

APPENDIX 4 CRIMINAL RECORDS CONSIDERATION PROCEDURE FOR REGISTERED STUDENTS***General Provisions***

1. All criminal records are assessed by the Convictions Consideration Panel (CCP), using the CCP form for Assessing Criminal Records (Form CCP1).
2. The CCP may have a disclosed criminal record referred to them either prior to, or as part of, the non-academic misconduct procedure.
3. Where the Principal of a School has reasonable grounds to do so (eg safeguarding concerns), they may refer a related criminal matter that is not a conviction (eg where an individual is placed on the Sex Offenders Register and the School receives notification from the Policy or other authority that the individual is considered to pose a significant safeguarding risk), to the Convictions Consideration Panel for assessment. In this instance to restrict the disclosure of this information as far as possible, the Principal will sit as a member of the Convictions Consideration Panel and will undertake the risk assessment. The Principal will ultimately have the final say with regard to the outcome of the Panel's assessment.
4. The Criminal Records Consideration Procedure is made up of the following parts (the relevant page numbers of the Assessment Form are provided below):

Overview of Procedure**A) Initial Assessment** (Table A) – page 3

The CCP undertake an Initial Assessment for all referred disclosures of criminal records not previously assessed by the CCP. The CCP will determine whether the result of the Initial Assessment is Green, Amber or Red. Where the Initial Assessment result is Green or Red, the CCP will either move to a Final Decision (Part G). Where the Initial Assessment result is Amber, the CCP will continue to follow the procedure through to Part B.

B) The Convictions Consideration Panel Disclosure Discussion (Table B1 and Table B2) – pages 4-5

This takes place when the Initial Assessment has been deemed 'Amber'. This is where the CCP interviews an applicant to gather more information about the criminal record.

C) Case Assessment (Table C1 and Table C2) – page 5

This is completed following the Disclosure Discussion, to facilitate the Risk Assessment (Part D).

D) Risk Assessment: Concerns and Safeguards (Table D1 and Table D2) – pages 6-8

This is completed after the Case Assessment. The CCP will also use the Risk Assessment to determine whether an enhanced DBS check is needed (this would only be needed in the event of a course which requires students to undertake some regulated activity).

E) Decision pending Official Disclosure (pending DBS check results) – page 9

F) Assessment following Official Disclosure – page 10

Where a DBS check is being undertaken, the CCP will initially complete Part E pending receipt of the results of the DBS check, and will complete Part F on receipt of the results.

G) Final Decision – page 11

In all circumstances, the CCP will complete Part G. Sometimes they will move straight from the Initial Assessment (Part A) to the Final Decision (Part G).

Consideration Procedure

5. CCP has a disclosure of a criminal record referred to it for consideration. This may be:
 - prior to instigating Non-Academic Misconduct Procedures, or
 - as part of the initial investigation process into whether the School should instigate formal misconduct proceedings, or
 - as part of formal misconduct proceedings (evidence-gathering)

6. The disclosure may be as a result of:
 - self-disclosure on the part of a student, or
 - a disclosure that comes to light either as a result of a disclosure by a third party, or via a DBS check result

7. Following receipt of a referred criminal record disclosure, CCP undertakes Initial Assessment of Criminal Record using the Consideration Criteria (**Appendix 2**), and determines whether a Disclosure Discussion (Part B) is needed with the applicant:
 - a) Where no Disclosure Discussion is needed, the CCP will move straight to a Final Decision (Part G), bypassing the other sections of the consideration procedure.
 - b) Where a Disclosure Discussion is needed, the CCP will progress to Part B and follow the procedure through.

8. On completion of the Initial Assessment, the student will be informed in writing of the outcome, normally within 7 days of the decision being made, as follows:
 - a) Where the Initial Assessment has resulted in the CCP needing to progress through the full Criminal Records Consideration Procedure, the student will be notified in writing that the Initial Assessment has been undertaken and invited to a CCP Disclosure Discussion (Part B of the Procedure). The student will normally be given at least 7 days' notice of the Disclosure Discussion. The date and time of the Disclosure Discussion will normally be confirmed in this written notification, or as soon as possible thereafter.

b) Where the Initial Assessment has resulted in a Final Decision (Part G of the Procedure) being made, any substantiating reasons underpinning the decision will be articulated in the Final Decision letter. The Final Decision Letter will normally be sent within 7 days of the Final Decision being made and signed off.

