

CRIMINAL RECORDS POLICY

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Appendices, Definitions, Abbreviations

Appendices to this policy:

Appendix 1 – Criminal Record Assessment Form

Appendix 2 – Criminal Record Consideration Criteria

Appendix 3 – Criminal Records Consideration Procedure For Applicants

Appendix 4 – Criminal Records Consideration Procedure for Registered Students

Appendix 5 - Template form for disclosure of relevant convictions

Definitions

For the purposes of this policy, the following definitions apply:

- An **applicant** is defined as an individual who has applied for a place to study on a programme of higher education at one of the affiliate Schools of the Conservatoire for Dance and Drama.
- A **student** is defined as either:
 - an individual who has had a conditional offer officially confirmed in writing by the School, or
 - an individual who has registered as a student with one of the Conservatoire Schools.
- The **Convictions Consideration Panel (CCP)** is the body that assesses an individual's criminal record.

Abbreviations

The following abbreviations are used in this policy:

CCP	-	Convictions Consideration Panel
DBS	-	Disclosure and Barring Service
HE	-	Higher Education
QAA	-	Quality Assurance Agency
SPA	-	Supporting Professionalism in Admissions
UCAS	-	The Universities and Colleges Admissions Service

THE CONSERVATOIRE FOR DANCE AND DRAMA CRIMINAL RECORDS POLICY AND PROCEDURES FOR APPLICANTS AND STUDENTS

Introduction and scope of the policy

1. The Conservatoire for Dance and Drama ('the Conservatoire') is a designated Higher Education Institution, with 8 affiliate Schools. Affiliates are responsible for systems and procedures for recruitment and admission of students. Once admitted, students are jointly registered with the School and The Conservatoire.
2. This policy sets out the approach to be followed by Rambert School of Ballet and Contemporary Dance (Rambert School) for managing criminal records declared by any applicants applying for entry to the School, as well as criminal records of registered students which are subsequently disclosed following admission to Rambert School. This policy and its according procedures have been developed in consultation with charity Unlock www.Unlock.org.uk, and in line with guidance provided by Supporting Professionalism in Admissions (SPA www.spa.ac.uk) and UCAS (www.ucas.com).
3. The Conservatoire's responsibilities includes to require the Schools to have systems and procedures for student admission which meet the Conservatoire's criteria developed in line with the Quality Assurance Agency ('QAA') and the validating universities guidance. The Schools' responsibilities are to operate within the criteria as set down by the Conservatoire and the validating universities, to determine their HE student admission requirements and entry qualifications, admissions mechanisms and procedures, and to undertake the recruitment and admission of HE students, including publicity, provision of information to prospective students, and audition.
4. The Conservatoire and its Schools does not wish to prohibit individuals holding a criminal record from the opportunities and benefits of the training it provides. A Conservatoire School will not consider information relating to a relevant criminal conviction unless it is satisfied that an applicant meets all other normal criteria used to determine whether an applicant may be offered a place to study. In any event, either when confirming conditional offers to applicants for admission or in dealing with current students, the Conservatoire Schools will not take into account any criminal convictions which are deemed "spent" under the terms of the Rehabilitation of Offenders Act 1974 unless the requirements of the programme of study means such convictions are deemed "exceptions" under the terms of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013) (the Order). Where such convictions are deemed "exceptions", they will never become spent.
5. The Conservatoire Schools have a responsibility to provide a secure, safe environment for staff, students, visitors and others, and must balance this alongside any legal requirements, such as those to protect vulnerable individuals, when considering any application containing a declaration of a criminal record. Where after due consideration under its policies and procedures, Rambert School determines that it is necessary to do so, it may determine not to admit an applicant, or to remove student status from a registered student, as a consequence of a criminal record. Where a programme of study requires students to be engaged in 'regulated activity' (such as working with children or adults as

defined in the legislation¹, Rambert School will require the student to undergo an enhanced Disclosure and Barring Service (DBS) criminal records check in order to ensure it meets any additional responsibilities relating to such activities².

When do I get asked about whether I have a criminal record?

