checks
- deciding whether it is appropriate for a person to be placed on or removed from a barred list
- placing or removing people from the DBS children's barred list and adults' barred list for England, Wales and Northern Ireland

Detailed information on the DBS Service is available at <https://www.gov.uk/government/organisations/disclosure-and-barring-service/about>

Application to study on some professional programmes or modules may require applicants and students to undertake a Disclosure and Barring Service criminal record check (DBS check).

Professional courses or modules which are exempt from the ROA (Appendix 1) will require applicants and students to obtain an Enhanced DBS check. This would be considered by the relevant Criminal Convictions Panel. Enhanced DBS Checks are required for all who work with children and vulnerable adults.

The level of disclosure required for the programme or module will be clearly stated in the LJMU programme literature.

A charge may be made to applicants and students for obtaining a DBS disclosure.

The processing of any required DBS disclosures is normally completed within the local Faculty. For further information about the processing of DBS Disclosures please contact the programme leader and/or school office.

Applicants and students will be issued with a DBS certificate directly from the DBS and will be required to provide this to LJMU. Applicants and Students can also register to the Disclosure and Barring Service (DBS) update service, which lets applicants keep their DBS certificates up to date online and allows employers to check a certificate online.

Applicants from overseas or applicants whose five year address history contains non-UK addresses may also have to apply to their country of origin for criminal convictions disclosure as well as to the DBS. The DBS cannot currently access overseas criminal records or other relevant information as part of its disclosure service. Obtaining criminal convictions disclosures from overseas agencies may involve an additional financial cost and may increase the length of time taken for the information to be returned.

### **What information will be shown on a DBS certificate?**

Standard and Enhanced Criminal Record Certificates issued by the DBS will include details of convictions and cautions (which includes youth cautions, reprimands and warnings) recorded on the Police National Computer (PNC).

A DBS certificate will include:

- Cautions relating to an offence from a list agreed by Parliament
- Cautions given less than 6 years ago (where individual 18 or over at the time of caution)

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- Cautions given less than 2 years ago (where individual under 18 at the time of caution)
- Convictions relating to an offence from a prescribed list
- Where the individual has more than one conviction offence all convictions will be included on the certificate (no conviction will be filtered)
- Convictions that resulted in a custodial sentence (regardless of whether served)
- Convictions which did not result in a custodial sentence, given less than 11 years ago (where individual 18 or over at the time of conviction)
- Convictions which did not result in a custodial sentence, given less than 5.5 years ago (where individual under 18 at the time of conviction)

In addition to information from the PNC, an Enhanced certificate may also include information taken from police records that a chief officer of a police force considers relevant to the application and ought to be disclosed, or details of whether an individual is included on one or both of our two lists barring people from working with children and/or vulnerable adults.

### **Filtering**

The amendments to the Exceptions Order 1975 (2013) provide that certain spent convictions and cautions are 'protected' and are not subject to disclosure to employers, and cannot be taken into account. Protected cautions and convictions will now be filtered and will not appear on criminal record certificates.

The DBS states that the filtering rules for criminal record checks are:

#### **For those 18 or over at the time of the offence:**

An adult conviction will be removed from a DBS certificate if:

- 11 years have elapsed since the date of conviction; and
- it is the person's only offence, and
- it did not result in a custodial sentence

Even then, it will only be removed if it does not appear on the list of offences which will never be removed from a certificate. If a person has more than one offence, then details of all their convictions will always be included.

An adult caution will be removed after 6 years have elapsed since the date of the caution – and if it does not appear on the list of offences relevant to safeguarding.

#### **For those under 18 at the time of the offence:**

The same rules apply as for adult convictions, except that the elapsed time period is 5.5 years

The same rules apply as for adult cautions, except that the elapsed time period is 2 years.

Guidance and criteria on the filtering of these cautions and convictions can be found on the Disclosure and Barring Service website <https://www.gov.uk/government/collections/dbs-filtering-guidance>

### **Referrals**

LJMU in certain circumstances will be required to make Referrals to the DBS when there are concerns that a person has caused harm, or poses a future risk of harm to vulnerable groups, including children.

