

DBS POLICY & PROCEDURE ON THE MONITORING OF CRIMINAL RECORDS OF TRAINEES

This Policy and Procedure applies to all degree courses in Psychotherapy and Counselling offered at Sherwood Psychotherapy Training Institute (SPTI) involving clinical or workplace placements.

Section 1 Introduction and Policy

Policy Statement - The purpose of this statement is to underpin SPTI's DBS Procedure on the Student Recruitment of ex-offenders in its practice of student recruitment. Selection processes for entry are underpinned by transparent entry requirements, both academic and non-academic, and present no unnecessary barriers to prospective students. As an organisation assessing applicants' suitability for positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013, we use criminal record checks processed through the Disclosure and Barring Service (DBS). SPTI complies with the DBS Code of Practice and undertakes to treat all applicants for courses fairly and in complete confidence. SPTI undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.

Under Home Office regulations, SPTI is entitled to seek criminal records checks to assess applicants' suitability for entry to any of our Psychotherapy and Counselling degree programmes. These will be undertaken via an umbrella organisation (EMSS).

For those courses where a criminal record check is identified as necessary, application forms will ask applicants to make the following declaration:

"Do you have any convictions, cautions, reprimands or final warnings that are not "protected" as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013)?"

Applicants will also be advised that an application for a DBS certificate will be submitted in the event of the individual being offered a place on the course.

The decision for acceptance/continuation on a programme will be based on the requirements of the Police Act 1997 and the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013). This means that any convictions, cautions, reprimands and/or warnings which are not "protected" must be declared to ensure students on these courses can undertake clinical and practice placements and have eligibility for registration with the appropriate statutory body on qualifying.

All cautions and convictions for specified serious violent and sexual offences, and other specified offences of relevance for courses concerned with safeguarding children and vulnerable adults, will remain subject to disclosure. In addition, all convictions resulting in a custodial sentence, whether or not suspended, will remain subject to disclosure, as will all convictions where an individual has more than one conviction recorded.

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. Guidance and criteria on the filtering of these cautions and convictions can be found on the DBS filtering collection:

(<https://www.gov.uk/government/collections/dbs-filtering-guidance>).

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The rules as to when a conviction or caution will be filtered are set out in legislation. This states that a DBS certificate must include the following:

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

A list of offences which will never be filtered from a criminal record check can be found at <https://www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check>

All applicants who enrol onto the first year of the degree courses in Psychotherapy and Counselling, will be subject to an Enhanced Adult Disclosure with the DBS. Applicants will be sent the SPTI DBS policy and procedure document, and will be required to declare any convictions, cautions, reprimands and/or warnings which are not “protected” on their application form. Applicants will be required to make a full disclosure during the interview process and will receive advice about the implications of their convictions, cautions, reprimands and/or warnings in relation to training.

- Direct entrants, entering at years 2 or 3 of these courses and are also subject to these requirements.
- Students should note that they may be withdrawn from the course should they not gain satisfactory DBS clearance in accordance with the CRRP panel decision.

It should be noted that the decision of the Criminal Record Review Panel is final and appeals against the decision cannot be made. It must therefore be made clear to applicants during interview that they have to make full disclosure at that time and must complete the DBS01 Criminal Convictions Declaration fully as this will be used to determine their suitability to join a course. If they do not complete the form fully or provide all relevant information at the time and their application is therefore rejected, they can NOT appeal against the decision as it was their responsibility to ensure that SPTI was fully informed.

Terms:

CRRP: SPTI Criminal Record Review Panel (comprising Programme Leader, Head of Training and Company Director)

SLA: Student Learning Agreement

DBS01: SPTI Criminal Convictions Declaration

DBS02: SPTI CRRP Panel Meeting Record

EMSS: East Midlands Shared Services (DBS umbrella organisation)

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Section 2 The Procedure

Monitoring of any convictions applies to all students on courses falling within the remit of this policy:

BSc (Hons) Counselling and Psychotherapy

MSc Integrative Psychotherapy

MSc Person Centred and Experiential Psychotherapy

Where prospective students already have an Adult Enhanced DBS registered on the update service, they would not be required to undertake a further DBS check. SPTI would view the certificate and check it against the update service. If a criminal record is identified, then the following procedure would apply.

The DBS Policy covers students undertaking training to work in placement with vulnerable adults. If students undertake placement hours with young people, they may be required to undertake a further Child Enhanced DBS check.

The DBS application and checking process will be organised in accordance with DBS requirements in order to maintain confidentiality.

