

CRIMINAL RECORDS POLICY FOR GRADUATES

Policy Statement on the Acceptance of Graduates for Registration with Professional Bodies who have Criminal Convictions or Cautions

Introduction

The Metanoia Institute is committed to the fair treatment of its graduates and 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 or caution will not necessarily prevent an individual from being registered with a professional body through the Institute. This will depend on the circumstances and background of the offence(s).

Scope of this Policy

This Policy applies to all graduates who wish to register with a professional body through Metanoia.

Policy Statement

- The Institute will enquire about “spent” and “unspent” convictions and cautions.
- Information on spent convictions and cautions may be requested through a Disclosure but only where a thorough risk assessment has indicated that one is both proportionate and relevant.
- Where a graduate needs to disclose a criminal record or caution, the information should be sent under confidential cover to the Head of Central Services.
- The Institute will ensure that only the people directly responsible for registration with a professional body will be informed of the individual’s criminal record.
- The Institute will also ensure that all staff involved in registration with professional bodies 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 registration of graduates with professional bodies with a criminal record.
- Where it is revealed that a graduate has a criminal record, the Institute will follow the Assessment Procedural Guidance (as attached) to decide whether the nature of the criminal record is such that the individual should not be put forward for registration with a professional body. **The outcome of this assessment will be final and binding.**

Where an applicant fails to reveal information that is directly relevant to registration with a professional body, this could lead to the withdrawal of registration.

On request, the Institute undertakes to discuss any matter revealed in a Disclosure with the person seeking registration with a professional body before withdrawing registration.

ASSESSMENT PROCEDURAL GUIDANCE ON THE ACCEPTANCE OF STUDENTS WHO HAVE CRIMINAL CONVICTIONS

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 registration.;
- Identify the risks to the Institute's business, customers, clients, trainees and employees;

Assessment procedure:

1. Where a graduate declares a criminal conviction and/or caution, the Head of Central Services will write to the graduate inviting him or her to supply further information about the conviction and/or caution. 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, the Head of Department and a relevant experienced independent individual. Risk assessment will be based on:
 - 2.1 The relevance to registration.
 - Does the graduate have one-to-one contact with vulnerable groups or individuals?
 - What level of supervision does the graduate receive?
 - 2.2 And an assessment of other issues:
 - The seriousness of the offence and its relevance to the safety of others (students, employees, customers, clients);
 - The length of time since an offence took place;
 - Any relevant information offered by the graduate 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 the graduate'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 graduate to obtain registration with the relevant professional body.
3. Graduates may be asked to embark on the CRB Disclosure process once they have disclosed a criminal record. The fee associated with disclosure will be charged to the applicant.
4. If a criminal record and/or caution has been disclosed voluntarily, an initial assessment will be made according to the considerations listed above. Registration with a professional body may be made subject to engaging in the Disclosure process. The graduate will be informed that registration with a professional body will stand subject to no material additional information emerging from the Disclosure process.
5. Should additional information emerge from the Disclosure process which appears to contradict earlier information, the Institute will contact the graduate who will be given an opportunity to comment on the situation.
6. 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.
7. The Institute makes decisions in good faith based on the information supplied by graduates and signed off as accurate and truthful by an applicant. The Institute

reserves the right to inform the professional body if it is subsequently revealed that the graduate has deliberately withheld or falsified information directly relevant to professional registration.

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

The Institute's assessment of criminal records will:

- Always be based on confidentiality and discretion when requesting and handling criminal records;
- Advise graduates to submit confidential records separately from the usual Membership form and to the Head of Central Services. Graduates 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.

USEFUL BACKGROUND INFORMATION, FACTS AND CONTEXT:

- According to estimates at least 20% of the working population has had a criminal conviction;
- Only a small number of crimes are considered serious enough to warrant custodial sentences – 7%;
- Most offenders receive short sentences – 66% serve less than 12 months;
- Less than 10% of convictions are for violence to the person;
- Almost 80% are convicted on only one occasion before the age of 40;
- Only 0.4% of the population have a conviction by the age of 35 that will never be spent;

CURRENT LEGISLATION:

The Rehabilitation of Offenders Act 1974

1. Under this law any conviction for a criminal offence can be regarded as spent provided:
 - The conviction did not carry a sentence excluded from the Act, such as a custodial sentence of over two and a half years
 - No further convictions occurred within the rehabilitation period
2. Once a conviction is regarded as “spent”, the rehabilitated person does not have to reveal its existence in most circumstances and can answer “no” to the question “do you have a criminal record?” Certain occupations are exceptions and are listed in ROA (Exceptions) Order 1975.
3. Custodial sentence of more than two and a half years can never become “spent”.
4. The length of time to become “rehabilitated” depends on the sentence received and the age when convicted. Generally, for a person aged 18 or over, sentenced to imprisonment for more than 6 months and less than two and a half years, this is 10 years. For a person aged 17 or under, sentenced to the same period of imprisonment, is 5 years.

Exceptions to the Act

Exempted occupations fall into the following categories:

- Work involving matters of national security, for example some civil service posts, defence contracts, etc;

- Work that brings the person into contact with vulnerable groups such as the infirm, elderly, mentally ill and young people under the age of 18;
- Professions that have legal protection, for example nurses, doctors, dentists, chemists, accountants;
- Posts concerned with the administration of justice, for example police officers, lawyers, probation officers, traffic wardens;
- Health service appointments.

THE SAFEGUARDING VULNERABLE GROUPS ACT 2006 AND THE VETTING AND BARRING SCHEME

The Safeguarding Vulnerable Groups Act 2006 introduced a new vetting and barring scheme covering those working or volunteering with children or vulnerable adults. It was launched on 12 October 2009 and is administered by the Independent Safeguarding Authority.

<http://www.isa-gov.org.uk/>

The Government put the Vetting and Barring Scheme on hold in June 2010.

Metanoia Institute will comply with the requirements of the Independent Safeguarding Authority as and when they are introduced.