

Department of Social Work, Social Care and Youth and Community Studies

Procedures for managing the investigation of potential and actual criminal records of social work students within Sheffield Hallam University and The University of Sheffield

Statement of our commitment

We are determined to make all efforts to prevent discrimination or other unfair treatment against any applicant for a social work degree or student undertaking a social work degree, regardless of race, gender, religion, sexual orientation, responsibilities for dependents, age, physical disability, or offending behaviour background. We are committed to the principle of equality of opportunity and, subject to the overriding consideration of protecting the public, in particular, children and vulnerable adults, will make every effort to prevent unfair discrimination against those with criminal records.

Having a criminal record does not necessarily prevent an applicant from undertaking practice learning arranged within the partnership, unless the offence debars the person (see [Appendix One](#)). However, all applicants for training will be clear of any convictions or statutory supervision linked to a sentence of the court for two years. In order to reach a decision on whether an applicant should be offered a place, the following procedures apply.

Procedure for applicants with criminal convictions

1. On attending for interview for a place on a social work course, applicants will be asked to provide a signed statement identifying any previous offences.
2. Where offences are disclosed, the Admissions Tutor will consult with the member of academic staff responsible for placements. The Admissions Tutor or Placements Tutor who is the nominated university counter signatory will initially discuss the application with members of the **Criminal Records Consultative Panel (CRCP)**; this discussion will normally take place by e-mail. At this stage, following consultation, a decision to offer a place or reject the candidate can be made. However, it may be necessary to arrange an interview for the candidate to obtain further information about the offences and the applicant's view of their offending behaviour. This interview is conducted by a representative of the Social Work Academic Staff and a member of the CRCP; as such, they carry the authority of the full CRCP.

3. Where offences are disclosed, these will be discussed with the applicant in the second interview. The interview will follow a standard format (see [Appendix Two](#)) and record the applicant's responses on the pro forma. This will constitute the only record of the interview.
4. At the end of the interview, the interviewers will make a recommendation to the University concerning the applicant's suitability for social work training. In making this recommendation, consideration will be given to a Risk Assessment Tool (see [Appendix Four](#)). This decision is recorded on the pro forma. All decisions are passed to the full CRCP for ratification.
5. The CRCP will consider the written record of the interview and the recommendation; the discussion will normally take place by e-mail. The name of the applicant under discussion is not circulated. The discussion may involve further questioning of the two interviewers about issues of concern. A majority decision of the CRCP will approve or reject an applicant for social work training.
6. Where it is decided that a place can be offered, this will be taken to include the applicant's attendance and full participation in placement within any of the partner agencies including all statutory and voluntary organisations. All partners agree to be bound by the CRCP's decision.
7. All details of an applicant's criminal record are strictly confidential. If applicants are discussed in a face-to-face meeting then any notes made by CRCP members during the decision-making process will be returned to the chair at the end of the meeting for confidential disposal. The chair will record the decision of the CRCP by making reference to the criteria set out on the pro forma in [Appendix Two](#) and this will be provided to the relevant university representative. No other records will be kept. No individual details concerning criminal records will be passed to placement co-ordinators or practice educators.
8. Following the taking-up of a place on a social work degree at either Sheffield Hallam University or The University of Sheffield, students will undertake an enhanced Disclosure and Barring Service (DBS) check.
9. When this is returned the disclosure is matched with the student's self-disclosure provided at interview and where the two coincide no further action will be taken.
10. Where offences appear that were not revealed by the student at interview, then the case shall be referred for consideration by the CRCP. This will also include a requirement that the student attend an interview with an academic and one member of the CRCP.
11. The CRCP will decide whether to recommend that the student be allowed to continue on the social work degree course. Where a decision is made to terminate training, this will automatically start termination of social work training procedures.