6. The consideration of an applicant's criminal record shall be independent of the consideration of applicants against the other normal criteria used to determine whether an applicant may be offered a place to study, and shall only take place once the School has made a conditional offer of a place to study on a programme of Higher Education.
7. Where applicants are asked to apply directly to a Conservatoire School, the School will not ask for any information regarding criminal records until at the point of making a conditional offer of a place to study on a programme of Higher Education with the School.
8. Where a School's admissions process is through UCAS, applicants will be asked at the point of application to indicate whether they believe they have a relevant criminal conviction that requires disclosing. However, applicants applying through UCAS should not disclose any details of a criminal record beyond simply indicating they believe they have a relevant criminal conviction. At the point at which an applicant receives a conditional offer from a School, they will be asked for further information by completing a Self-Disclosure form (see Appendix 3 Criminal Record Procedures for Applicants).
9. Whether an applicant applies directly to a School or through UCAS, at the point of making a conditional offer to an applicant, the School will also request that a 'Self-Disclosure Form' (Form SD1, Appendix 5 to this policy) is completed and returned. A conditional offer of a place to study at the School cannot be confirmed until and unless a completed Self-Disclosure Form has been received by the School. Failure to submit a completed Self-Disclosure Form by the requested date may result in a conditional offer being withdrawn.

What is a relevant criminal conviction?

10. Rambert School follows the UCAS definitions of 'relevant criminal convictions'. For the purposes of this policy, relevant³ criminal offences include convictions, cautions, admonitions, reprimands, final warnings, bind over orders or similar, involving one or more of the following:

- Any kind of violence including (but not limited to) threatening behaviour, offences concerning the intention to harm or offences which resulted in actual bodily harm;

¹ For information: 'Regulated activity' is defined in the Safeguarding Vulnerable Groups Act 2006, and amended by s. 64 and 66 Protection of Freedoms Act 2012 (see Government guidance for [adults](#) and [children](#)).

² [SPA guidance](#) page 21 'No placement involving regulated activity can take place before the official disclosure is received, and there should be no exceptions to this under any circumstances.'
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/299916/rehabilitation-of-offenders-guidance.pdf

³ Where a DBS check is required as part of a programme of study at one of the Conservatoire Schools, this may disclose convictions which are not deemed 'relevant' but which may be material to the terms of undertaking regulated activities. In this instance, the Convictions Consideration Panel will normally consider any such disclosures to determine next steps as appropriate (see Appendix 2 'Convictions Consideration Panel' and Appendix 6 'Criminal Convictions Disclosed by DBS Checks').

- Sexual offences, including those listed in the Sex Offences Act 2003
 - The unlawful supply of controlled drugs or substances where the conviction concerns commercial drug-dealing or trafficking (drug offences only involving possession are not relevant offences);
 - Offences involving firearms
 - Offences involving arson
 - Offences listed in the Terrorism Act 2006.
11. If you were convicted outside the United Kingdom for an offence listed above, this is also considered a relevant offence.
12. For these purposes, cautions, reprimands and final warnings are considered as convictions. Penalty notices for disorder (PNDs), anti-social behaviour orders (ASBOs) or other orders are not convictions, unless you have contested a PND or breached the terms of an ASBO or other order and this has resulted in a criminal conviction.
13. Convictions that are spent are not considered to be 'relevant' and therefore applicants should not disclose them (please note that certain offences will never be deemed 'spent'; see paragraph 4 of this policy). Most cautions, reprimands and final warnings become spent immediately, so will not normally be 'unspent'.
14. A criminal conviction can become 'spent' after a period of time. The length of time it takes to become spent is defined by the Rehabilitation of Offenders Act 1974 and depends on the sentence or disposal made by the court following the conviction. Until that period has passed, the conviction is considered 'unspent'. Further convictions can impact when other convictions become spent. Sentences of over four years in prison cannot become spent. The definition of 'spent' is complex, being affected by such factors as the type of the offence, the age at which the person was found guilty and the sentence received.
15. Further information to assist with understanding when a criminal conviction may become spent can be accessed using the online 'Disclosure Calculator' www.disclosurecalculator.org.uk, and the charity Unlock also has a poster <http://hub.Unlock.org.uk/knowledgebase/spentposter/> which sets out when convictions are spent.
16. For clarification, cautions, reprimands and final warnings relating to the listed offences are considered as convictions. Any convictions, cautions, reprimands or final warnings that are 'protected' as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013) (i.e. filtered and not displayed on a disclosure) do not need to be declared, and will not be taken into account.
17. For clarification, criminal convictions, for these purposes, exclude motoring offences that received a fine/three penalty points or a spent sentence as defined by the Rehabilitation of Offenders Act 1974. Further clarification regarding relevant criminal convictions is provided in the following paragraphs of this policy.

