

The Sherwood Psychotherapy Training Institute

DBS Policy & Procedure on the Monitoring of Criminal Records of Students

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

Section 1 Introduction and Policy

Policy Statement - The purpose of this statement is to underpin SPTI's DBS Procedure on the Student Recruitment of ex-offenders in its practice of student recruitment. Selection processes for entry are underpinned by transparent entry requirements, both academic and non-academic, and present no unnecessary barriers to prospective students. As an organisation assessing applicants' suitability for positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) (**2013 and 2020**), we use criminal record checks processed through the Disclosure and Barring Service (DBS). SPTI complies with the DBS Code of Practice and undertakes to treat all applicants for courses fairly and in complete confidence. SPTI undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.

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 degree programmes. These will be undertaken via an umbrella organisation (EMSS).

For those courses where a criminal record check is identified as necessary, application forms will ask applicants to make the following declaration:

“Do you have any unspent conditional cautions or convictions under the Rehabilitation of Offenders Act 1974? (Y/N)?”

“Do you have any adult cautions (simple or conditional) or spent convictions that are not protected as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020? (Y/N)?”

The amendments to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020) provides that when applying for certain jobs and activities, certain convictions and cautions are considered ‘protected’. This means that they do not need to be disclosed to employers, and if they are disclosed, employers cannot take them into account.

Guidance about whether a conviction or caution should be disclosed can be found on the Ministry of Justice website.

Applicants will also be advised that an application for an Enhanced Adult Workforce DBS certificate will be submitted in the event of the individual being offered a place on the course.

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 (as amended in 2013 and 2020). This means that any convictions or cautions, which are not **“filtered”** 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.

All cautions and convictions for specified serious violent and sexual offences, and other specified offences of relevance for courses concerned with safeguarding children and vulnerable adults, will remain subject to disclosure. In addition, all convictions resulting in a custodial sentence, whether or not suspended, will remain subject to disclosure.

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The amendments to the Exceptions Order 1975 (2013) provide that certain spent convictions and cautions are 'protected' and are not subject to disclosure to employers and cannot be taken into account. Guidance and criteria on the filtering of these cautions and convictions can be found on the DBS filtering collection: <https://www.gov.uk/government/collections/dbs-filtering-guidance>.

The rules as to when a conviction or caution will be filtered are set out in legislation. This states that a standard or enhanced DBS certificate must include the following:

Disposal		Age when given/sentenced	How long ago
Caution	non-specified offence	18 or over	Less than 6 years
Caution	specified offence	18 or over	Any time
Conviction	specified offence	Any age	Any time
Conviction	custodial sentence	Any age	Any time
Conviction	non-specified offence	18 or over	Less than 11 years
Conviction	non-specified offence	Under 18	Less than 5.5 years

A '**specified offence**' is one which is on the [list of specified offences](#) agreed by Parliament which will always be disclosed on a Standard or Enhanced DBS certificate, regardless of how long ago it was given. This includes where a specified offence receives a caution (but not youth cautions, reprimands or warnings).

The list includes a range of offences which are serious, relate to sexual or violent offending or are relevant in the context of safeguarding. The specified offences list covers those committed in England and Wales, however, the legislation also covers equivalent offences committed in other jurisdictions including overseas when they are recorded on the Police National Computer (PNC). It is not possible to capture a definitive list of all equivalent offences under the law of all other jurisdictions.

Where an individual is aware that they have committed an offence outside England and Wales which may be equivalent to an offence on the list they should seek independent expert or legal advice to ensure that they provide information that is truthful and accurate.

- A list of offences which will never be filtered from a criminal record check can be found at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/635719/List_of_offences_that_will_not_be_filtered_1.docx

All applicants who progress to enrolment onto the first year of their course, will be subject to an Enhanced Adult Disclosure with the DBS. Applicants will be sent the SPTI DBS policy and procedure document, and will be required to declare any convictions or cautions which are not "protected" on their application form. Applicants will be required to make a full disclosure during the interview process and will receive advice about the implications of their convictions or cautions in relation to training.

- Direct entrants, entering at years 2 or 3 of these courses and are also subject to these requirements.
- Students should note that they may be withdrawn from the course should they not gain satisfactory DBS clearance in accordance with the CRRP panel decision.

It should 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 DBS01 Criminal Convictions Declaration 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 that SPTI was fully informed.