Composition and role of the CRCP

1. The CRCP will consist only of DBS Counter Signatories. The CRCP will comprise a representative from Sheffield Hallam University, The University of Sheffield, Rotherham SSD, Barnsley SSD, Sheffield SSD, Doncaster SSD, Derbyshire SSD, Nottinghamshire SSD, and Age Concern Sheffield. If an agency not mentioned above makes a contribution to providing practice learning opportunities, they can ask to be members of the CRCP. Their membership of the CRCP is recorded on the agency consent form. In respect of face-to-face meetings, the CRCP will be deemed to be quorate if one university representative and four agency representatives are in attendance.
2. The CRCP will discuss via e-mail when required to consider individual cases and meet twice a year to monitor processes and procedures. These procedures will be subject to regular review in accordance with all related legislation and professional regulatory standards.

Monitoring decisions

1. The CRCP will create and administer a data set of all decisions based on the contents of interview pro formas. The pro formas and the datasets will be kept securely and not passed on to any other organisations. This data will be used to provide annual reports and the pro formas will be destroyed at the termination of the student's training.

Monitoring reconvictions during professional training

1. Students undertake **one** enhanced DBS disclosure in their first year. Prior to going on each placement, students are asked to sign a declaration stating that they have not been reported for, or convicted of, a criminal offence since the original DBS disclosure was completed. Where no crime reports or convictions are disclosed no further action is required. Where crime reports or convictions are disclosed, the student is referred to the CRCP as with paragraph 8 above. No correspondence shall be entered into with placement providers in respect of individual students and criminal convictions, outside CRCP discussions.

April 2004 amended October 2008 and December 2012

Appendix One

Recruiting safely

APPENDIX C

People banned from working with children

Under the [Protection of Children Act 1999](#) and the [Criminal Justice and Court Services Act 2000](#), a number of people are banned from working with children. These are:

- people on the [DfES List 99](#)
- people on the DoH List
- people on the National Assembly of Wales List
- people aged 18 or over convicted of certain specified offences against those aged under 18 (or 16 in some instances) and given a hospital or guardianship order or a custodial sentence of 12 months or more. Suspended sentences of 12 months or more are treated as qualifying sentences.

The specified (schedule four) offences are:

- murder or manslaughter
- rape or burglary with intent to commit rape
- grievous bodily harm
- cruelty to children
- kidnapping, false imprisonment and abduction
- indecent assault on a man or a woman
- sexual intercourse with a child under 13
- intercourse with a girl aged between 13 and 16
- buggery with a child under 16
- indecency between men
- abuse of trust
- incest and related offences
- assault with intent to commit buggery
- indecency with children under the age of 14
- offences relating to or encouraging child prostitution
- offences relating to child pornography

The term 'working with children' covers a number of areas. According to the *Guide on Protection of Children*, broadly these are:

- **employment in certain establishments** which provide functions of various sorts exclusively or mainly for children such as schools, children's homes and children's hospitals. All staff, whether primary or secondary carers or ancillary staff, are deemed to be primary carers
- **employment in day care premises**, except where the work takes place in a different part of the premises to where day care activities are situated, or if it occurs during times of the day when children are not being looked after. A cleaner, for instance, who entered the day care premises each day after the children had left would not be considered to be working with children
- **caring for, training, supervising or being in sole charge of children**
- **a position where normal duties involve unsupervised contact with children.** This would cover, for example, a minicab firm whose drivers are routinely employed to transport unaccompanied children on a regular basis, but not those who do it on an irregular or one-off basis
- **child employment** where the young person is under the age of 16, those responsible for caring for them in the course of their employment would be covered by the definition
- **positions of influence and control** over children which could place them at risk.

Juveniles - under 18 year olds - should only be banned if a court believes that there is a likelihood of the offender in question committing a further offence against a young person.

The 1999 Act requires childcare organisations to refer the names of individuals considered unsuitable for work with children to the DoH and DfES lists. It also requires childcare organisations not knowingly to offer employment to anyone listed for any posts involving regular contact with children in a childcare capacity.

The 1999 Act applies to people disqualified in England and Wales only. However, such people are committing an offence if they seek work in Northern Ireland. Similar schemes are being considered in Scotland and Northern Ireland. Those who are subject to disqualification in Scotland and Northern Ireland will be recognised as being disqualified in England and Wales also.

