Declaring Relevant Criminal Matters: Health & Social Care Professional Courses

Bournemouth University

This document provides information and guidance about declaring matters on your criminal record to BU where you are accepting an offer of a place on certain courses which are intended to qualify you for entry to regulated health and social care professions ("regulated professions courses").

Inclusivity is a key aim for BU and we expect our students to represent a wide range of backgrounds and perspectives. Criminal matters or convictions on your record do not represent an automatic bar to entry to BU courses, and every year we give places on our courses to people who have criminal matters which are shown on an Enhanced DBS check. However, to accept you onto a regulated professions course we need to be satisfied of your suitability to undertake the course, including work placements in a regulated environment, and to enter the regulated profession if you complete the course. For this reason, we need to know if an Enhanced DBS check will show matters on your record and find out more about that matter.

A. Does this guidance apply to me?

This guidance only applies if you have applied to BU to undertake any of the following courses and have been offered a place on the course:

Course Title	Award
Adult Nursing	BSc (Hons)
Adult Nursing (Advanced Standing)	BSc (Hons)
Adult Nursing	MSc
Children's and Young People's Nursing	BSc (Hons)
Children's & Young People's Nursing (Advanced Standing)	BSc (Hons)
Mental Health Nursing	BSc (Hons)
Mental Health Nursing (Advanced Standing)	BSc (Hons)
Mental Health Nursing	MSc
Midwifery	BSc (Hons)
Occupational Therapy	BSc (Hons)
Operating Department Practice	BSc (Hons)
Paramedic Science	BSc (Hons)
Physician Associate Studies	MSc/PG Dip
Physiotherapy	BSc (Hons)
Social Work	BA (Hons)
Social Work	MA
Social Work (Children and Families)	PGDip
Sports Therapy	BSc (Hons)

B. What do I need to do?

If BU has offered you a place on one of these courses, we now need to ask you to make a declaration of relevant criminal matters. If you declare a matter of the type set out below, you will also need to provide further information about it for the purposes explained in this guidance.

You need to declare **any criminal conviction**, **caution, reprimand or warning which would be included on (and not filtered from) an Enhanced UK Disclosure and Barring Service Certificate** if they were imposed within the UK**.** This includes:

- unspent convictions;
- convictions which would normally be "spent" under the UK Rehabilitation of Offenders Act 1974 (or any equivalent law from a country outside the UK);
- any spent or unspent caution, reprimand or warning which is recorded on the Police National Computer (i.e. which relates to an offence for which a sentence of imprisonment could have been imposed or which is specified in the Schedule to the National Police Records (Recordable Offences) Regulations 2000). "Reprimand or warning" means a reprimand or warning given to a youth offender under section 65 of the Crime and Disorder Act 1998. Caution includes a conditional caution and a youth caution.

You do not need to declare any matters in these categories which would be "filtered" from the UK Disclosure and Barring Service conviction checks.

You can use this calculator provided on an external website by charity Unlock to work out if your conviction is spent and/or if it is filtered: Disclosure Calculator - Unlock

If you are from the UK but uncertain as to whether a matter would be disclosed on an Enhanced DBS Certificate, you can find this out by making a "subject access request" under the data protection legislation to your local police force.

You should declare any conviction, caution, warning or reprimand issued in a country outside the UK which is equivalent to the matters listed above.

C. Why do we ask for this information?

Declaring a criminal matter:

- Does not affect our assessment of your ability to meet academic requirements for admission to our courses: we take our decision on this, and offer you a place, before we ask for any information about criminal matters;
- Is not usually an automatic bar to you joining the course, i.e. declaring a relevant criminal matter does not necessarily mean that BU will withdraw its offer of a place.

Inclusivity is a key aim for BU and we expect our students to represent a wide range of backgrounds and perspectives. Every year we give places on our courses to people who have criminal matters which are shown on an Enhanced DBS check. However we have to ask for information about criminal matters for the following reasons:

(a) **To determine your suitability to work in the professional environment**. We need to decide whether you would be able to undertake mandatory work placements as part of your course. These take place within the regulated professional environment and bring students into contact with vulnerable people. In order to confirm our offer of a place on one of these courses, BU must be satisfied that you are a suitable person to undertake the work placement activities. BU's assessment of suitability is relied on by the organisations in which the placements take place and the relevant professional bodies. If we determine that you cannot undertake required work placements then we cannot confirm your place on the course, as the placements are a mandatory requirement of these courses i.e. you will not be able to complete and pass the course without completing the placements. The matters we ask you to declare *may* affect your suitability to work in the regulated environment, but this will depend on a number of factors, including the nature of the matter declared, when it occurred and the progress of your life since then.