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## **Appendix 3**

### **Criminal Convictions Panel and Criminal Convictions Appeals Panel Composition**

#### **Membership of the University Criminal Convictions Panel and Appeals Panel**

The Panel (s) will be Chaired by a member of the University Management, assisted by two members of LJMU staff.

The Panel will be advised on matters of procedure by an SG Adviser. The Panel will be facilitated by SG.

The Panel may request advice and attendance from appropriate members of LJMU staff and where applicable external representatives.

The University Criminal Convictions Panel will meet when required.

The Chair will act as the final arbiter in the matter after considering the opinions of all panel members.

Panel members who considered the conviction(s) under Stage One of the procedure or under any other LJMU procedures will not be part of the decision of the Criminal Convictions Appeals Panel (CCAP).

#### **Panel Membership:**

- A Chair, normally drawn from the Senior Management of the University
- Two members of staff from each Faculty
- At least two members of staff drawn from other areas of the University.
- At least two members of staff from the admissions department

#### **Panel Quorum**

- The Chair
- At least one member of the academic representation
- Any two other members of the Panel.
- Adviser from SG

#### **Membership of Faculty Criminal Convictions Panel**

The Faculty Panel (s) will be chaired by a member of the Faculty Management, assisted by a Secretary to the Panel, at least one LJMU Faculty staff member and at least one external representative (e.g. school partners, NHS representations).

The Faculty Panel may on occasions be advised on matters of procedure by an SG Adviser.

The Panel may request advice and attendance from appropriate members of LJMU staff and/or external professional representatives.

The Faculty Criminal Convictions Panel will meet according to the established terms of reference.

The Faculty Criminal Convictions Panel has responsibility to provide recommendations as to the suitability for acceptance, continuation or withdrawal from a programme of study.

The Faculty Criminal Convictions Panel should report to the Dean of the Faculty and Director of Legal and Governance Services (or nominee) any recommendations to suspend, exclude, or expel students.

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## Appendix 4:

### School of Nursing and Applied Health and Centre for Public Health Criminal Convictions Panel

#### Terms of Reference

##### Quorum

Chair

Two LJMU representatives

Two Representatives from External Stakeholders (e.g. NHS Trust, Social Services, NWS)

The Criminal Convictions Panel will consider all applicants for a place on a programme within the School of Nursing and Applied Health and Centre for Public Health who declare a criminal conviction.

NHS and Social Work programmes are exempt from the Rehabilitation of Offenders Act and therefore students must be asked to declare all unprotected criminal convictions (including spent convictions, cautions or formal reprimands), prior to being offered a place on a LJMU programme.

All students on these programmes are required to complete a DBS enhanced disclosure and should be cautioned that all unprotected convictions will be identified and if they are found to have made a false declaration, the offer of a place may be withdrawn.

The School of Nursing and Applied Health and Centre for Public Health Criminal Convictions Panel will also consider criminal conviction declarations from applicants and students on non-professional programmes within the School.

After consideration and consultation with SG the Panel will also consider applications from continuing students who obtain convictions whilst on the programme.

1. Prospective Students on programmes exempt from the ROA must be asked to declare **ALL** unprotected criminal convictions as defined in 1.5 of LJMU Criminal Convictions Policy and obtain an enhanced DBS.
2. The applicant will state on the Application Form if they have a criminal conviction/s.
3. The nature of the conviction/s will be investigated and if applicable a preliminary decision may be made by the Panel. The decision and the appeals process will be communicated to the prospective student in writing.
4. Applicants may be accepted subject to satisfactory police checks, however they will not be allowed on placement until satisfactory police checks are received.
5. Prospective students will not be interviewed or offered a place on the programme if they have a criminal conviction for any offence, which would prevent them from registering. All other convictions will be considered on an individual basis in conjunction the external stakeholders.
6. If a student fails to disclose or only partially discloses any criminal conviction/s they will immediately be suspended from the programme whilst an investigation is undertaken. An investigation may be conducted under Student Discipline or Fitness to Practise Procedures.

N.B There may be some specialised areas of practice for which students are rechecked and may not be offered a placement.