Appendix Two

Criminal record interview sheet

1 Name (if this is to be circulated use initials only)

2 Offences (identify each offence separately)

(a) Convictions (with date of conviction and offence)

(b) Date any supervision ceased

(Use separate sheet if necessary)

3 Nature of offence (detail of incident(s) and length of time over which offence(s) were committed)

4 Other circumstances relating to the offence (what is different in applicant's current situation?)

5 Applicant's attitude to offending behaviour

6 Decision

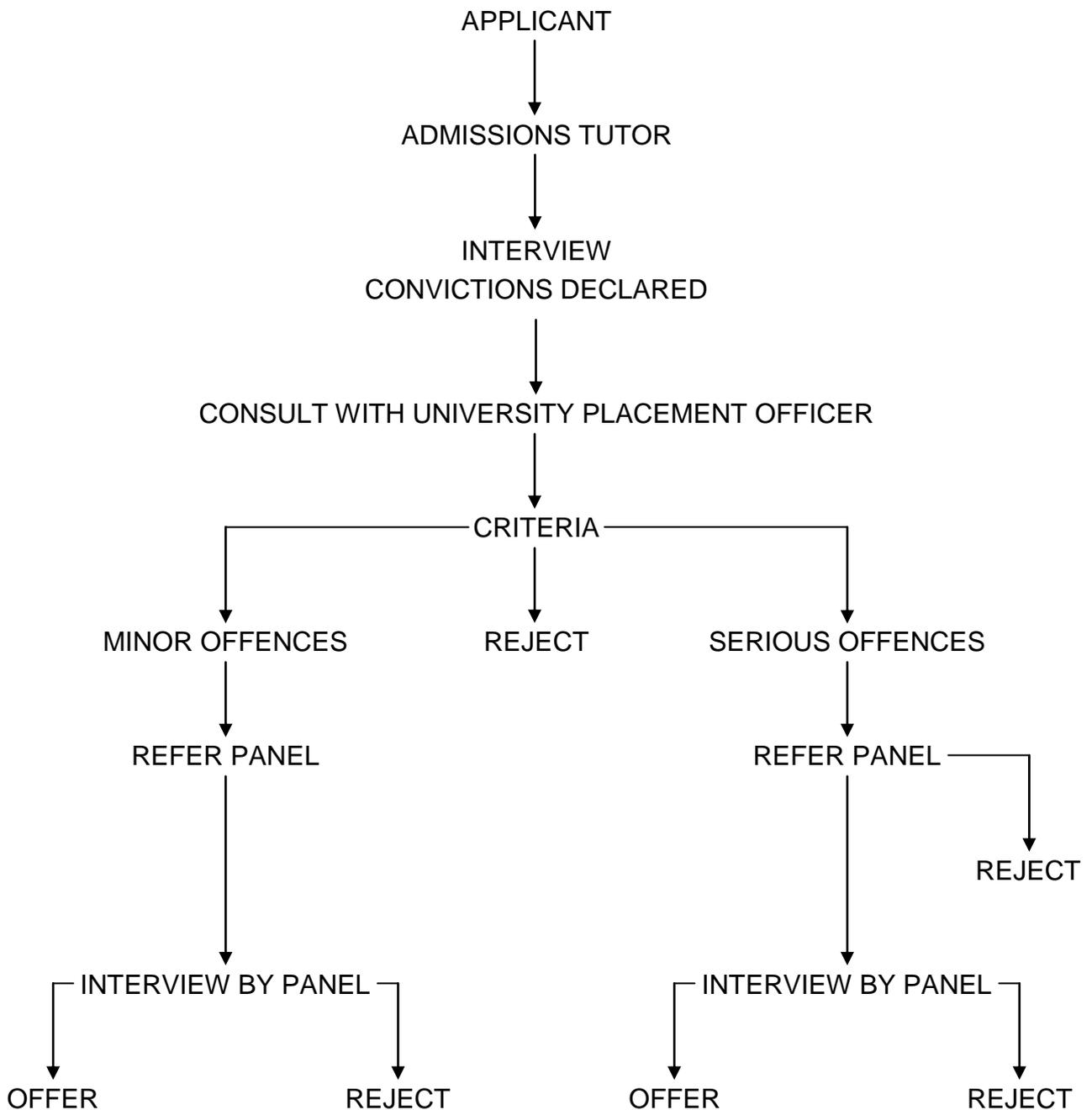
7 Reasons

8 Names plus Agency of Interviewers

9 Date of Interview

Appendix Three

Process for Managing Social Work Applicant with Criminal Convictions



Appendix Four

Risk Assessment Tool

This tool was produced by the former General Social Care Council. The Council has since been replaced by the Health and Care Professions Council, but the Criminal Records Consultative Panel has kept the tool as an aid to decision making.

Factor	Relevant Considerations
The relevance of the offence to social care work	<p>The entire range of social care work is relevant when considering an offence. Before registering someone, we have to be sure they are suitable to carry out a wide range of jobs, and not just the job they are currently doing. For example, we have to be sure that someone is suitable for a front line role with vulnerable service users as well as an office-based management position.</p> <p>The range of work settings should also be considered. For example, social care work may involve working in a closely supervised team, or working independently in a capacity where unsupervised visits are made to clients' homes.</p> <p>Social care work involves contact with vulnerable people, and social care workers hold positions of trust. The seriousness of offences should be assessed with this in mind.</p>
The length of time since the offence	<p>The length of time since the offence should be considered, along with the age of the applicant at the time of the offence.</p> <p>For example someone with a conviction for threatening behaviour at the age of 18 who is now 40 and has no other convictions may pose a low risk to service users. A 40 year old with a recent conviction for threatening behaviour may be viewed differently.</p> <p>Evidence suggests that most people who offend as juveniles do not go on to offend as adults. The exceptions to this are sexual offences and offences linked to active drug use.</p>
