

CRIMINAL RECORDS POLICY

Policy Statement on the Acceptance of Students, Graduates and Staff with Criminal Convictions and/or Cautions

Introduction

Metanoia Institute is committed to the fair treatment of its students, graduates and staff and prospective students and staff. No individual will be discriminated unfairly against on the basis of offending background, gender, race, religious or political beliefs, disability, marital status, sexual orientation or age. Having a criminal record will not necessarily prevent a student from studying, a graduate from maintaining membership, nor an individual working at Metanoia Institute. This will depend on the nature and background of offences and its relevance to studying, maintaining membership or working at Metanoia.

Certain programmes of study (which require students to undertake work with vulnerable children or adults) and employment posts within Metanoia Institute require applicants to have been screened by means of a “Disclosure” obtained from the Disclosure and Barring Service (DBS). A disclosure is an impartial and confidential document that details an individual’s criminal record and where appropriate, details of those who are banned from working with young people under 18 and vulnerable adults.

Working as an adult and/or child psychological therapist necessarily entails working with vulnerable people and/or children. Metanoia Institute requires all applicants offered a place to study or work at Metanoia Institute to provide details of their criminal record at an early stage in the application process. This information should be sent under separate, confidential cover to the Head of Central Services. Graduates are required to provide details of their criminal record if they wish to maintain membership.

Scope of this Policy

This Policy applies to all existing students, graduates and staff and all prospective students and staff and it will be made available to all applicants at the outset of the application process.

Policy Statement

- The Institute will enquire about “spent” and “unspent” convictions, cautions, reprimands and warnings when the nature of the programme of study or employment post is likely to bring the student, graduate or staff member into contact with young people under 18 or vulnerable adults.
- Information on spent convictions and cautions will be requested through a Disclosure only where a thorough risk assessment has indicated that one is both proportionate and relevant to the programme of study or employment post (such as contact with young people under 18 or vulnerable adults within the Metanoia Counselling and Psychotherapy Service [“MCPS”]). For those students undertaking a placement within MCPS and employment posts where a Disclosure is required, all relevant literature, application forms and recruitment information will contain a statement that a Disclosure will be requested.
- The Institute will ensure that only the people directly responsible for recruitment will be informed of the individual’s criminal record and will be involved in any objective assessment of the individual’s suitability for the programme of study.

- The Institute will also ensure that all staff involved in recruitment of students will be provided with guidance to comply with the relevant legislation and of the need to comply with the Institute's guidance related to the recruitment of students with a criminal record.
- Standard and Enhanced DBS certificates will include details of convictions and cautions (including youth cautions, reprimands and warnings) recorded on the Police National Computer (PNC).
- 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/or details of whether an individual is included on one or both of two lists barring people from working with children and/or vulnerable adults.
- Some PNC information will now be filtered and will not appear on the certificate. Cautions and convictions filtered out are set out in legislation.
- The list includes a range of offences which are serious and which relate to sexual offending, violent offending and/or safeguarding. It would never be appropriate to filter offences on this list. A list of offences which will never be filtered has been derived from the legislation and is available at: <https://www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check>
- This is not the complete list as the legislation also extends to cover similar offences committed under the law of Scotland and Northern Ireland or under laws relevant to the armed services.
- Where it is revealed that an individual has a criminal record, the Institute will follow the Procedural Guidance (as attached) to decide whether the nature of the criminal record is such that the individual should not be offered the place on the training programme, a placement or employment. **The outcome of this assessment will be final and binding.**
- Where an applicant fails to reveal information that is directly relevant to the programme of study sought, this could lead to the withdrawal of an offer to study at the Institute. Action (including expulsion) may also be taken against an existing student, graduate or member of staff, where it is discovered that he or she has failed to reveal information directly relevant to the programme of study, their membership or employment.
- On request, the Institute undertakes to discuss any matter revealed in a Disclosure with the person seeking a place on a programme of study before withdrawing a conditional offer of a place, and in the case of existing students and staff, expulsion or dismissal.
- If a criminal record or caution has been disclosed voluntarily on the application for a programme of study, an initial assessment will be made according to the considerations listed above. An offer of a place on a programme of study will be made subject to engaging in the Disclosure process. The offer of a place to study is subject to no material additional information emerging from the Disclosure process.
- Should additional information emerge from the Disclosure process which appears to contradict earlier information, the Institute will contact the applicant who will be given an opportunity to comment on the situation.
- The decision of the professional assessment will be final and binding, and communicated to the individual concerned in writing by the Head of Central Services.
- The Institute makes recruitment decisions in good faith based on the information supplied on application forms and signed off as accurate and truthful by an applicant. The Institute reserves the right to withdraw an offer to study at the Institute if it is subsequently revealed that he or she has deliberately withheld or falsified information directly relevant to the programme of study, membership or employment in the application process. Action (including expulsion from study or membership and termination of employment) may also be taken, where it is discovered that he or she has withheld or deliberately falsified information directly relevant to the programme of study or employment post held.

