

Joint Sheffield Hallam University and University of Sheffield Criminal Record Consultative Panel (CRCP) policy

Procedures for managing the investigation and risk assessment of potential and actual criminal records of students within the department of social work, social care and community studies within Sheffield Hallam University and social work students within The University of Sheffield.

Relevant To:	Sheffield Hallam University and University of Sheffield Social Work and Social Care students
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1.0 Statement of our commitment

We are determined to make all efforts to prevent discrimination or other unfair treatment against any applicant for a student undertaking a social care course, 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 ([Appendix One](#)). We do not have a blanket ban on accepting applicants with a criminal record for training but rather carry out an individual risk assessment. In order to reach a decision on whether an applicant should be offered a place, the following procedures apply.

2.0 Procedure for applicants with criminal convictions

- 2.1 Applicants (this includes Degree Apprenticeship programmes) will be asked to complete a pre-admission declaration form and as part of this, they are required to identify any unfiltered offences. At Sheffield Hallam University this will be after accepting a firm offer of a place.
- 2.2 Where offences are disclosed the Admissions Tutor/Professional Issues Team (Sheffield Hallam University) will consult with the member of academic staff responsible for managing Fitness to Practise for social work applicants prior to any offer being made to an applicant. The nominated university member of the Criminal Records Consultative Panel (CRCP) will initially discuss the application with members of the 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. A note-taker will also be present at the meeting to record the discussions held.
- 2.3 The interview will follow a standard format (see [Appendix Two](#)) and record the applicant's responses on the proforma. This will constitute the only record of the interview.
- 2.4 At the end of the interview, the interviewers will make a recommendation to the CRCP concerning the applicant's suitability for social care training. In making this recommendation, consideration will be given to a Risk Assessment Tool (see [Appendix Four](#)). This recommendation is recorded on the proforma. All recommendations are passed to the full CRCP for ratification.

- 2.5 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 nor are any identifiable personal data disclosed in the written record. The discussion may involve further questioning of the two interviewers about issues of concern. Within 10 working days a majority decision of the CRCP will approve or reject an applicant for social care training. All decisions are then passed to the relevant university for formal approval and action.
- 2.6 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 with no restrictions. All partners agree to be bound by the CRCP's decision.
- 2.7 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 referring to the criteria set out on the proforma in [Appendix Two](#) and this will be provided to the relevant university representative. Other than the official records from the interview and evidence of the CRCP decision, no other records will be kept. No individual details concerning criminal records will be passed to placement co-ordinators or practice assessors.
- 2.8 Following the taking-up of a place on a social care course at either Sheffield Hallam University or The University of Sheffield, students will undertake an Enhanced DBS.
- 2.9 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.
- 2.10 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.
- 2.11 The CRCP will decide whether to recommend that the student be allowed to continue on the social care course. Where a recommendation is made to terminate training, this will automatically start termination of social care training or Fitness to Practise procedures.

3.0 Composition and role of the CRCP

- 3.1 The CRCP will comprise a representative from Sheffield Hallam University, The University of Sheffield, Rotherham SSD, Barnsley SSD, Sheffield SSD, Doncaster SSD, Derbyshire SSD, and Nottinghamshire SSD. If an agency not mentioned above makes a contribution to providing a significant number of practice learning opportunities, they can ask to be members of the CRCP.
- 3.2 The CRCP will discuss via e-mail when required to consider individual cases and will review processes and procedures annually. These procedures will be subject to regular review in accordance with all related legislation and professional regulatory standards. Their membership of the CRCP is recorded on the agency consent form.

4.0 Monitoring decisions

- 4.1 The CRCP will create and administer a data set of all decisions based on the contents of interview proforma's. The proforma's and the datasets will be kept securely and not passed on to any other organisations. This data will be used to provide annual reports at the annual CRCP review meeting and the proforma's will be destroyed in line with the relevant university data retention policy.

5.0 Monitoring reconvictions during professional training

- 5.1 Students undertake **one** Enhanced DBS disclosure in their first year. Prior to going on each placement, students are asked to sign a declaration via the online re-enrolment task 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 section 2 above. No correspondence shall be entered into with placement providers in respect of individual students and criminal convictions, outside CRCP discussions.

Appendix One

Recruiting safely

Under the '*Safeguarding Vulnerable Groups Act 2006*' a number of relevant offences, or 'autobar' offences, exclude a person from working with vulnerable groups and undertaking regulated activity.

A caution or conviction committed in the relevant circumstance as outlined in the above Act is likely to result in an individual being included in the Children Barred List and or The Adults Barred List as appropriate.