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## Appendix 5

### **School of Nursing and Applied Health and Centre for Public Health** **Professional Body Suitability Requirements and Recommendations**

Professional programmes are subject to suitability requirements and recommendations from professional bodies such as the Nursing and Midwifery Council (NMC), Healthcare Professionals Council (HPC), General Social Care Council (GSCC) and British Association of Counselling & Psychotherapy Practitioners (BACP),

Such programmes require students to attend placements, which may involve working and contact with children and vulnerable adults. Specific programmes are professionally validated courses, which are subject to professional codes of conduct.

Programme providers have a responsibility to ensure that applicants meet the defined codes of conduct and requirements for entry to and continued maintenance on an approved programme leading to registration.

Programme providers are required to select students and make decisions with public protection in mind.

Applicants and students must demonstrate evidence of 'good character'. Applicants/student's criminal records are considered as part of the suitability requirements and evidence of 'good character'.

A DBS or Disclosure Scotland check is a compulsory requirement as students may be working unsupervised with vulnerable client groups.

Students are required to notify LJMU and their placement provider if there are any additional convictions, charges or investigations that may impact on their 'good character' standing or calls their fitness to practise into question.

Students are required to conduct themselves in accordance with the professional body codes of conduct and are required as a professional to be personally accountable for their actions and to be open, honest, act with integrity and uphold the reputation of the profession.

Students and applicants should be aware that that if accepted onto the pre-registration programme they are required to declare convictions on application for registration to the appropriate professional body.

LJMU operates within the professional body requirements when processing and considering applicants and students with criminal convictions.

Further information on professional body codes of conduct is available at:

Nursing Midwifery Council (NMC) <http://www.nmc-uk.org/>

Healthcare Professionals Council (HPC) <http://www.hpc-uk.org/>

General Social Care Council (GSCC) <http://www.gsc.org.uk/Home/>

British Association of Counselling & Psychotherapy Practitioners (BACP) <http://www.bacp.co.uk/>

# LJMU CRIMINAL CONVICTIONS POLICY

## Appendix 6:

### School of Teacher Education and Professional Learning and School of Education, Lesiure and Sports Studies

#### Criminal Convictions Panel Terms of Reference

#### Membership

*Chair*  
*Secretary*  
*Partnership Managers*  
*External Representatives*  
*Recruitment and Marketing Manager*  
*Work-Related Learning Manager*  
*Student Associates Project Manager*  
*CETL Community Support Officer*

#### Quorum for Meetings

Chair  
Secretary  
1 LJMU Representative  
1 External Representative

#### Frequency of Meetings

The Panel will meet three times per year with additional meetings being convened as necessary

#### Background

- The Criminal Convictions Panel will consider all applicants and students with criminal convictions in consideration of relevant government legislation and professional body suitability requirements. Appendix 7.
- The Criminal Convictions Panel will consider all DBS Disclosures which show a conviction, caution or other information relevant to the successful completion of a programme where the GTC have not already cleared the student, or where the DBS differs from the GTC Self Declaration completed.
- For Programmes which are exempt from the Rehabilitation of Offenders Act, including all QTS programmes, students have to declare any Police records complete an enhanced DBS check prior to enrolment on a LJMU Programme.
- All students on these programmes are required to complete an enhanced DBS disclosure and should be cautioned that all unprotected convictions will be identified and if they are found to have made a false declaration, the offer of a place may be withdrawn.
- On programmes where students are likely to come into contact with children or vulnerable adults, prospective students must be asked to declare any criminal convictions as part of the application process.

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- Students upon enrolment to relevant programmes requiring them to have enhanced DBS Disclosures must declare on the self declaration form if they have any criminal convictions.
- On programmes or modules where students are likely to come into contact with children or vulnerable adults, students must obtain a Enhance DBS Disclosure. The Panel will consider such DBS checks.
- The Panel will also consider applicants and students for non-professional programmes who declare relevant criminal convictions.

