

Applicant and Student Criminal Convictions Policy

Responsibility for Policy:

Relevant to:

Approved by:

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University Secretary & General Counsel

LJMU Applicants and Students

Academic Board, 30 September 2015

Student Governance

September 2009

September 2010, February 2011,
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June 2017, June 2019, May 2020, June
2020, September 2020

September 2022

*This Policy may be updated in response to changes in Statutory Legislation or Professional Body Guidelines prior to this date.

RELEVANT DOCUMENTS

- Rehabilitation of Offenders Act (1974), Police Act (1997), Safeguarding Vulnerable Groups Act (2006) and Protection of Freedoms Act (2012).
- Professional Body Requirements as stated in terms of reference.

RELATED POLICIES & DOCUMENTS

- Student Handbook
- Admissions Code of Practice
- Student Disciplinary Procedure, Student Fitness to Practise Procedure

LJMU CRIMINAL CONVICTIONS POLICY

1. Introduction

- 1.1. Liverpool John Moores University (LJMU) is committed to providing, creating and maintaining an atmosphere which is conducive to the academic and social well-being of the University community.
- 1.2. The University has a duty of care to staff, students, visitors and clients. In order to discharge this duty it is incumbent upon the University to consider the impact of any criminal convictions.
- 1.3. The University acknowledges that some applicants may have criminal conviction(s) or be subject to police investigation prior to making an application to the University. Equally students may be subject to a criminal investigation, charged with an offence or convicted of a criminal offence during their time at the University.
- 1.4. This policy considers all applicants and students on all programmes, including those on taught and research degrees.
- 1.5. The LJMU Criminal Convictions Policy and process operates in consideration of relevant statutory legislation and professional body requirements.

2. General Principles

- 2.1. There is a requirement for all firm* applicants and students to declare relevant police investigations and criminal convictions to the University prior to and throughout the duration of their course.

**Firm as defined by UCAS 'this is your first choice – the place you most want to go to. IF you accept a conditional offer and meet the conditions, you'll have a confirmed place here'. For more information on UCAS terms please follow the link below.*

<https://www.ucas.com/connect/blogs/replying-offers-%E2%80%93-your-questions-answered>

- 2.2. LJMU defines relevant and un-spent convictions in line with the Rehabilitation of Offenders Act 1974 (ROA) [Appendix 2](#).
- 2.3. Professional Programmes are exempt from the ROA ([Appendix 2](#)) and require full disclosure of all convictions, investigations, cautions or reprimands at the point of application.
- 2.4. All information provided as part of this process will be considered objectively assessing any risk to LJMU staff, students, visitors and clients.
- 2.5. Information provided will be treated as 'sensitive, confidential data' in line with [University Policy](#), the [Student Governance Privacy Notice](#) and the General Data Protection Regulations.

3. Disclosing Conviction(s)

Applicants

- 3.1. The University requires applicants) to declare all relevant criminal convictions or conditional cautions, pending police investigations or charges on application. Irrespective of the route of application, the application form requests disclosure of relevant criminal convictions.

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- 3.2. Firm Applicants on non- professional programmes do not need to declare spent convictions or simple cautions, reprimands or final warnings. [Appendix 2](#) refers.
- 3.3. If an applicant is convicted of a relevant criminal offence after submission of their criminal declaration they must inform the University at the earliest opportunity.
- 3.4. Applications to non-professional programmes at LJMU are considered according to the established admissions procedures. Only once an applicant to a non – professional programme accepts or firms their offer will they will be asked to complete an online Criminal Conviction Declaration. Failure to complete the process may delay enrolment onto a programme. Applicants applying to professional programmes will be asked to declare any convictions on their application form.

Current Students

- 3.5. Students are required to inform the University of any relevant conditional cautions, criminal convictions or pending charges/investigations during their time as students of the University.
- 3.6. Students on non- professional programmes do not need to declare spent convictions or simple cautions, reprimands or final warnings. [Appendix 2](#) refers.
- 3.7. Students are advised to contact Student Governance (SG) to confirm the details of relevant convictions, charges, and investigations.

Other Disclosures

- 3.8. The University may become aware or maybe notified that a student or applicant has a relevant criminal convictions, cautions, pending police investigations, charges or proceedings. Such disclosures may come from external parties, media, incident reports and the Police.
- 3.9. The Police where relevant and in the interests of public safety or safeguarding may disclose to the University relevant criminal convictions, cautions, pending police investigations, charges or proceedings.
- 3.10. The University reserves the right to consider such disclosures, request further information from students and applicants, use the information provided to consider if the disclosure is required to be consider under this procedure or any other University procedure (such as the [Student Disciplinary Procedures](#) or [Fitness to Practise Procedures](#)).