Below is a summary list of offences which are likely to bar a person from working with vulnerable groups (this is not exhaustive):

- murder, including infanticide
- kidnapping, false imprisonment or abduction
- indecent or sexual assault or assault with intent to commit buggery
- cruelty to children
- rape or burglary with intent to commit rape
- sodomy, buggery and gross indecency between men
- trafficking people for exploitation
- offences relating to or encouraging prostitution (including child prostitution)
- lewd, indecent or libidinous behaviour
- offences related to indecency towards children
- engaging in sexual activity (including intercourse) with or in the presence of a child under 16
- offences related to extreme or child pornography and/or indecent or obscene articles
- abuse of position of trust and related offences
- incest and related offences
- supply of a controlled drug to another
- administering a substance with intent
- indecent or sexual exposure and voyeurism
- engaging in sexual activity (including intercourse) with or in the presence of a person with a mental disorder or impeding choice
- Female genital mutilation and related offences

Details of the full legislation and 'autobar' offences/incidents can be accessed at: [DBS Auto-bar offences](#)

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

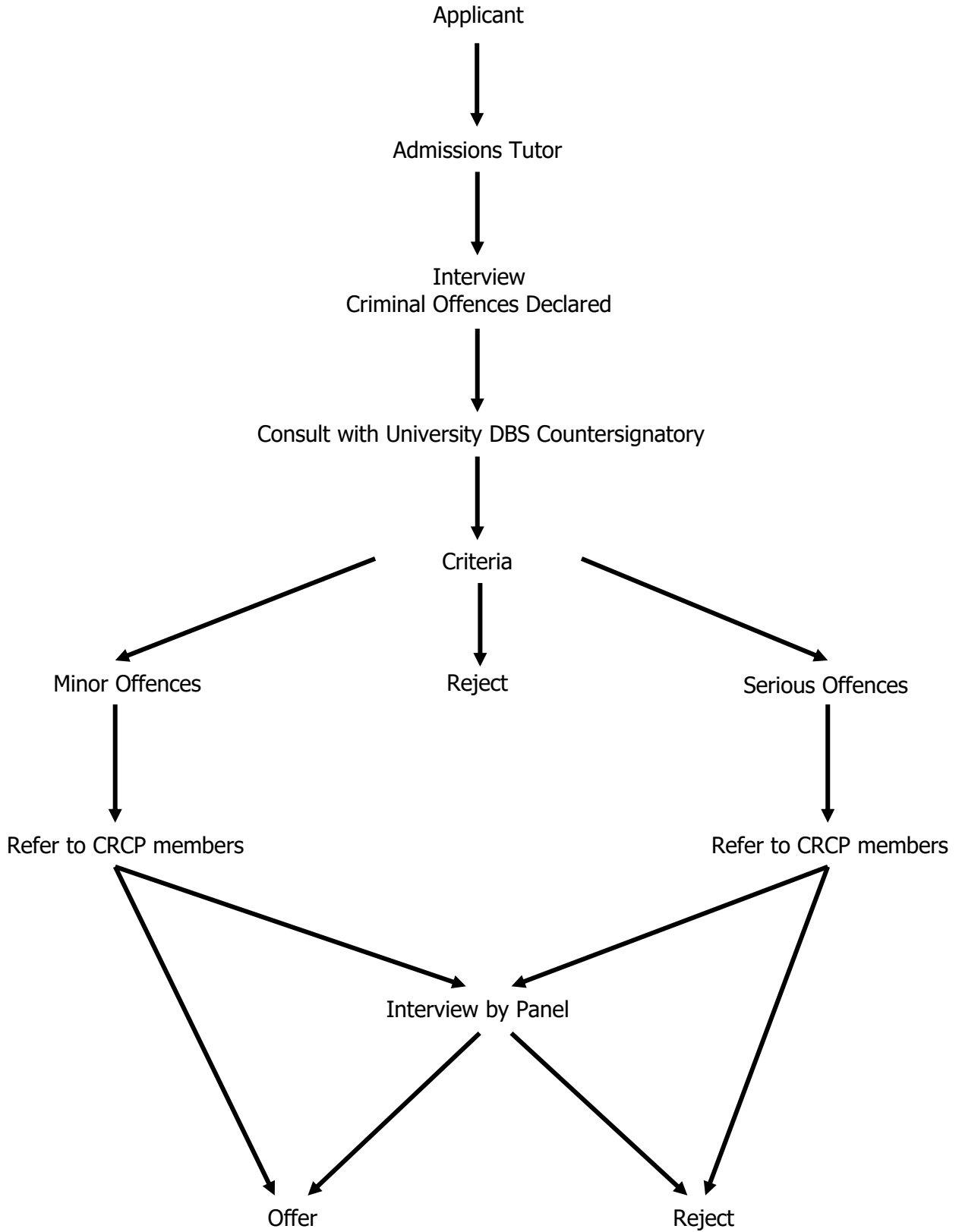
7 Reasons

8 Names plus Agency of Interviewers

9 Date of Interview

Appendix Three

Process for Managing Social Care 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 must 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 must 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	<p>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.</p>
Circumstances surrounding the offence and explanation offered by the applicant	<p>Mitigating circumstances need to be considered.</p> <p>Was there a financial, domestic, or political context to the offence?</p>
Whether the applicants' circumstances have changed since the offence	<p>Applicants' circumstances may now be very different to those in which the offence was committed.</p> <p>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.</p>
Evidence of rehabilitation	<p>Applicants are invited to submit evidence of rehabilitation. This may take the form of character references, evidence of community work etc</p>

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
Medium risk	<p>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</p>	<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	<p>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.</p>	<ul style="list-style-type: none"> • Shoplifting offences as a teenager • Possession of cannabis • Minor motoring offences