Final Decision following criminal record consideration

9. Either following the Initial Assessment or having progressed through the procedure (as applicable), the CCP reaches a Final Decision (Part G of the Criminal Records Consideration Procedure). Advice may be sought from Shared Services.

10. The Final Decision for registered students may be one of the following:

- **No further action** needed in respect of the criminal record
- **Referral for consideration under the Non-Academic Misconduct Procedures** (in this case the CCP's Record of Consideration will be forwarded for consideration as part of the case documentation)
- **Referral under another policy** (eg Fitness to Train)
- **Measures/safeguards necessary to put in place**

11. In all instances (except in cases where the School has reasonable grounds to suspect that a student may be at risk), the student will be notified in writing of the Final Decision and the reasons for the Final Decision, normally within 7 days of the Final Decision being signed..

Outcome procedures

No Further Action

12. Where the CCP's Final Decision is that no further action should be taken with regard to the criminal record, the Final Decision will be communicated as necessary to relevant staff. The details of the full completed Criminal Record Assessment form (Appendix 1), including the reasons for the Final Decision, will not be shared further with School staff, and will be securely held on file until six months after the student has completed their programme of study with the School.

Referring the matter under the Non-Academic Misconduct Policy

13. Where the CCP's Final Decision is to refer the matter under the Conservatoire's Non-Academic Misconduct policy, the CCP will send its final decision including its supporting reasons for its finding, and the full completed Criminal Record Assessment form (Appendix 1), for investigation in accordance with the Preliminary Enquiry stage of the Non-Academic & Professional Conduct policy.

Criminal records that have been referred to the CCP under the Non-Academic Misconduct Policy

14. Where an officer investigating potential misconduct refers a criminal record to the CCP for assessment as part of the investigation of possible misconduct, in all cases, regardless of the Final Decision outcome, the CCP will send its final decision including its supporting reasons for its finding,

and the full completed Criminal Record Assessment form (Appendix 1), to the officer who had referred the matter to the CCP.

Referring the matter under another policy

15. Where the CCP refers the matter under another Conservatoire or School policy, the CCP will send its Final Decision including its supporting reasons for its finding, to the relevant staff members involved in managing that policy's procedures in strict confidence, and on a need to know basis. Details of the full assessment will not normally be disclosed unless the CCP is satisfied that there is an essential specific need to do so, and only with the permission of the student concerned. Where the CCP is satisfied there is an essential specific need, it will contact the student concerned to obtain consent before sharing any details of the assessment beyond the Final Decision and its supporting reasons.
16. All information relating to the student's criminal record will be treated in the strictest confidence, in accordance with the Data Protection Act (1998) and, from May 2018, the General Data Protection Regulations (GDPR).

17. Right of Appeal against a Final Decision

- a) Where the CCP's Final Decision is to refer the matter under the Non-Academic Misconduct and Professional Conduct Policy, the student's right of appeal in relation to this matter will be in accordance with and under the Non-Academic Misconduct & Professional Conduct policy and procedures. The according Grounds of Appeal are located in the Non-Academic Misconduct policy and procedures (the policy can be found at <http://www.cdd.ac.uk/policies/student-related-policies/>).
- b) Where the CCP's Final Decision (including where the Principal of the School makes the Final Decision) is to refer the matter under another policy and the student wishes to appeal against this decision, the student has the right to complain under the Student Complaints Procedure (the policy can be found at <http://www.cdd.ac.uk/policies/student-related-policies/>).

Disclosure by a student of a spent/not 'relevant' conviction

18. Where it is determined that a student has disclosed a conviction which is deemed by the CCP not to have warranted disclosure to the School, the conviction will be disregarded and the information will be securely destroyed. The student will be notified in writing of this finding and action normally within 7 days of the finding.