

APPENDIX 2 Criminal Record Consideration Criteria

Consideration criteria for criminal records

1. The following consideration criteria apply to the consideration of criminal records of applicants and students in the circumstances outlined in Section E of the Criminal Records Policy, 'Circumstances for the Processing of Criminal Record Data under this Policy'. (See policy for definition of 'applicant' and 'student'.)
2. **In the consideration of a criminal record** (including where a registered student has been charged with a criminal offence, or where the circumstances of the case involve related criminal matters), **any or all of the following criteria may be taken into consideration by the Convictions Consideration Panel (CCP) under the Criminal Record Assessment Procedure (see Appendix 1):**
 - The nature and circumstances of the offence or alleged criminal activity
 - the date of the commission of the offence or alleged criminal activity
 - any penalty imposed
 - whether the criminal or alleged criminal activity was a one-off incident or repeated
 - Whether the offence(s) demonstrates a pattern of behaviour that appears recurrent and ongoing
 - the age of the individual at the relevant time
 - the circumstances of the individual at the time of the offence
 - the individual's current circumstances
 - whether the individual has engaged in any subsequent offending or alleged criminal activity and (if so) of what nature
 - whether there is a likelihood of repeat offending
 - What evidence an applicant produces to support the view that they are unlikely to re-offend.
 - the particular environment(s) that the individual would be placed in if they were to take up a place on a course of higher education in the School (e.g. whether they would undertake placements)
 - Whether the criminal conviction is deemed 'relevant' in accordance with the terms of this policy (see 'Definitions' in the Criminal Records Policy for further information)
 - The seriousness of any offence(s)
 - The number of any offences
 - Whether the offence(s) involve violence, threats of violence, or related types of behaviour which would give serious cause for concern (eg harassment)
 - Whether there are any particular or unique circumstances surrounding the offence(s)
 - Equity and equality considerations, including seeking to identify and avoid factors which cause or could cause direct and indirect discrimination

3. In the course of considering and determining cases, the CCP will (as relevant and appropriate in the circumstances of each case) seek to identify whether:
 - the results of an enhanced DBS check would preclude an applicant from being admitted to a course of study where regulated activity is a course requirement;
 - the results of an enhanced DBS check would preclude a registered student from embarking upon regulated activity;
 - any risks arise to the individual applicant/student or any members of the School community (for example, in respect of their health, safety or welfare) or to the discharge of the School's functions and/or to its reputation. Where any such risks are identified, the School will consider what steps it may reasonably put in place to manage those risks in practice.
4. 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.
5. **The consideration criteria set out in this appendix do not preclude the Convictions Consideration Panel from taking other relevant information or factors into consideration, provided that the Panel can demonstrate that it is reasonable, relevant and proportionate to do so.**

Risk Assessment

6. The CCP's assessment of criminal record data in the circumstances outlined in the policy should be a risk based approach and Appendix 1 should be used for this purpose.
7. Taking into account the School's duty of care towards its community, the standard that will apply is whether, in relation to unspent convictions or pending charges/investigations, the criminal record of an applicant or registered student gives reasonable grounds for considering that the admission or continued attendance of the individual will be compatible with registration or the continuation of registration, and that it would not:
 - contravene the government legislation and regulations relevant to courses which involve working with children or vulnerable adults, meaning that where a course requires or involves regulated activity the individual would be unable to undertake such activity;
 - present an unacceptable risk to the safety or property of staff and students;
 - present an unacceptable risk to the safety or property of others coming into contact with the applicant or student during the course of their studies.
8. During and following an assessment of a criminal record (or related criminal charges or matters) by the CCP, in all such considerations Rambert school shall take into account its [Safeguarding policy](#) and [PREVENT policy](#).

Enhanced DBS checks

9. The standard that will apply will be relevant to the regulated activity for which an enhanced DBS check has been undertaken. This means that:

- **Where regulated activity is not a requirement of the course**, a criminal record disclosed in the results of an enhanced DBS check:
 - might not prevent an applicant from registering as a student on a course of study where regulated activity is not a course requirement, or
 - might not prevent a registered student from continuing on the course of study

but it may preclude an individual from undertaking the regulated activity.

- **Where regulated activity is a requirement of the course**, this may render an applicant unsuitable for admission to that course of study;
- Where appropriate, consideration may be given to whether an alternative course, or substitution for the regulated activity, may be possible.