The pattern of offending	The number of offences should be considered. Someone with a single conviction may be less of a risk than someone who has a pattern of repeat offending.

Factor	Relevant Considerations
Circumstances surrounding the offence and explanation offered by the applicant	Mitigating circumstances need to be considered. Was there a financial, domestic or political context to the offence?
Whether the applicants' circumstances have changed since the offence	Applicants' circumstances may now be very different to those in which the offence was committed. For example, someone who has a history of offences linked to active drug use (such as theft), may have undergone treatment programmes and have been drug free for many years.
Evidence of rehabilitation	Applicants are invited to submit evidence of rehabilitation. This may take the form of character references, evidence of community work etc.

Risk Category	Definition	Example
High risk	<p>Offences which suggest the offender is likely to pose a risk to the safety and well-being of service users, and is therefore unsuitable to work in social care.</p> <p>Categories of high risk offences include:</p> <ul style="list-style-type: none"> • offences against children and young persons under 18 • offences involving the abuse of trust • offences involving violence or cruelty 	<ul style="list-style-type: none"> • Indecent assault on a person under 18 • Kidnapping, false imprisonment or abduction of a child • Possession of indecent photographs of a child • Cruelty to a child • Murder or manslaughter of a child • Taking indecent photographs of children • Cruelty to or abuse of animals • Rape, or attempted rape • Encouraging prostitution of a young person • Robbery with violence • Murder of an adult • Domestic violence • Repeated medium risk offences

Risk Category	Definition	Example
Medium risk	Offences which suggest the offender may pose a risk to the safety and well-being of service users, and may therefore be unsuitable to work in social care	<ul style="list-style-type: none"> • Drink driving • Failure to provide a breath test • Theft • Possession of Class A drugs • Dealing in controlled substances • Serious driving offences • Repeated low risk offences
Low risk	Offences which suggest the offender is unlikely to pose a risk to the safety and well-being of service users, and therefore is likely to be suitable to work in social care.	<ul style="list-style-type: none"> • Shoplifting offences as a teenager • Possession of cannabis • Minor motoring offences