Stage 1 - At Application

- The monitoring process is kept separate from the academic decision-making process.
- All applicants must be made aware that an offer of a place, whether 'conditional' or 'unconditional', is subject to a satisfactory criminal record check. This statement is included on the application form receipt, and also on any subsequent offer made to the applicant.
- Instructions explaining the documentation, process and type of information that a student will be required to supply for the DBS process are included in the information sent to applicants.
- Applicants/students are advised that failure to declare any convictions, cautions, reprimands and/or warnings which are not protected may lead to non-admission or withdrawal from the programme. It must also be understood that any conviction, caution, reprimand or warning which is not protected will appear on the DBS disclosure documents.
- Applicants are required to waive their rights to confidentiality in respect of information about their record in order to enable SPTI to carry out all the necessary checks. However, once these checks have been made, these forms will be kept separately from the main student record in order to meet the DBS rules on maintaining confidential records.
- Prospective students are advised that in order to keep their DBS check up to date and portable to future placements they will need to subscribe to the DBS update service which will incur an annual fee (currently £13.00).
- **For the DBS process**, prospective students must bring ID documentation and will be advised of any other information required. Relevant documentation will be verified by a member of the Admissions team and copied to the prospective student DBS record.

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- The DBS01 Criminal Convictions Declaration must be completed and include the nature of the offence, date of the offence, context of what happened at the time and what lessons have been learnt as a result. The DBS01 must be completed in FULL, prior to the interview, as this is used to make the decision. Failure to complete the form fully can result in rejection from the course. This decision is final and not open to appeal.
- The completed DBS01 and Application Form should be submitted at the same time but in different envelopes. The DBS01 should be sent in an envelope, marked 'strictly confidential CRRP information'. **It is the prospective student's responsibility to provide these forms.** SPTI will NOT continually chase these forms but will reject the candidate if the information is NOT forthcoming or fully completed.
- The DBS01 will be reviewed by Head of Training in the first instance.

Stage 2 - At interview

- All prospective students will be asked to declare if they have any criminal record, when they attend for interview. If the DBS01 Criminal Convictions Declaration has not been completed previously they will be asked to complete and return it within 3 working days.
- At interview, the Programme Leader will discuss the nature of the offences with the applicant and will be clearly told that any offer of a place is entirely subject to the decision of the Criminal Record Review Panel (CRRP).
- All offers are subject to final verification once the original DBS01 has been reviewed against the official DBS certificate.

Stage 3 - Criminal Records Review Panel meeting (CRRP)

- All documentation, including application form, DBS01, interview assessment form and any references will be forwarded for the attention of the Head of Training as Chair of the CRRP. If considered necessary, the applicant/student will be given an opportunity to attend a meeting with the Panel. The applicant/student may choose not to be present at the meeting but will be asked to supply all necessary information to enable the Panel to come to a decision in their absence. If they choose not to attend the Panel, they can NOT then appeal the outcome of the Panel.
- For applicants, the CRRP will meet to review the DBS01 detailing offences and if the CRRP is confident, using statutory and professional body guidelines, that the stated offence(s) would not affect the applicant's suitability, they can be offered a conditional place on the course subject to meeting all other admissions criteria. The DBS01 will be held in the confidential CRRP file pending receipt of the DBS certificate.
- For students, the CRRP will complete a CRRP pro-forma (DBS02) detailing the student, their course and stage, the offences recorded, and outcomes of the review.
- Once a decision is made, the decision letter will be sent within 5 working days of the Panel meeting. A record will be maintained on a separate student DBS file (this is kept separate from other student records and accessible only to staff involved in the DBS process).

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- When the DBS certificate is received (see section 4) it will be checked to ensure it matches the original declaration by the applicant. These checks will be conducted by the Head of Training or Company Director.

Stage 4 - Completion of DBS Adult Enhanced disclosure

- All students have online DBS applications created via EMSS, SPTI's umbrella organisation for requesting enhanced DBS certificates. The EMSS DBS portal emails the student inviting them to complete the rest of the online application form, including the declaration of whether or not they have a criminal conviction. At the same time, students are sent SPTI guidance information via email including the ID requirements, a user guide, information on the Update service and the SPTI DBS process. This email also requests that applicants provide official identity documents required as part of the process.
- All applicants are also sent a Student Starter Pack prior to enrolment. These packs include the SLA, which requests confirmation again as to whether or not they have a criminal conviction prior to commencement of training. This is a final check to any change in their status since the point of application.
- Once the online DBS application is submitted by the applicant, the Admissions team check the submission prior to the identify verification. Copies of the ID are checked then each record is individually signed off by a member of the Admissions team and submitted to EMSS.
- EMSS complete their final checks prior to submitting the file to the DBS processing team. The official DBS certificate is posted to the applicant directly from DBS.
- For applicants **without a criminal conviction**: SPTI is then notified via the EMSS portal that the process is 'complete' for applicants.
- For applicants **with a criminal conviction**: SPTI is notified 'Please wait to view applicant's certificate'. The applicant would then be contacted to request the submission of the official DBS certificate for verification by the Head of Training. This can be actioned in person or by registered post but if sending by post it is the student's responsibility to ensure the safety of this document.
- In the cases of students with criminal convictions, The Head of Training or Company Director on behalf of the CRRP will then compare the certificate against the completed DBS01 made by the student prior to or during the interview process. In situations where there is evidence of any discrepancy, or the finding that previous convictions, cautions, reprimands or warnings have not been declared, this will be considered dishonest practice and the offer of a place may be withdrawn. If the student has already enrolled, the outcome may be termination of the student's course of study.
- Applicants must apply for the DBS update service within **30 days** of the DBS certificate issue date (no exceptions made by DBS). The Admissions team provide SPTI students with timely reminders (email and telephone if necessary close to the 30-day cut off point) to register their certificates with the DBS update service.