18. The Convictions Consideration Panel (CCP) will consider all criminal records under the Criminal Record Assessment Procedure (**Appendix 1**).
19. The Convictions Consideration Panel is the body that considers the details of criminal records (and where appropriate, criminal charges) to determine next steps for the School. The Panel will comprise two appropriate senior members of staff normally from the School, with relevant expertise, who collectively have the necessary understanding of the programme. The Panel may be comprised of individuals drawn from a different programme to that of the applicant or student, or if this is not possible, a different Conservatoire school. For details of the remit and procedures of the Convictions Consideration Panel, please see **Appendices 1 and 2** to this policy.
20. The Convictions Consideration Panel operates the Criminal Records Consideration Procedure (**Appendices 1 and 2**) for the consideration of criminal convictions that cover the following circumstances:
 - Applications for programmes which do not require enhanced DBS checks
 - Applications for programmes which do require enhanced DBS checks, i.e. programmes that involve working/volunteering in regulated activity with children and/or adults
 - Existing students on programmes undertaking programme-based or other activities, including regulated activities, requiring a DBS check during the course of the programme
 - Existing students who are charged with an offence that would ordinarily lead to a custodial sentence, or who obtain a criminal conviction during the course of their programme of study at a Conservatoire school
 - Cases referred under the School non-academic misconduct procedures which involve a disclosed criminal record requiring assessment by the CCP
21. To carry out an assessment of a criminal record, the Convictions Consideration Panel will use the Criminal Record Assessment Form. This is found in **Appendix 1** to this policy.
22. In operating the Criminal Records Consideration Procedures, the Convictions Consideration Panel uses the Criminal Records Consideration Criteria. The Criteria are found in **Appendix 2** to this policy.
23. The Criminal Records Consideration Procedure for Applicants is found in **Appendix 3** to this policy.
24. The Criminal Records Consideration Procedure for Registered Students is found in **Appendix 4** to this policy.

DBS checks

25. The CCP can process information regarding a criminal record in any lawful manner, including requesting a DBS check. In undertaking a Criminal Record Assessment, the CCP will determine whether a basic DBS check is necessary in order to make a final decision on whether a conditional offer can be confirmed.

Enhanced DBS Checks

26. Most courses of study at the Conservatoire Schools do not require an enhanced DBS check. However, some courses involve regulated activity (eg teaching placements in Schools). Where a student needs to

undertake regulated activity, an enhanced DBS check will be required. Where a programme includes some regulated activity that is an optional strand and not a compulsory part of the programme, an enhanced DBS check would be undertaken once an individual has become a registered student on the programme, rather than prior to admission. Where a programme includes some regulated activity that is a compulsory part of the programme, an enhanced DBS check would be undertaken prior to confirmed admission onto the programme of study.

What is 'regulated activity'?

27. Regulated activity in the context of a programme of study at one of the Conservatoire Schools normally (but not exhaustively) refers to activities which involve working closely with children/other vulnerable individuals such as caring for, training, supervising, or being solely in charge, which may exclude the normal criminal convictions exemptions under the Rehabilitation of Offenders Act 1974. For further details, please see the government guidance⁴ at the following link:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/299916/rehabilitation-of-offenders-guidance.pdf

What happens when a criminal record is disclosed by a DBS check?