Because of the purpose for which we ask questions about criminal matters, we consider that the questions we ask are exempt from the Rehabilitation of Offenders Act 1974. This is why we ask about convictions and other matters which are spent.

All students on these courses are required to complete an Enhanced DBS criminal records check at a later stage before enrolling on the course. However, we consider it necessary for you to share information about criminal matters at this earlier stage so that we have time to collect and fully assess the relevant information before you make significant commitments in respect of your studies or associated matters on the basis of our initial offer of a place. When considering suitability for the course and profession it is also important for us to know whether you are prepared to acknowledge the matters on your record and engage with the risk assessment process.

(b) **To identify, assess and manage any potential risks a criminal conviction may create for others in the university environment.** A university is a diverse environment, which brings people into contact with each other in a wide variety of ways. The university community includes students who are under the age of 18 (for whom we have particular safeguarding duties) and other people who have particular vulnerabilities which we need to consider.

Therefore we ask any person accepting an offer of a place at BU (not just applicants to health and social care professional courses) to declare certain categories of unspent criminal convictions. This enables us to carry out appropriate risk assessments with regard to the University and its community.

If the matter you have declared is an unspent criminal conviction which is relevant for these purposes, we will carry out this risk assessment to determine whether, if you attend BU to undertake the course for which you have applied, your conviction creates any risks to you or others in the University environment, and whether/how these risks can be managed so that everyone is appropriately safeguarded. This will include considering any risks arising if you live in University accommodation. You will be given the chance to comment during this assessment.

Following this risk assessment we may decide that your offer to study at BU is subject to one or more restrictions or extra requirements with regard to your interaction with the university community at BU. If this is the case, you will be able to decide whether you want to accept our offer on this basis.

D. If I declare a relevant criminal matter, what will happen next?

If you declare a criminal matter to us when accepting an offer we will then ask you to complete an Enhanced criminal records check with the UK Disclosure & Barring Service (DBS), so that we can confirm what you have declared (sometimes we find that people declare matters which in fact do not appear on an Enhanced DBS check, in which case we do not need to consider the matter further). Please note that we will use a third-party to administer the check on our behalf (please see our Student Recruitment & Admissions Privacy Notice for more information). After that, we will ask you to provide some more information about the matter(s) on your record, using a standard form, and will ask you to identify any third parties who may be able to provide relevant information about the matters and your current suitability for the course/profession.

This will enable us to carry out the suitability and risk assessments described in C. above, in line with the following processes:

- The information you provide will be used by our Admissions Team to make an initial risk assessment;
- If the initial risk assessment produces a low risk rating, your offer of a place will be confirmed and the matters on your record will not be further considered by BU;
- If the initial risk assessment produces a medium or high risk rating, the information we have collected about you and the matter(s) on your record will be anonymised and passed to our Disclosure Panel for consideration. They will decide whether you are suitable for the course, i.e. whether your offer can be confirmed.
- If it is decided that you are suitable to undertake the course for which you have applied, and if the matter you have declared under this guidance is in the category of convictions which all those accepting offers from BU are required to declare, we will also assess whether your conviction creates any risks within the University environment and how these might be managed

The processes which we will follow are set out in the University's Admissions Policy for Applicants with a Criminal Record (Policy 3E): Important information

We understand that information about these matters is sensitive and confidential. We will limit access to the declaration you have made and the information you provide so that it is only processed as necessary for carrying out these assessments and identifying any steps we consider appropriate to manage risks identified through that assessment. We will keep you informed as this process progresses. We consider the information you provide on a no-names basis where possible.

E. What happens if I don't declare a relevant criminal matter?

If we offer you a place to study at BU, we reserve the right to treat your offer as withdrawn (ending any student agreement) if BU subsequently finds out that you have a relevant criminal matter which has not already been declared and considered in accordance with this guidance and our relevant procedures.

This means that if you have a relevant criminal matter but do not declare it when accepting your offer, when the matter is identified we may withdraw our offer to you. The declarations you are asked to make will have asked you to confirm that the information you are providing is true, accurate and complete, and will have warned you that any offer made to you may be cancelled or withdrawn if this is subsequently

found not to be the case.

Any offer of a place at BU on the courses covered by this guidance will be conditional on successful completion of clearance checks including an Enhanced DBS check (or an overseas police check if you are applying from, or have spent a significant period of time living outside, the UK). These checks must be undertaken before you can enrol at BU and commence your course. It will be your responsibility to commence the DBS checking process. Sometimes an Enhanced DBS check may include matters which go beyond the definition of relevant criminal matters in this guidance and/or were omitted accidentally/in good faith by the applicant: if we consider this to be the case, the omission of this information may not in itself affect your place at BU, but we would need to consider the implications of the further information for your suitability to undertake the course.

If you have any questions about this document, please contact
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