

## **Policy and Procedure on the Monitoring of Criminal Records of Trainees**

### **SPTI Policy and Procedure on the monitoring of Criminal Records of Trainees on Psychotherapy and Counselling courses relating to Disclosure and Barring Service (DBS).**

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

#### **1. Introduction**

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 programmes via an umbrella organisation. SPTI complies fully with the DBS Code of Practice and undertakes to treat all applicants fairly and in complete confidence.

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 meaning that **any** convictions, cautions, reprimands and/or warnings 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.

Applicants will be sent information that explains our policy and procedures and will therefore be required to declare **any** convictions, cautions, reprimands and/or warnings on their application form but also any contact with the police even if it did not lead to being formally charged. 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. All declarations of a criminal record will be referred to the Criminal Record Review Panel for a decision to be made (see paragraph 3 below).

**It is important that applicants are aware that no conviction, caution, reprimand, or warning is ever spent and any of these will show on a DBS check.**

**It should also 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 pro forma 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 the Institute was fully informed.**

#### **2. The Procedure**

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

##### **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.
- For those making a declaration, within the information sent out by the admissions office will be a set of documents explaining the documentation and type of information that a student will be required to bring with them during the application and interview process in order to complete a DBS disclosure form.
- Applicants/students are advised that failure to declare **any** convictions, cautions, reprimands and/or warnings or any other contact they may have had with the police may lead to non-admission or termination from the programme. It must also be understood that any conviction/ caution/ reprimand or warning is **never spent** and will appear on the DBS disclosure documents. Students must be told

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that if they have had any involvement with the police, even if it did not result in a caution or conviction, it would show on their DBS Disclosure.

- Applicants are required to waive their rights to confidentiality in respect of information about their record. This waiving of rights to confidentiality is 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 student record (in a locked cabinet) 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).

### Stage 2 - At Interview

- Prior to interview, prospective students who have made a declaration will be advised they must bring ID documentation to interview and be informed about what to bring. Relevant documentation will be verified by the Director of Finance, Marketing and Recruitment/Marketing and Recruitment Coordinator and copied by the Recruitment Coordinator.
- If a prospective student confirms that they have a record, the interviewer will discuss with the applicant the nature of the offences. At no point will the prospective student be told that they will be offered a place on the course because this is a decision made by the Criminal Record Review Panel (CRRP) which comprises the Programme Leader, the Director of Training and in serious cases, the Company Director. Students must be clearly told that any offer of a place is entirely subject to the decision of the CRRP once a completed pro-forma has been received.
- Any prospective student who declares they have a conviction, caution, reprimand or warning, will be asked to provide a written statement prior to interview outlining the nature of the offence and what they have learned from it. Ideally the SPTI pro-forma will be sent at the point of application, or where the interview has been arranged quickly be given the form during the interview to assist the student in making a personal statement. The pro-forma must be completed in FULL as this is used to make the decision. Full information about 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 must be given. Failure to complete the form fully can result in rejection from the course. This decision is final and not open to appeal.
- The personal statement must be forwarded to the Programme Leader via the Recruitment Coordinator. If the prospective student wishes to take the form away to complete then this is acceptable but they must be told they have to submit it within 3 working days. The prospective student will be asked to forward their personal statement in an envelope, marked 'confidential' for the attention of the Programme Leader for consideration by the CRRP. **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.
- If the Criminal Record Review Panel is confident, using statutory and professional body guidelines, that the stated offence(s) would not affect the student's suitability, they can be offered a place on the course subject to meeting all other admissions criteria. The personal statement will be held on the confidential CRRP file pending receipt of their DBS Disclosure.
- Once a decision is made, the applicant will receive confirmation in writing. A record will be maintained to ensure that when the DBS disclosure is received it matches what was declared by the prospective student. These checks will be conducted by the Director of Finance, Marketing and Recruitment.

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### Stage 3 - Upon Acceptance of a Place

- All students who enrol onto the first year of the degree courses in Psychotherapy and Counselling, will be subject to an Enhanced Disclosure with the DBS. Students will be made aware that they may be withdrawn from the course should they not gain satisfactory DBS clearance, and that their place on the course is thus still subject to satisfactory DBS clearance.
- Direct entrants, entering at Levels 2 or 3 of these courses, will be provided with DBS information and documentation by the Recruitment Coordinator in liaison with the Programme Leader, and are also subject to these rules.
- The completion of forms will be organised in accordance with DBS requirements in order to maintain confidentiality. This applies to **all** Psychotherapy and Counselling degree courses.
- When an offer has been accepted, the prospective student should return the offer acceptance, deposit payment.