### **Remit**

- The Panel has responsibility to provide the Dean of the Faculty with recommendations as to the suitability for acceptance, continuation or withdrawal from a programme of study.
- The Panel will consider all Disclosures on the following basis:
  - The Criminal Convictions Panel will consider all convictions on an individual basis and produce a summary report.
  - The Criminal Convictions Panel will make recommendations, as necessary, for action to the Dean of the Faculty.
  - If a student fails to disclose or only partially discloses any criminal conviction(S) they will be referred to the Dean of The Faculty and to the Director of Legal and Governance Services for recommendation to be immediately suspended from the programme whilst an investigation is undertaken. Investigation is conducted in line with University Procedures for breach of the University Code of Conduct. Non-disclosure or partial non-disclosure will be dealt with utilising the University's Student Disciplinary Procedures/Fitness to Practise Procedures.
  - After consideration and consultation with SG, the Panel will also consider disclosures from continuing students who obtain convictions whilst on the programme.
  - The decision and the appeals process will be communicated to the applicant or prospective student in writing.

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## Appendix 7:

### Initial Teacher Training (ITT) Suitability Requirements

Extracts from TDA ITT Requirements and Guidance at [http://www.tda.gov.uk/partners/ittstandards/guidance\\_08/itt.aspx](http://www.tda.gov.uk/partners/ittstandards/guidance_08/itt.aspx)

The ITT specifies that LJMU as an Initial Teacher Training Provider is required to adhere to the ITT applicant and student suitability requirements. The ITT states that providers must ensure that all entrants are:

#### **R1.4 Subject to a DBS enhanced disclosure check and/or any other appropriate background check.**

The aim of this requirement is to protect children and young people from trainee teachers who might put them at risk of harm because their previous conduct shows that they are unsuitable for teaching.

Teaching is an occupation that is exempt from the provisions of the Rehabilitation of Offenders Act 1974. The effect of the exemption is that trainees must disclose details of any convictions or cautions in connection with an application for teacher training, no matter how irrelevant they might seem, or how long ago they were committed. They must also disclose this information subsequently in connection with any application for employment as a teacher.

ITT providers will have asked applicants to declare convictions or anything else that might relate to their suitability at the outset, as an element of the General Teaching Council for England's (GTCE) provisional registration process. During their training, trainees must also declare anything that might deem them unsuitable to teach, including any conviction. Should a trainee withhold such information, the provider may consider termination of the training.

#### **R1.5 Provisionally registered with GTC (E) within 28 days of the commencement of their training programme.**

The aim of this requirement is to bring trainee teachers into the same regulatory framework as qualified teachers and to provide assurances to the public and schools that trainee teachers have been judged as suitable to train to teach.

#### **R3.4 ITT providers have processes in place to ensure that any trainee teachers removed from or leaving a training programme as a result of misconduct are referred to the GTC (E).**

The aim of this requirement is to ensure that any trainee whose standard of conduct is alleged to have fallen below the accepted minimum is subject to a consistent and structured process to consider evidence and determine whether the facts amount to unacceptable professional conduct or to be a relevant criminal offence.

During their training, trainees must declare anything that might deem them unsuitable to teach, including any conviction. Should a trainee withhold such information, the provider may consider termination of the training. In the case of a trainee who is arrested, under investigation, charged with an offence or who receives a conviction, the provider will exercise their professional judgment on a case by case basis in considering whether to allow the trainee to continue the programme, to suspend them from the programme, or to terminate their training. Any such case may need to be referred to the GTCE. In the case of terminations the provider must ensure that grant-awarding authorities and the Student Loans Company are informed of the trainee's removal from the programme.

All criminal behaviour is a serious matter and under the provisions of Home Office Circular 6/2006, 'student teaching' is a notifiable occupation. This means that the police report any conviction or caution of a trainee teacher to either the DCSF or the GTCE.

Whilst it is at the training provider's discretion to remove a trainee from their programme, only the GTCE has the authority to de-register a trainee.

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## Appendix 8

### Faculty of Science Terms of Reference

#### Terms of Reference

The Faculty of Science, Criminal Conviction Panel will consider all applicants for a place on a programme within the Faculty of Science who declare a criminal conviction.