28. Where the Convictions Consideration Panel (CCP) determines following assessment of a self-disclosure form that a basic DBS check is required before an individual may be admitted to a programme of study, the results of the basic DBS check will be assessed by the CCP to determine whether the conditional offer of a place can be confirmed.

29. Where an enhanced DBS check is undertaken after a student has commenced their training as a requirement for participation in regulated/practical activity/other element of their training, the results of the enhanced DBS check where a criminal record is disclosed will be submitted to the CCP for an assessment of the criminal record.

30. If after undertaking a BS check, a student is subsequently convicted of, or charged with, a criminal offence which would be disclosed in a DBS check, they must notify their School at the earliest opportunity. The School will determine under the relevant procedure (see Appendix 1) whether any further action is necessary. Failure to declare any such conviction or charge will be subject to disciplinary action.

31. Statistical data on DBS checks may be shared with Conservatoire for statutory monitoring purposes.

Delays in enhanced DBS check results

32. No regulated activity can be undertaken by a student for whom the results of an enhanced DBS check have not been received and assessed by the School. It is a legal requirement for persons undertaking regulated activity to undertake an enhanced DBS check which must satisfy the requirements of the activity, before they can be permitted to engage in that activity.

33. Where a student has completed all of the necessary steps for DBS checking, but there is a delay which is outside of their control, the student does not have the right to attend placements or complete any activity for which the DBS check is required. The Principal/Director of the School may exercise

⁴ For more in point definitions of regulated activity, see Government guidance for [adults](#) and [children](#))

discretion in granting or refusing permission for the individual to partake in any non-regulated activity element of such School-related activity pending any delayed results, taking account of the circumstances of the case, and subject to any requirements and due diligence.

34. Where there is a delay in receiving the results of a DBS check which could reasonably have been avoided by the student, the student does not have the right to attend placements or complete any activity for which the DBS check is required. The Principal/Director of the School may exercise discretion in granting or refusing permission for the individual to partake in any such activity pending any delayed results, taking account of the circumstances of the case, and subject to any requirements and due diligence.

What if I have been charged with or convicted of a crime after putting in an application or having already become a student?

35. If at any stage between application and completion of a programme of study an individual is charged with an offence that would ordinarily lead to a custodial sentence, or is convicted of a relevant criminal offence, this must be immediately declared by the individual to the School (see Liaison/Contacts for how to make a disclosure).

How will my information on criminal convictions be managed?

36. All data will be handled sensitively, confidentially, and in accordance with the Data Protection Act (1998), the Conservatoire's Data Processing Statement⁵, and the School's Data Processing Statement. From May 2018, this will be in accordance with the General Data Protection Regulations (GDPR). Some Schools involve third parties in the delivery of their programmes; further information about how your data will be managed in this regard should be sought from the School.
37. Generally, no information on an unsuccessful applicant's criminal records will be kept for longer than six months after completion of the admissions process.
38. Generally, once admitted onto a programme of study, no personal data on a student's criminal record will be kept for longer than six months after completion of that programme by the student.

Data Protection

39. The School and the Conservatoire (each a "Controller") collect, hold and otherwise process "personal data" (which may include "sensitive personal data" as defined by the Data Protection Act 1998 or "special category personal data" as defined by the General Data Protection Regulation) about applicants and students of the School which is provided to them by you (or which is otherwise received from third parties) for their own, separate purpose(s), in accordance with each Controller's Data Processing Statement.

⁵ For more information, see the Conservatoire Data Processing Statement: <http://www.cdd.ac.uk/wp-content/uploads/2017/09/Conservatoire-Data-Processing-Statement-2017-18.pdf>

40. This personal information is generally processed by each Controller for the following general purposes: to administer admissions, courses of study and pastoral care; to monitor student performance; to send communications to students; to compile statistics for internal monitoring and enhancement purposes or for publication; and to make required returns to external bodies, including to the regulator (the Higher Education Funding Council) and agencies of UK Government (eg as a condition of leave to remain in the UK). More specific details are set out in each Controller's Data Processing Statement.
41. Please note that by providing your personal information to each Controller, you are providing your consent to the processing of that personal information by that Controller where, in accordance with the relevant Data Processing Statement and any other information and/or consent form(s) provided to you from time to time, that is the basis for lawful processing of your personal information. This includes where your personal information is disclosed as a result of an enhanced DBS check.