### Stage 4 - Enrolment

- All students are sent a Student Starter Pack prior to enrolment. These packs include the SLA, which requires students to confirm again whether or not they have a criminal conviction prior to commencement of training. The pack also contains the DBS application form, a letter from the Director of Finance, Marketing and Recruitment, and guidance information regarding acceptable forms of identity documentation
- Each returned DBS Disclosure Application Form will be receipted and scrutinised by the DBS team at the point of enrolment into training on the first day at the Sherwood Institute (comprising of the Director of Finance, Marketing and Recruitment, The Marketing & Recruitment Coordinator and the Marketing & Recruitment Assistant) and will be checked against the relevant documentary evidence to verify their identity. If any changes are required the form will be returned to the prospective student and must be initialled by them.
- A record of all completed forms will be made on a course list spreadsheet indicating those students whose documentation is outstanding.
- All forms will be kept in a separate locked cabinet to which only designated individuals will have access. Each disclosure form will be kept in a separate envelope to ensure confidentiality.
- The completed DBS form and ID record documentation will be sent to Mind Professionals, the umbrella organisation undertaking DBS checks, with payment, within 10 working days of receipt. Prospective student will be notified via email when their form has been sent.
- Once completed, the DBS certificate is posted to the prospective student/applicant directly from the DBS. The student should then arrange to show the original DBS certificate to a designated member of the DBS team at SPTI. They can either do this in person or by registered post but if sending by post, should ensure they keep a copy.
- In the cases of students with criminal convictions, The Director of Finance, Marketing and Recruitment will then compare the certificate against the statement made by the student at interview. A copy will be kept for this purpose and will be destroyed once checks have been completed. In situations where there is evidence of any discrepancy, or the finding that previous convictions/cautions/reprimands/warnings have not been declared, this will be considered dishonest practice and the offer may be withdrawn. If the student has already enrolled, the outcome may be termination of the student's course of study.
- The prospective student must apply for the DBS update service within **14 days** of the DBS certificate issue date (no exceptions made by DBS). They can, if they choose, apply as early as when the form is posted by the Institute to Mind Professionals (ensuring that they have the form reference number

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for this purpose). Therefore, SPTI will advise prospective students, via email, when their form has been posted to Mind Professionals.

### Stage 5 - During the Course

- Students should be advised that SPTI cannot always guarantee placements for students with a criminal record, and that should placement providers request information following enhanced disclosure SPTI will provide a letter stating that disclosure was made at the student's interview and following this process the student was deemed suitable to be on a Psychotherapy and Counselling degree course which involves associated placement activities. Students should note that failure to meet the placement requirements will result in termination from 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 and is separate from the Institute process.
- Students on a BACP accredited course should understand that BACP accreditation process are its own and are separate from the Institute process. A decision about BACP accreditation will be made by them.
- The same procedure used for disclosure on entry will be used for those students who acquire a criminal record during the course (see Stage 2 above). Students will be required to provide a personal statement along with their written evidence for consideration by the Criminal Record Review Panel if they receive a criminal record (this includes any contact with the police). **They should therefore advise SPTI and provide a statement as soon as any incident occurs and not wait until the next enrolment point.**
- All documentation will be forwarded for the attention of the Director of Training as Chair of the CRRP, and the student will be given an opportunity to attend a meeting with the Panel. The 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.
- If any convictions, cautions, reprimands and/or warnings or contact with the police have not previously 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.

### 3. Criminal Record Review Panel: Constitution and Procedure

3.1 The Criminal Record Review Panel (CRRP) will comprise:

- The Director of Training
- The Programme Leader
- The Company Director (where appropriate)

Notes will be taken of the meeting

3.2 The CRRP will be convened as need arises.

3.3 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, and a recommendation as to their suitability to be offered a place on the course will be made. The panel, taking into account the following, will adopt a risk assessment approach:

- The seriousness of the offence or 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).

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- When the offence was committed, the age of the offender when the offence was committed and the age of the victim where appropriate.
  - Whether the offence is an isolated incident or part of a pattern of offending or contact with the police.
  - The applicant's ability to reflect on the offences committed as demonstrated in their personal statement.
- 3.4 The Programme Leader will complete a CRRP pro-forma detailing the student, their course and stage, the offences recorded, and will attach the student's personal statement, any character references provided by the student, the notes from the interview and DBS Disclosure. **(The DBS Disclosure form will only be photocopied for the purposes of comparison against the applicant declaration pro forma)**
- 3.5 The Panel will be responsible for reviewing the DBS Disclosure Form and other associated documentation (including the student's personal statement and any character references supplied) which relate to any student who has been found to have a conviction, reprimand, caution or warning 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.
- 3.6 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 continue on their course of study. **However, the student will be reminded that SPTI cannot guarantee eligibility for registration following completion of the course.**
- 3.7 Where the Panel feels the recommendation may be 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.
- 3.8 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 DBS Disclosure Form (a copy of this form is sent by the DBS to each student).
  - 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.
- 3.9 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 Criminal Record Review Panel pro-forma and on a central database for future reference.

## 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. An applicant may only appeal based on the following a) the applicant believes they have received discriminatory treatment compared to equivalent applicants for the same course b) the applicant believes stated procedures of the Sherwood Psychotherapy

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Training Institute (SPTI) have not been followed. In this case appeals should be made in writing to the Director of Training.