Failure to Disclose

- 3.11. If a person applying for a programme fails to declare a relevant conviction(s), the application may be considered to be 'fraudulent'. Where appropriate, as well as taking internal action, the University will normally report such activity to the relevant external admissions body, who may take the matter forward under their established procedures. Applications may be rejected for non-declaration or partial disclosure.
- 3.12. Students who fail to declare a relevant criminal conviction(s) may be subject to disciplinary proceedings and may be expelled from their programme of study.

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General Programmes

- 3.13. For general programmes and modules, University applicants and students must disclose relevant unspent convictions, as defined by the ROA. [Appendix 2.](#)
- 3.14. If the programme or module requires contact with children or vulnerable adults then applicants and students are required to declare **ALL** unprotected convictions and cautions and a disclosure may be required from the Disclosure and Barring Service (DBS) and will be considered at the relevant Panel ([Appendix 3](#)).
- 3.15. Advice can be obtained from SG, the Admissions Department and from the Programme Leader.
- 3.16. A number of programmes, whilst they may not be exempt from the ROA or require a DBS Disclosure they may be subject to external validating agency admissions policy, in relation to accepting applicants with criminal conviction(s).
- 3.17. Certain programmes (such as Law and Psychology etc) upon successful completion may lead to application for registration with professional bodies. Applicants and students applying for such programmes are advised to seek advice from such professional bodies, regarding the impact of criminal conviction(s) on their chosen career.
- 3.18. While LJMU may be willing to admit an applicant on a programme of study or allow a current student to continue, successful completion of the programme does not guarantee that the applicant/student will be able to practise, or take up a related profession.
- 3.19. Students and applicants should be aware that if accepted onto the programme they are also required to declare all convictions on any application for registration to the professional body.

Professional Programmes

- 3.20. Professional programmes are exempt from the ROA and therefore convictions can never be classed as 'spent'. Applicants and students for these programmes are required to provide details of **ALL** unprotected convictions and cautions ([see Appendix 2](#)), as well as any pending police investigations or proceedings.
- 3.21. Application to study on some professional programmes or modules may require applicants and students to undertake a DBS disclosure. [Appendix 3.](#)
- 3.22. Such programmes would include teaching, health, social work, pharmacy or courses involving work or regulated activity with children or vulnerable adults.
- 3.23. Professional programmes may also require all students to declare annually that no further or new convictions have been obtained.
- 3.24. Applicants may be accepted onto a programme of study, subject to satisfactory police checks. Students will not be allowed to commence placements until a satisfactory DBS is received.
- 3.25. Students can be suspended, discontinued or expelled from the placement and/or programme at any time if DBS disclosures are unsatisfactory.
- 3.26. Professional programmes are subject to suitability requirements and recommendations from professional bodies such as the General Teaching Council (GTC), Nursing and Midwifery Council (NMC), Healthcare Professionals Council (HPC), General Social Care Council (GSCC), General Pharmaceutical Council (GPhC), as well as any other relevant Professional and/or Statutory Body Requirements. [Appendix 4-8.](#)

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- 3.27. Students and applicants should be aware that in the context of safeguarding relevant information may be disclosed to the placement provider.
- 3.28. Students and applicants should be aware that if accepted onto the programme they are also required to declare all convictions on any application for registration to the professional body.
- 3.29. Advice can be obtained from the Admissions Department and from the Programme Leader.

4. Procedure following the disclosure of criminal conviction(s) or police investigation/criminal proceedings

4.1. Upon receipt of a criminal conviction disclosure or notification that a student is subject to police investigation and/or criminal proceedings, the SG office and/or appropriate contact in the will liaise with appropriate staff to determine if any immediate action needs to be taken. This may include:

- Assessing if there is any immediate risks to staff, students, clients and visitors.
- Interim Precautionary Action may be taken, including Suspension of a student from placement and/or University pending the outcome of Police investigations or the outcome of a CCP (See [Appendix 1](#))
- Referring students to appropriate support services ([See Appendix 1](#)).
- Requesting additional information from the student/applicant.
- If appropriate the case will be referred to the [Fitness to Practise](#) Panel for consideration.
- Referring the case to the relevant Criminal Convictions Panel (CCP)
- Referring the case to the [Student Disciplinary Process](#)

4.2. Applicants are normally required to respond to the request for further information **within 20 working days**. If no response is received then the application maybe withdrawn.