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Terms:

CRRP: SPTI Criminal Record Review Panel (comprising Programme Leader, Director of Training and Company Director)

SLA: Student Learning Agreement

DBS01: SPTI Criminal Convictions Declaration

DBS02: SPTI CRRP Panel Meeting Record

EMSS: East Midlands Shared Services (DBS umbrella organisation)

Section 2 The Procedure

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

BSc (Hons) Counselling and Psychotherapy

MSc Integrative Psychotherapy

MSc Person Centred and Experiential Psychotherapy

Where prospective students already have an Adult Enhanced DBS registered on the update service, they would not be required to undertake a further DBS check. SPTI would view the certificate and check it against the update service. If a criminal record is identified, then the following procedure would apply.

The DBS Policy covers students undertaking training to work in placement with vulnerable adults. If students undertake placement hours with young people, they may be required to undertake a further Child Enhanced DBS check.

The DBS application and checking process will be organised in accordance with DBS requirements in order to maintain confidentiality.

Stage 1 - At Application

- The monitoring process remains separate from the academic decision-making process.
- All applicants must be informed 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 any subsequent offer made to the applicant.
- Instructions explaining the documentation, process and type of information that a student will be required to supply for the DBS process are included in the information sent to applicants.
- Applicants/students are advised that failure to declare any convictions or cautions, which are not protected may lead to non-admission or withdrawal from the programme. It must also be understood that any conviction or caution which is not protected may appear on the DBS disclosure documents.
- Applicants are required to waive their rights to confidentiality in respect of information about their record 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 main student record in order to meet the DBS rules on maintaining confidential records.
- Applicants 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). Where a student is issued with a manual DBS certificate (which cannot be added to the DBS update service), it is the student's responsibility to apply for an annual DBS certificate via SPTI incurring further cost to the student. Individual placement providers

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may also require additional updated DBS certificates depending on their policies.

- The DBS01 Criminal Convictions Declaration must be completed and include 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. The DBS01 must be completed in FULL, prior to the interview, as this is used to make the decision. Failure to complete the form fully can result in rejection from the course. This decision is final and not open to appeal.
- The completed DBS01 and Application Form should be submitted at the same time but in different envelopes. The DBS01 should be sent in an envelope, marked 'strictly confidential CRRP information'. **It is the applicants 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.
- The DBS01 will be reviewed by Director of Training in the first instance.

Stage 2 - At interview

- All prospective students will be asked to declare if they have any criminal record, when they attend for interview. If the DBS01 Criminal Convictions Declaration has not been completed previously they will be asked to complete and return it within 3 working days.
- At interview, the Programme Leader will discuss the nature of the offences with the applicant and will be clearly told that any offer of a place is entirely subject to the decision of the Criminal Record Review Panel (CRRP).
- All offers are subject to final verification once the original DBS01 has been reviewed against the official DBS certificate.

Stage 3 - Criminal Records Review Panel meeting (CRRP)

- All documentation, including application form, DBS01, interview assessment form and any references will be forwarded for the attention of the Director of Training as Chair of the CRRP. If considered necessary, the applicant/student will be given an opportunity to attend a meeting with the Panel. The applicant/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.
- For applicants, the CRRP will meet to review the DBS01 detailing offences and if the CRRP is confident, having assessed: the severity of the offence(s), capacity to reflect and develop, transparency, time elapsed since offence(s), pattern of offending or isolated incident, suitability for counselling / psychotherapy training and level of risk posed: they can be offered a conditional place on the course subject to meeting all other admissions criteria. The DBS01 will be held in the confidential CRRP file pending receipt of the DBS certificate.
- For students, the CRRP will complete a CRRP pro-forma (DBS02) detailing the student, their course and stage, the offences recorded, and outcomes of the review.
- Once a decision is made, the decision letter will be sent within 5 working days of the Panel meeting. A record will be maintained on a separate student DBS file (this is kept separate from other student records and accessible only to staff involved in the DBS process).
- When the DBS certificate is received (see section 4) it will be checked to ensure it matches the original declaration by the applicant. These checks will be conducted by the Director of Training or Company Director.