#### Membership

- *Chair – Director (or nominee)*
- *Secretary*
- *2 Academic Staff Representatives from each school (including at least one registered Pharmacist and one member of staff who is registered with the HPC from within the Faculty)*
- *4 independent senior level practitioners with experience appropriate to the case*
- *Adviser*

#### Advisory Group

The membership may be extended from time to time to include advisory members who have a vested interest in process and procedures:

- Skill Support Officers
- CETL/Work Based Learning Administrators
- Admissions and Recruitment Co-ordinators
- Recruitment and Marketing Co-ordinator
- Admissions and Information Officers
- Programme Leaders
- Academic Managers
- Database administrators

#### Quorum for Panel Meetings

- *Chair*
- *Secretary*
- *2 Academic Staff Representatives (including one that is not directly connected to the student's programme of study.*
- *1 External Representative (from the area most appropriate to the case)*

#### Frequency

- The Panel will meet three times per year with additional meetings convened as necessary.

Some programmes within the Faculty are exempt from the Rehabilitation of Offenders Act and therefore students applying to, or enrolled on these programmes must be asked to declare all unprotected criminal convictions (including spent convictions, cautions or formal reprimands), prior to be offered a place on a programme:

- MPharm
- MPharm (MAHSA)
- Biomedical Science

All students on these programmes (listed above) are required to complete a DBS enhanced disclosure and should be cautioned that all convictions will be identified and if they are found to have made a false declaration, the offer of a place may be withdrawn at any stage the programme.

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All students on these programmes (listed above) are required to complete an annual self declaration confirming their status regarding their criminal record.

1. Prospective students on programmes exempt from the ROA must be asked to declare ALL unprotected criminal convictions.
2. The applicant will state on the application form if they have a criminal conviction(s).
3. The nature of the convictions will be investigated and if applicable a preliminary decision may be made by the Director of School. The decision and the appeals process will be communicated to the prospective student in writing.
4. Applicants may be accepted subject to satisfactory police checks, however they will not be allowed on placement until satisfactory police checks are received and considered.
5. If a student fails to disclose or only partially discloses any criminal conviction/s they will immediately be suspended from the programme whilst an investigation is undertaken. Investigation is conducted in line with the University procedures for breach of the University Code of Conduct and/or Fitness to Practise Issue.

During the decision making process, the Faculty's Criminal Conviction Panel will refer to guidance and information including such that is provided by the Regulator:

### MPharm:

- Code of Conduct for Pharmacy Students
- Guidance on Student Fitness to Practise Procedures in School of Pharmacy
- Assessment of Good Character
- Good Character Assessment Framework Template
- University Code of Conduct
- University Regulations

### Biomedical Science

- Guidance on Health and Character
- Guidance on Conduct and Ethics for Students
- Assessment of Good Character
- Good Character Assessment Framework Template
- University Code of Conduct
- University Regulations

### All other programmes

- Assessment of Good Character
- Good Character Assessment Framework Template
- University Code of Conduct
- University Regulations