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Stage 5 - During the Course

- Students should be advised that SPTI cannot always guarantee placements for students with a criminal record. Students will be required to provide access to their DBS check and any criminal record to placement providers via the online update service and provision of DBS certificate if required. Students should note that failure to meet the placement requirements will result in termination of the course. In addition, there may be implications resulting from a criminal record for future employment, and there is no guarantee that completing the course will mean students will also be eligible for professional registration. This is a decision made by the relevant regulatory body either BACP or UKCP and is separate from the SPTI process.
- Students on a BACP accredited course should understand that BACP accreditation process are its own and are separate from the SPTI process. A decision about BACP accreditation will be made by them.
- The same procedure used for disclosure on application will be used for those students who acquire a criminal record during the course (see Stage 2 – 4 above). **It is the student's responsibility to advise SPTI and provide a statement as soon as any incident occurs and not wait until the next re-enrolment point.**
- If at any stage during training any convictions, cautions, reprimands and/or warnings or contact with the police have not been declared, or the nature of the conviction has been falsified, this will be considered to be dishonest practice and grounds for termination of the student's course of studies.

Section 3 Criminal Record Review Panel: Constitution and Procedure

The Criminal Record Review Panel (CRRP) will comprise:

- The Head of Training
- The Programme Leader
- The Company Director

The CRRP will be convened as need arises and on receipt of the completed DBS01 Criminal Convictions Declaration.

The Panel will be responsible for considering applicants for admission to Psychotherapy and Counselling degree courses who have made a positive declaration about their criminal record and whose DBS comes back with evidence of a confirmed record. Each applicant will be considered on an individual basis against professional/statutory body guidelines, as well as consideration of SPTI's reputation. A recommendation as to their suitability to be offered a place on the course will be made. The panel will adopt a risk assessment approach, taking into account the following:

- The seriousness of the offence;
- Prior contact with the police and its relevance to the safety of staff, students and prospective clients – in particular offences involving violence, abuse, sexual misconduct, supplying drugs, drink-driving offences where someone is hurt or killed, serious offences involving dishonesty, any serious offences for which a prison sentence was received (this list is not exhaustive);
- When the offence was committed, the age of the offender when the offence was committed and the age of the victim where appropriate;

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- Whether the offence is an isolated incident or part of a pattern of offending or contact with the police;
- The applicant/student's ability to reflect on the offences committed as demonstrated in their personal statement.

The CRRP will complete a CRRP pro-forma (DBS02) detailing the student, their course and stage, the offences recorded, and outcomes of the review. They will attach the student's completed DBS01, any character references provided by the student and the interview assessment form.

The Panel will be responsible for reviewing all evidence the DBS01 and other associated documentation (including any character references supplied) which relate to any student who has been found to have a conviction, reprimand, caution or warning prior to or since joining the course. Each case will be considered on an individual basis. Please note that references of any kind will only be accepted if they are the original, on appropriate letter head and are signed by the appropriate individual.

If the student's record is not deemed to present a difficulty and is considered a 'minor' offence, or an acceptable context/explanation is presented, or where character references compensate for a minor offence, the student may be allowed to enrol on or continue with their course of study. A decision letter will then be sent within 5 working days of the Panel meeting. **However, the student will be reminded that SPTI cannot guarantee eligibility for registration (with BACP or UKCP) following completion of the course.**

Where the Panel feels the recommendation may be to not offer a place or to terminate a student's course of study the student will be asked to attend a meeting with the Panel. Students will be informed in advance of the meeting and have an opportunity to attend with a friend should they so wish. The student cannot be legally represented at this meeting.

A meeting with the student will address the following:

- The pre-requisite admission requirements for all Psychotherapy and Counselling degree courses and the information provided to the student on entry to the course;
- The professional/statutory body regulations and requirements for admission to Psychotherapy and Counselling degree courses;
- The details provided on the DBS01 and/or Enhanced DBS certificate;
- The opportunity for the student to provide any additional information/explanation about any omitted information/falsification;
- The opportunity for Panel members to question the student and assess the seriousness of the case.

The Panel will reach a decision during the meeting, if possible, and this recommendation will be forwarded in writing to the student within 5 working days of the Panel meeting. This decision will be recorded on a CRRP pro-forma DBS02 and on a DBS database for future reference.

Section 4 Appeals

The student does not have a right of appeal against a negative decision for acceptance or continuation on a course of study under this policy since all students are made aware of the requirements for entry and continuation on all Psychotherapy and Counselling degree courses.