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Stage 4 - Completion of Enhanced Adult DBS application and issue of official certificate

- All students have online DBS applications created via EMSS, SPTI's umbrella organisation for requesting enhanced DBS certificates. The EMSS DBS portal emails the student inviting them to complete the rest of the online application from, including the declaration of whether or not they have a criminal conviction. At the same time, students are sent SPTI guidance information via email including the ID requirements, a user guide, information on the update service and the SPTI DBS process. This email also requests that applicants provide official identity documents required as part of the process.
- All applicants are also sent a Student Learning Agreement prior to enrolment which requests confirmation again as to whether or not they have a criminal conviction prior to commencement of training. This is a final check to any change in their status since the point of application.
- Once the online DBS application is submitted by the applicant, the Admissions team check the submission prior to the identify verification. Copies of the ID are checked and each record is individually signed off by a member of the Admissions team and submitted to EMSS.
- EMSS complete their final checks prior to submitting the file to the DBS processing team. The official DBS certificate is posted to the applicant directly from DBS.
- For applicants **without a criminal conviction**: SPTI is then notified via the EMSS portal that the process is 'complete' for applicants.
- For applicants **with a criminal conviction**: SPTI is notified 'Please wait to view applicant's certificate'. The applicant will be contacted to request the submission of the official DBS certificate for verification by the Director of Training and/or the Company Director. This can be actioned in person or by registered post but if sending by post it is the applicants responsibility to ensure the safety of this document.
- In the cases of students with criminal convictions, The Director of Training and/or Company Director on behalf of the CRRP will then compare the certificate against the completed DBS01 made by the student prior to or during the interview process. In situations where there is evidence of any discrepancy, or the finding that previous convictions and cautions have not been declared, this will be considered dishonest practice and the offer of a place may be withdrawn. If the student has already enrolled, the outcome may be termination of the student's course of study.
- Applicants must subscribe for the DBS update service within **30 days** of the DBS certificate issue date (no exceptions are made by DBS). The Admissions team provide SPTI students with timely reminders (email and telephone if necessary close to the 30-day cut off point) to register their certificates with the DBS update service.

Stage 5 - During the Course

- Students should be advised that SPTI cannot always guarantee placements for students with a criminal record. Students will be required to provide access to their DBS check and any criminal record to placement providers via the online update service and provision of DBS certificate if required. Students should note that failure to meet the placement requirements will result in the student being withdrawn 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 (BACP or UKCP) and is separate from the SPTI process.

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- Students on a BACP accredited course should understand that BACP accreditation processes are its own and are separate from the SPTI process. A decision about BACP accreditation will be made by BACP.
- The same procedure used for disclosure on application will be used for those students who acquire a criminal record during the course (see Stage 2 – 4 above). **It is the student's responsibility to advise SPTI and provide a statement as soon as any incident occurs and not wait until the next re-enrolment point.**
- If at any stage during training any convictions, cautions or contact with the police have not 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.

Section 3 Criminal Record Review Panel: Constitution and Procedure

The Criminal Record Review Panel (CRRP) will comprise of a minimum of three members of SPTI senior leadership team:

- Director of Training
- Programme Leader(s)
- Company Director

The CRRP will be convened as need arises and on receipt of the completed DBS01 Criminal Convictions Declaration.

The Panel will be responsible for considering applicants for admission to SPTI 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. A recommendation as to their suitability to be offered a place on the course will be made. The panel will adopt a risk assessment approach, taking into account the following:

- The seriousness of the offence
- 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)
- 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/student's ability to reflect on the offences committed as demonstrated in their personal statement

The CRRP will complete a CRRP pro-forma (DBS02) detailing the student, their course and stage, the offences recorded, and outcomes of the review. They will attach the student's completed DBS01, any character references provided by the student and the interview assessment form.

The Panel will be responsible for reviewing all evidence the DBS01 and other associated documentation (including any character references supplied) which relate to any student who has

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been found to have a conviction or caution or prior to or 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 letterhead and are signed by the appropriate individual.

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 enrol on or continue with their course of study. A decision letter will then be sent within 5 working days of the Panel meeting. **However, the student will be reminded that SPTI cannot guarantee eligibility for registration (with BACP or UKCP) following completion of the course.**

Where the Panel feels the recommendation may be to not offer a place or 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.

A meeting with the student will address the following:

- The pre-requisite admission requirements for all SPTI degree courses and the information provided to the student on entry to the course
- The professional/statutory body regulations and requirements for admission to the courses
- The details provided on the DBS01 and/or Enhanced DBS certificate
- 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.

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 CRRP pro-forma DBS02 and on a DBS database for future reference.

Section 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.