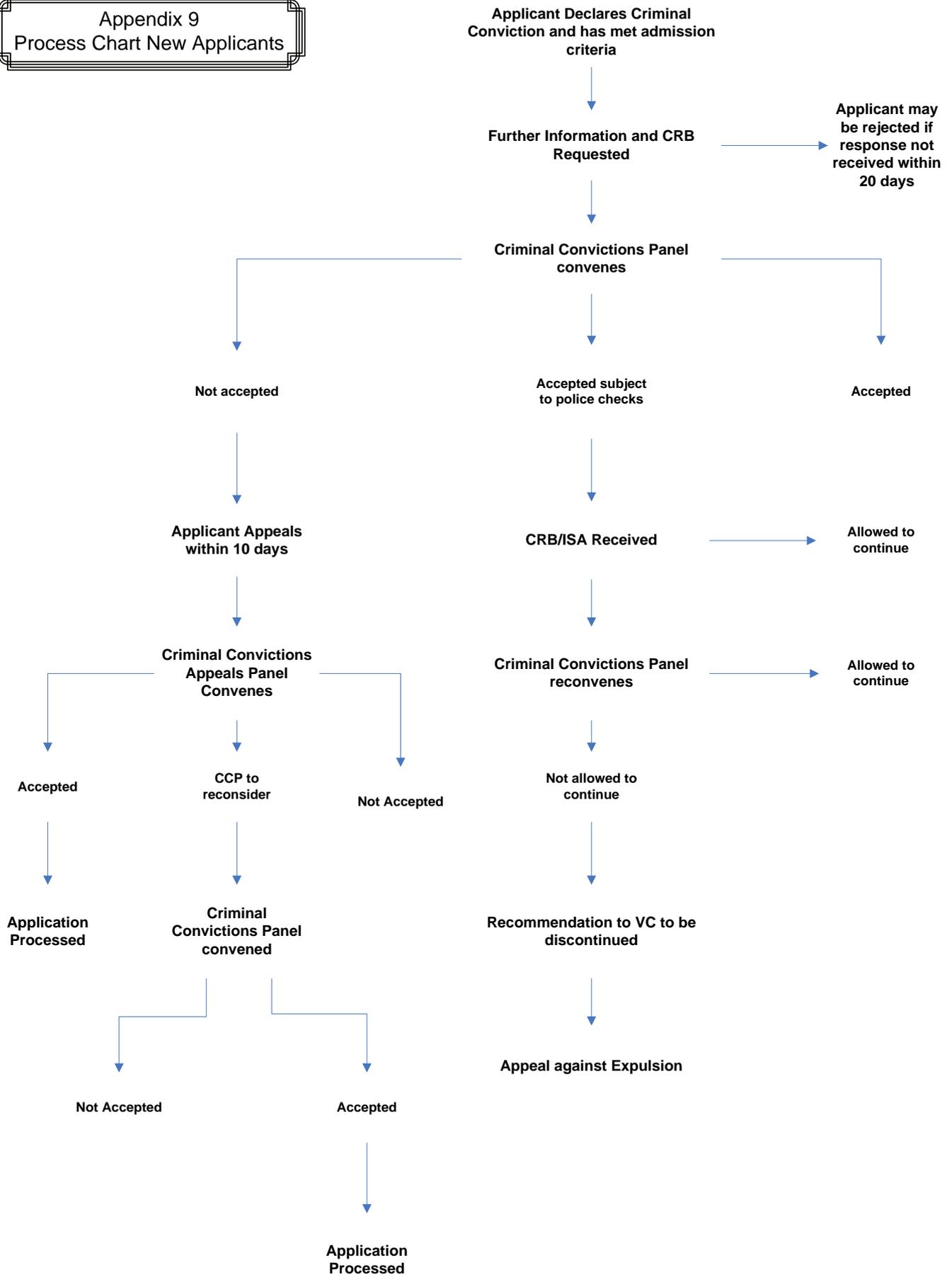
**LJMU CRIMINAL CONVICTIONS POLICY**  
**Faculty of Science Criminal Convictions Protocol**

1. All self disclosures regarding criminal cautions/convictions will be referred to the School Director who will review each case along with a senior member of Faculty staff, to determine the seriousness of the case and whether or not the case should be referred to the panel; The School Director will report the detail and outcome of all cases brought to his/her attention to the next panel meeting.
2. All disclosures from DBS checks will be submitted to the Criminal Convictions Panel;
3. The Chair will open the panel hearing and summarise each case;
4. Each case will be considered separately, and in accordance with the appropriate Regulator's regulations and guidance;
5. Panel members will advise the Chair of their opinion of the case.
6. The Chair will summarise the Panel's decision. The outcome of the hearing will be confirmed in writing within five (5) working days of the decision;
7. The student will be notified of the appropriate appeals procedure;
8. Decisions made against individuals will be reported to the Regulator as appropriate;
9. Whilst the guidance is issued by the regulators, regulators will not participate in student fitness to practise cases. The regulators are not a fitness to practise adjudicator or an appeal body for students in schools. Regulators however, are the final arbiter in relation to an individual's eligibility to enter into pre-registration training; and their inclusion on the appropriate profession's register.
10. The 'Regulator' reserves the right to set aside a school's fitness to practise decision, if there are grounds for doing so.
11. The Faculty or the University cannot guarantee entry to The Register as this is a decision that must be made by the Regulator and can only be made at the point of application to join The Register.

Copies or links to these documents are available on the Faculty's website. Please email [PBS-AST-ADMIN@LJMU.AC.UK](mailto:PBS-AST-ADMIN@LJMU.AC.UK) for further details.