Delegation of powers

42. The Principal/Director of a School may delegate their powers under these procedures to a nominee either generally or in respect of a particular case, providing always that any person to whom these powers may be delegated will be in a position to act and be seen to act impartially, either generally or in respect of a particular case. Normally, the nominee will be from the School.

What happens when the Criminal Records Policy is not followed?

43. Failure by applicants to comply with this policy and procedure in terms of providing information to the Convictions Consideration Panel for the Panel to arrive at a decision, will be treated seriously and as a breach of contract, which may lead to the withdrawal of a conditional offer, or termination of contract and loss of student status.
44. Failure by students to comply with this policy and procedure in terms of providing information to the School and/or Convictions Consideration Panel, will be treated seriously and as a breach of contract, which may lead to termination of contract and loss of student status, or investigation under the Non-Academic Misconduct (Disciplinary) Policy.

Erroneous disclosure by an applicant/registered student of a spent/not relevant criminal record

45. Where it is determined by the CCP that an applicant has erroneously disclosed a criminal record, the conviction will be disregarded and the information will be securely destroyed. The applicant will be notified in writing in the Final Decision letter of this, normally within 7 days of the Final Decision being signed, and the status of the application will be confirmed.
46. Where it is determined by the CCP that a registered student has erroneously disclosed a criminal record, the conviction will be disregarded and the information will be securely destroyed. The student will be notified in the Final Decision letter of this, normally within 7 days of the Final Decision being signed. No record of the assessment will be retained on the student's file, save for the Final Decision letter which will be retained for record purposes, and securely destroyed within 6 months of the student having graduated from the programme of study.

False declarations and failure to declare

47. If Rambert School has any reason to believe that an applicant or their referee have:

- left out any relevant information regarding a relevant criminal conviction
- given false or misleading information regarding a relevant criminal conviction

the School may take any reasonable and necessary steps to check with the applicant and other parties, including referees, universities, colleges and other relevant bodies, whether the information provided is accurate or complete.

48. Rambert School has the right to cancel an application if they determine (having carried out any necessary checks), or have reasonable belief, that an application contains false information, including misleading information regarding a relevant criminal conviction, or a failure to disclose such a conviction. Applicants must immediately tell the School to which they have applied if they have any reason to believe that information held about them is not true, complete and accurate, or has changed during the application/admissions process. Application fees are not normally refundable and any refund is at the discretion of the School.

49. If Rambert School has any reason to believe that a student, either after having had a conditional offer confirmed, or having registered as a student, has:

- left out any relevant information regarding a relevant criminal conviction
- given false or misleading information regarding a relevant criminal conviction

the School may refer the matter under the Conservatoire's Non-Academic Misconduct Policy. As part of its misconduct investigatory processes, the School may take any reasonable and necessary steps to check with the student and other parties including referees, universities, colleges and other relevant bodies, whether the information provided is accurate or complete.

Right of Appeal

50. For details of rights to appeal against a decision concerning a criminal record:

- **Applicants** should consult **Appendix 3** to this policy (**Criminal Records Consideration Procedure For Applicants**)
- **Registered students** should consult **Appendix 4** to this policy (**Criminal Records Consideration Procedure For Registered Students**)

Liaison/Contacts regarding criminal records

51. Applicants should contact Grace Campbell Head of Administration as per this policy and procedures, with any queries. The School Contact is a senior member of staff at the School who is not involved in the admissions selections decision-making.

52. Current/Registered students should contact Judy Bowden – judy.bowden@rambertschool.org.uk with any queries.

53. In assessing individual cases, where the CCP deems it necessary, the School may seek to involve (as is relevant and appropriate in the circumstances) third parties such as probation officers, medical practitioners, professional bodies and character referees. Applicants may also be asked to provide a character reference.

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