

UNIVERSITY OF ESSEX

STUDENT MEMBERSHIP AND CRIMINAL RECORDS BUREAU CHECKS POLICY AND PROCEDURE

JULY 2010

1. OVERVIEW

- 1.1 When processing applications and admitting students to study, the University of Essex is committed to ensuring the safety of persons and property and good order in the University and its precincts, and that all students engaged in University-related activity with vulnerable groups are suitable to do so. This policy relates to the admission of applicants to the University who are known to have a criminal record, and the management and provision of student Criminal Records Bureau (CRB) checks. Separate operational procedures support the policy.
- 1.2 The University is a registered body with the CRB, enabling it to conduct and countersign CRB applications for students and staff requiring CRB checks. All student CRB checks are managed centrally by the Academic Section and all staff CRB checks are managed by Human Resources.

2. POLICY

2.1 Membership

- 2.1.1 The case of any applicant for admission to the University who declares a criminal record during the application process, or where there are other grounds for concern about the applicant (for example, evidence of disruptive behaviour or a disciplinary record as a former student at the University of Essex or elsewhere) is considered by the Chair of the Student Membership and CRB Review Panel (hereafter referred to as the Review Panel) in consultation with others as necessary once it has been decided that the application should not be rejected on academic grounds. Where it is considered necessary, the case is referred to the Review Panel for further consideration and decision. An applicant is not required to declare spent convictions except where studying a course for which a satisfactory CRB check is a mandatory entry requirement.
- 2.1.2 The Review Panel will consider every unspent conviction declared and determine on the basis of precedent and experience whether the applicant might pose a serious risk to the University community if admitted to membership of the University.

2.2 CRB Checks

- 2.2.1 CRB Disclosure certificates are not transferable between the University of Essex and third parties. The University of Essex does not accept a CRB Disclosure certificate obtained through a third party, or pass information contained on a CRB Disclosure certificate to a third party.
- 2.2.2 All students who may come into contact with children and/or vulnerable adults through a work placement undertaken as part of their University of Essex course, or through certain activities organised by the University (for example, Student Ambassadors, Residents'

- Support Network Coordinators and Assistants and Students' Union (SU) Volunteers), are required to undertake a CRB check prior to commencement of the relevant work placement or activity. Courses that require the completion of a satisfactory CRB check as a condition of entry are detailed on the University's student CRB webpages.¹
- 2.2.3 The requirement for a student CRB check is determined by the Department² or relevant placement provider. Annual re-checks may be required as necessary. Departments are expected to consult with placement providers (where applicable) to determine the requirement for CRB checks.
- 2.2.4 The University will only conduct CRB checks for students that are referred by a Department. Checks will not be carried out for students' private activities.
- 2.2.5 Student CRB checks are completed electronically using Disclosures Manager, an online CRB application portal managed by Atlantic Data, in conjunction with the University of Essex.
- 2.2.6 Most work placements or other activities related to the University of Essex that may bring a student into contact with children and/or vulnerable adults are exempt from the provisions of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975. All criminal convictions, cautions or reprimands, either spent or unspent must be disclosed. All students are required to declare a criminal record at the time of applying for their course and/or prior to completing a CRB application.
- 2.2.7 CRB checks are conducted for students in accordance with the requirements of the course or activity as determined by the relevant Department. The cost of the CRB check, as set by the CRB and an internal administration fee incorporating the cost per application of using Disclosures Manager as determined by Atlantic Data, is charged to the Department.
- 2.2.8 In all cases, where a CRB Disclosure highlights a criminal conviction that prevents a student from undertaking a placement or activity so he or she is unable to meet the course learning outcomes, the student will be required to withdraw from the course or to transfer to an alternative course where possible.

2.3 Training

- 2.3.1 All members of staff involved in conducting student CRB identity checks are required to read the CRB Code of Practice and undertake initial and refresher training on a regular basis, as determined by the CRB Administrator.
- 2.3.2 All members of staff who participate in the decision-making process related to the Review Panel or Student Membership and CRB Appeal Panel (hereafter referred to as the Appeal Panel) are required to read the CRB Code of Practice and NACRO Guidance relating to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and undertake relevant training, as determined by the CRB Administrator.