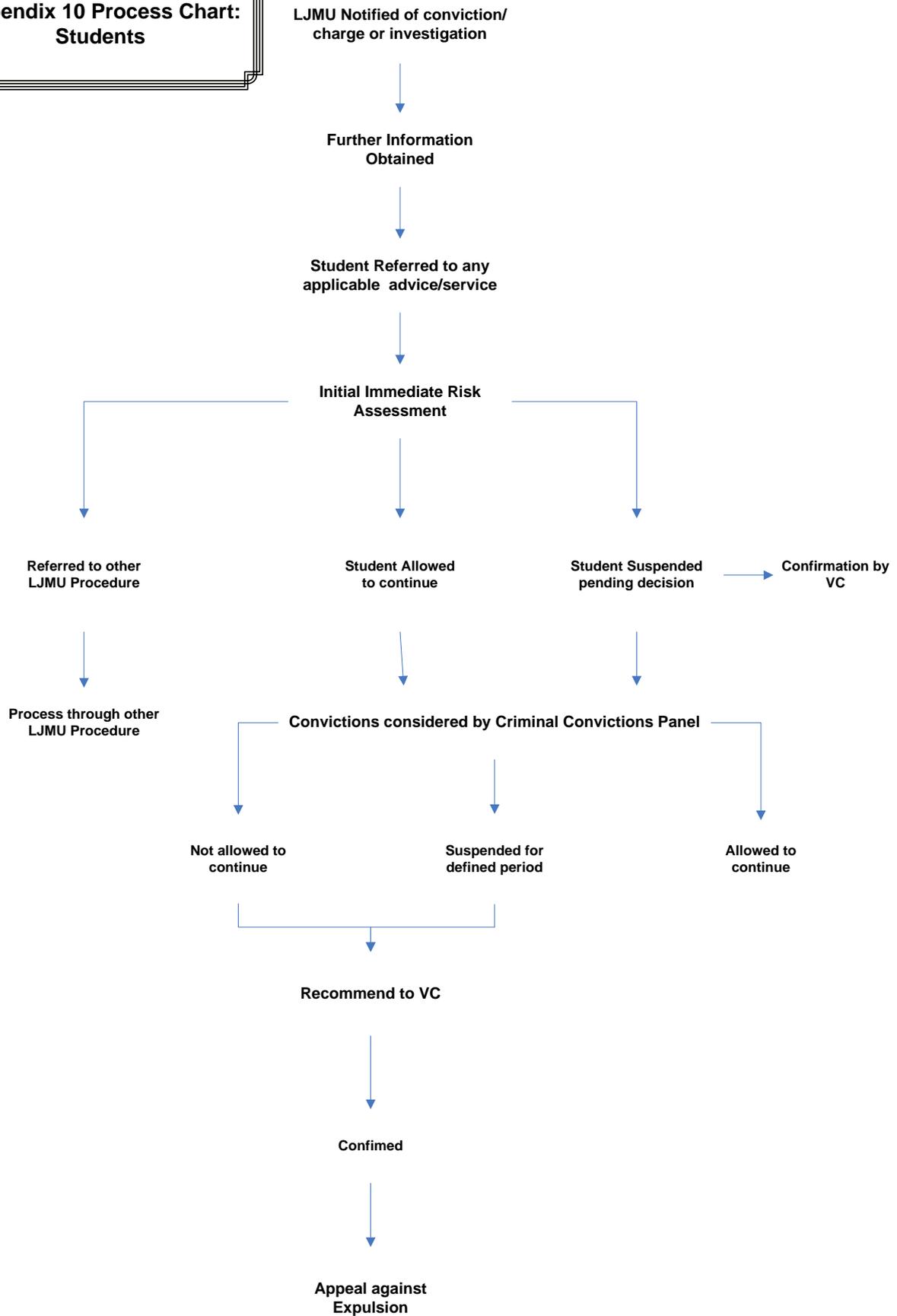
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## Appendix 9 Process Chart New Applicants



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## Appendix 10 Process Chart: Students



# LJMU CRIMINAL CONVICTIONS POLICY