- All paperwork and related materials will be kept in a separate limited access filing system to ensure confidentiality.

Convictions acquired during study, membership or employment

Should an existing student, member or employee acquire a criminal conviction and/or caution during the course of their study, membership or employment at the Institute, they must disclose that fact and details of the conviction and/or caution in writing to their Head of Department or Head of Central Services as soon as possible. Two Heads of Department and the Head of Central Services will carry out an assessment in accordance with the procedure listed above and consider what action, if any, should be taken in the light of the changed circumstances.

PROCEDURAL GUIDANCE ON THE ASSESSMENT AND ACCEPTANCE OF STUDENTS GRADUATES AND STAFF WHO HAVE CRIMINAL RECORDS

Professional assessments will:

- Focus on a person's abilities, skills, experience and qualifications;
- Consider the nature of the conviction and/or caution and its relevance to the post or position in question;
- Identify the risks to the Institute's business, customers, clients, trainees and employees;

Assessment procedure:

1. Where an applicant declares a criminal conviction, caution reprimand or warning, the Head of Central Services will write to the applicant inviting him or her to supply further information. The information supplied will then be immediately brought to the attention of the Head of Department. Arrangements for conducting a professional assessment will be the responsibility of these post holders.
2. Each assessment will be undertaken in confidence by 3 people – the Head of Central Services and two Heads of Department Risk assessment will be based on:
 - 2.1 The relevance to a particular programme of study:
 - Does the programme of study involve one-to-one contact with vulnerable adults or children as a student, graduate or member of staff?
 - What level of supervision will the applicant receive?
 - Does the applicant have any direct responsibility for finance or exposure to money or items of value?
 - Does the applicant have direct and/or unsupervised contact with the public?
 - Will the nature of the programme of study present any opportunities for re-offending?
 - 2.2 And an assessment of other issues:
 - The seriousness of the offence and its relevance to the safety of other students, employees, customers, clients and property;
 - The length of time since an offence took place;
 - Any relevant information offered by the applicant about the circumstances leading up to an offence, for example domestic or financial difficulties;
 - Whether the offence was a one-off, or part of a history of offending or repeat offences;
 - Whether an applicant's circumstances have changed since the offence;
 - An individual's attempt to "go straight", degree of remorse expressed;
 - The country in which the offence was committed, some activities are offences in Scotland and not in England and Wales, and vice versa;
 - The potential for a student to obtain a placement/ practice experience;
 - The potential for a graduate to obtain registration with the relevant professional body.
3. For these programmes of study, MCPS placement or employment posts where a Disclosure is required, all relevant literature, application forms, and recruitment information will contain a statement that a Disclosure will be requested in the event of the individual being made an offer to study, undertake placement or work at Metanoia..
4. Normally, an offer of a place on a programme of study, placement or employment will be made subject to the satisfactory completion of the DBS Disclosure process. Applicants will be invited to embark on the DSB Disclosure process once the offer of a place has been accepted.

The Institute's assessment of criminal records will:

- Always be based on confidentiality and discretion when requesting and handling criminal records;
- Encourage applicant honesty by stating that applicants will be considered on merit and ability;
- Advise applicants to submit confidential records separately from the usual application form and to a named employee. They should be encouraged to attach any other information they wish to draw attention to, that may improve understanding and fair decision-making;
- Comply with the data protection law;
- Only ensure access to criminal record information is on a need-to-know basis.