¹ http://www.essex.ac.uk/crb/student/Std_enh_lev/lev_specific.aspx

² In this context, "Department" is defined in the widest sense and encompasses the professional services, academic departments and schools, major centres and other significant units in the University.

- 2.2.3 All other members of staff identified in the Roles and Responsibilities are required to have an understanding of the content of the CRB Code of Practice and the Rehabilitation of Offenders Act 1974.

2.4 Retention of Records

- 2.4.1 In line with the CRB Code of Practice and University of Essex Data Protection policy, a Records Management procedure is in place to cover the secure handling, storage, retention and disposal of all CRB disclosure related information.
- 2.4.2 Student data are collected from the Admissions Databases for new students and from the Student Records Database for existing students. The data are transferred to Disclosures Manager and held securely by Atlantic Data in line with the requirements specified in the CRB Code of Practice. The data are held for six months or, if necessary, a defined period of time in agreement with the CRB.
- 2.4.3 After a case referred to the Review Panel has been completed, all correspondence and documents relating to an applicant will be kept in a confidential file held by the CRB Administrator. No information relating to previous convictions shall be held on the Student Records Database or on any Admissions Office, Registry or Departmental file and any such material should be shredded once the decision to admit a student has been formally taken.

2.5 Review Process

- 2.5.1 The student CRB policy and procedure is reviewed annually to ensure it meets the University's operational and legal requirements.
- 2.5.2 The policy is reviewed in conjunction with other relevant stakeholders.

3. PROCEDURE

3.1 Roles and Responsibilities

- 3.1.1 The University of Essex Lead CRB Countersignatory, Pro-Vice-Chancellor (Academic Standards), is responsible for approving the CRB countersignatories for student CRB checks and ensuring that all duties relating to student CRB checks are conducted in accordance with the CRB Code of Practice (Appendix A).
- 3.1.2 The Academic Registrar is Chair of the Appeal Panel and responsible for ensuring the effective operation of the meetings in accordance with this policy and the CRB Code of Practice, with administrative support from an Appeal Secretary.
- 3.1.3 The Deputy Academic Registrar (Systems Administration) is Chair of the Review Panel and responsible for ensuring the effective operation of the meetings in accordance with this policy and the CRB Code of Practice, with support from the CRB Administrator.
- 3.1.4 The Deputy Academic Registrar (Systems Administration) has responsibility for this policy, the supporting procedures and the delivery of student CRB checks. A review of the policy and procedures is conducted on an annual basis.
- 3.1.5 The CRB Administrator has operational responsibility for managing the student CRB checks process, ensuring all applicants and students complete checks when required, by

- liaising with the relevant Department. The CRB Administrator manages the identity checks process and escalates cases to the Review Panel in accordance with this policy. The CRB Administrator is Secretary to the Review Panel.
- 3.1.6 All relevant Departments identify students requiring CRB checks either by their course or activity, or individually and agree a timeframe for conducting checks with the CRB Administrator. All relevant Departments notify the CRB Administrator of any changes to placement requirements relating to student CRB checks.
- 3.1.7 All Review Panel members and Appeal Panel members are required to consider each case in accordance with the CRB Code of Practice and contribute to the discussions and decision making process of the panel.
- 3.1.8 With the exception of the School of Health and Human Sciences, the placement provider contributes towards the decision making process when a criminal record is reported on a CRB Disclosure certificate wherever possible. The recommendation of the placement provider is considered by the Review Panel or Appeal Panel as appropriate. The placement provider may be asked to attend meetings of either the Review Panel or Appeal Panel.
- 3.1.9 The School of Health and Human Sciences has agreed with the East of England Strategic Health Authority that the University will not correspond with any specific placement provider regarding a student's suitability for placement based on their CRB check. Once a decision has been made to admit a student to a Health and Human Science course with a medical placement, the Programme Lead will correspond with the host Primary Care Trust (PCT), providing anonymous information and context; specifying that the University recommends that the student be accepted onto the course and seeking the consent of the PCT to place the student. In cases where a PCT does not give such consent, the Programme Lead will refer the decision to the Head of Education and Training NHS East of England for consideration.
- 3.1.10 Designated members of staff from the Academic Section that are trained in accordance with the CRB Code of Practice verify the identity of students by checking the documents provided, ensuring they meet the CRB approved identification document requirements. Copies of all identity documents are taken and held in accordance with the CRB Records Management procedure. Designated members of staff ensure the CRB application has been completed correctly and ask the student to sign the form as required by the CRB.

3.2 Escalation

- 3.2.1 At the point of application, all students are required to declare any unspent convictions. Students applying for courses for which a satisfactory CRB check is a mandatory entry requirement must declare all convictions, cautions and reprimands, whether spent or unspent.
- 3.2.2 Where a criminal conviction is declared, if a Department wishes to make an offer in principle, then the student should be informed that the case has first to be considered by the Review Panel. The CRB Administrator will write formally to the applicant to inform them of the procedure to be followed, and to request that the applicant provides additional information as requested.

- 3.2.3 Cases are not referred to the Review Panel where a spent conviction is declared by an applicant or student wishing to undertake or already studying a course where a CRB check is not a requirement for entry.

3.3 Membership

- 3.3.1 The Review Panel will consider every unspent conviction declared and determine on the basis of precedent and experience whether the applicant might pose a serious risk to the University community if admitted to membership of the University.

3.4 Mandatory CRB Checks and Membership

- 3.4.1 Where a satisfactory CRB check is a mandatory entry requirement of a course, the Review Panel will consider any criminal record disclosed as part of an application (spent or unspent) that might affect the student's ability to attend the placement and will determine on the basis of precedent, experience and investigation whether the applicant might pose a serious risk to the vulnerable groups applicable to the placement if admitted to the course. If it is deemed that, on the basis of the information declared, the individual should be allowed to attend a placement, the Review Panel will recommend that the Department may proceed with the offer, subject to completion of a satisfactory CRB check.
- 3.4.2 The Review Panel will consider primarily whether the applicant should be allowed to commence the mandatory placement in light of the criminal record disclosed and will consider the membership of the University as a secondary factor.
- 3.4.3 When an applicant to the University declares a criminal record in advance of completing a mandatory CRB application, the CRB Administrator requests additional information from the applicant, the relevant Department and the placement provider as appropriate.
- 3.4.4 On receipt of the CRB Disclosure Certificate, the CRB Administrator will compare the information held on the Certificate with the information disclosed at the point of application. If this information corresponds, the decision of the Review Panel will be upheld. If it does not correspond, the matter will be referred back to the Review Panel for further consideration.
- 3.4.5 If a registered student that has been approved to commence or continue on a mandatory placement by the Review Panel, is subsequently prevented from doing so by the placement provider as a result of their criminal record and is unable to meet the learning outcomes of the course, the student will be required to withdraw from the course or transfer to an alternative course where possible.

3.5 Non-Mandatory CRB Checks and Membership

- 3.5.1 If a student is registered with the University of Essex and declares a criminal record in advance of completing a CRB application for a placement or activity that is not mandatory for the completion of the course, the CRB Administrator requests additional information from the student, the relevant Department and the placement provider as appropriate.
- 3.5.2 On receipt of the CRB Disclosure Certificate, the CRB Administrator will compare the information held on the Certificate with the information disclosed at the point of

application. If this information corresponds, the decision of the Review Panel will be upheld. If it does not correspond, or if the student has been convicted of a criminal offence or received a caution since registering with the University, the matter is referred to the Review Panel for consideration and is referred to the Proctor in accordance with the University's Disciplinary Procedures.

3.6 Annual Rechecks

- 3.6.1 On receipt of a CRB Disclosure Certificate that has been completed as a result of a mandatory annual recheck, the CRB Administrator will compare the information held on the Certificate with the information disclosed at the point of application. If this information corresponds, the student will be automatically approved to commence placements for that academic year. If the information does not correspond, or the student has been convicted of a criminal offence or received a caution since their last CRB check conducted by the University of Essex, the matter is referred to the Review Panel for consideration and is referred to the Proctor in accordance with the University's Disciplinary Procedures.

3.7 Student Membership and CRB Review Panel

- 3.7.1 The terms of reference of the Review Panel are:

(a) to consider each case referred to it, taking into account:

(i) in the case of membership, the safety of persons and property and good order in the University and its precincts and/or

(ii) in the case of admission to a course requiring a satisfactory CRB Disclosure as a mandatory entry requirement, the nature of the course or activity to be carried out, any additional information provided and the recommendations of the relevant Department and placement provider as appropriate, and in accordance with the CRB Code of Practice; and

(b) In respect of student membership, to resolve on behalf of the University:

(i) that no objection be raised to the admission of the person to student membership of the University; or

(ii) that no objection be raised to the admission of the person to student membership of the University subject to certain conditions, e.g. eligibility for residential accommodation; or

(iii) that the person concerned may not be admitted to student membership of the University at that time.

(c) In respect of CRB checks, to resolve on behalf of the University:

(i) that no objection be raised to the admission of the applicant to the course or activity; or

- (ii) that no objection be raised to the student continuing on the course or activity.

- 3.7.2 The Review Panel is convened in person or virtually and comprises the Deputy Academic Registrar (Systems Administration) (Chair), a representative from the relevant Department, the placement provider, and an impartial representative, as appropriate. The CRB Administrator acts as Secretary.
- 3.7.3 The Review Panel would not normally seek to interview the applicant, but the Panel is free to request an interview, to request additional documentation or to consult any person it sees fit before reaching a final decision on the case.
- 3.7.4 Where there is disagreement between members of the Panel, the Chair's decision is final taking into account all views expressed.
- 3.7.5 The Secretary to the Review Panel will produce a concise report of the Panel's deliberations which will be the formal record of the case.
- 3.7.6 The Deputy Academic Registrar (Systems Administration) will write to the applicant and inform them of the outcome of the Review Panel.
- 3.7.7 Where a student has been approved to commence or continue on a placement or activity, he or she may request that the CRB write a letter to the placement provider confirming that they have been approved to attend placement by the Review Panel.

3.8 Student CRB Appeal Panel

- 3.8.1 An applicant or student may appeal against the decision of the Review Panel within fifteen working days of the date of the letter sent by the Deputy Academic Registrar (Systems Administration). The grounds on which an applicant or student may appeal are:
 - (a) that there were procedural irregularities in the operation of this policy of such a nature as to cause reasonable doubt as to whether the result might have been different had they not occurred;
 - (b) that new evidence came to light which could not reasonably have been made available to the Review Panel.
- 3.8.2 The terms of reference of the Appeal Panel are:
 - (a) to consider each case referred to it, taking into account the original decision of the Review Panel, the grounds of appeal and any conditions or circumstances relating to the applicant or student's work placement or other activity requiring the CRB check; and
 - (b) on behalf of the University, to resolve that the appeal be upheld or dismissed.
- 3.8.3 The Appeal Panel is convened and comprises the Academic Registrar (Chair), the University of Essex CRB Lead Countersignatory, the Head of the relevant Department or the Dean of the relevant Faculty and a Head of Department or representative from another Department. The Appeal Panel is serviced by an independent secretary.

3.8.4 Where there is disagreement between members of the Panel, the Chair's decision is final, taking into account all views expressed.

3.8.5 The decision of the Appeal Panel is final.

Dr Wayne Campbell
Academic Registrar

Richard Stock
Deputy Academic Registrar (Systems Administration)

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