4.3. Students who fail to respond to requests for information regarding disclosed convictions may be suspended (See [Appendix 1](#)), and will be unable to resume their studies until the information is received and considered by the appropriate CCP.

5. Stage One: Criminal Convictions Panel

5.1. All conviction(s) will be considered by the appropriate CCP, taking into account the individual circumstances of the case, in view of current practise and the University's duty-of-care to staff, students, visitors and clients.

5.2. Students and applicants will be given the opportunity to provide written representation to the Panel. All information provided to the Panel will be considered as confidential and sensitive data.

5.3. The Panel will consider all information provided and will assess whether the declared conviction(s) poses any risk to LJMU staff, students, visitors and clients.

5.4. The Panel will consider if the conviction impacts on the programme of study. This includes consideration of any relevant professional Codes of Practice and/or Government legislation.

5.5. The Panel may:

- Seek advice from professional/academic members of staff or external representatives to assess any implications on the programme, placement or future career.

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- Request additional information.
- Defer consideration of a decision where there is a pending charge or ongoing investigation.
- Refer the case for consideration under the [Student Disciplinary Procedure](#), [Fitness to Practise Procedure](#) or any other University Policy and Procedure.

5.6. After consideration of the disclosed conviction(s) the relevant CCP may make the following recommendations:

Applicants

- Withdraw the application
- Defer entry to the programme for a defined period
- Recommend that the applicant is advised to consider an alternative programme of study.
- Recommend the application is accepted, subject to satisfactory police checks (such as Enhanced DBS Disclosure).
- Recommend the application is accepted

Students

- No further action is required and the student is allowed to continue on the programme.
- Recommend to the Vice-Chancellor that the student be excluded from the programme for a defined period.
- Recommend to the Vice-Chancellor that the student is expelled from the programme and/or the University.
- Recommend that the student is advised to consider an alternative programme of study.
- Recommend that the student is referred to other University procedures such as [LJMU Disciplinary Procedure](#) or [LJMU Fitness to Practise/Study](#)

5.7. Notes of the decisions will be taken and made available upon request to the individual concerned. Verbatim minutes will not be recorded.

5.8. The decision of the CCP will be notified to the applicant or student in writing and the applicant or student will be advised of the appeals process, as outlined in [Section 6](#).

5.9. If the CCP recommend exclusion for a defined period of time or permanent expulsion from the programme or the University this will be referred to the Vice-Chancellor (or nominee) via the office of Student Governance for approval.

5.10. The decision of the Vice-Chancellor will be notified to the Panel and to the student. Students will be advised about the appropriate appeals procedure: Appeal against Expulsion <https://www.ljmu.ac.uk/about-us/public-information/student-regulations/student-appeals>

5.11. Where a student is expelled from the University and excluded from regulated activity the and where there are concerns that the person has caused harm, or poses a future risk of harm to vulnerable groups, including children, the University has a legal obligation to make a referral to the DBS. <https://www.gov.uk/government/collections/dbs-referrals-guidance-2>

6. **Stage Two Appeal: The Criminal Convictions Appeals Panel (CCAP)**

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Appeal other than against expulsion

- 6.1. If the applicant or student is dissatisfied with the outcome and considers that **the decision of the Panel is unreasonable or the procedures have not been followed, then he/she may appeal against the decision to the Criminal Convictions Appeals Panel (CCAP). Disagreement with the decision of the Panel is not in itself sufficient grounds for appeal.**
- 6.2. The applicant or student must write to SG within **10 working days** of receiving the written decision of the CCP. A full statement detailing the reasons for the appeal and supporting evidence must be provided. Appeals will not be accepted if they are submitted outside of the deadlines or if the appeal contains no reference to the grounds for appeal stated in 6.1.
- 6.3. The CCAP will consider the information provided by the applicant or student, the decision and documents of the original CCP and the Stage Two Appeal submission from the applicant/student. New information will not normally be permitted at this stage.
- 6.4. The CCAP will consider whether the decision was reasonable in the circumstances of the case and if the procedure was followed correctly.
- 6.5. The Appeals Panel may:
 - Amend the decision of the original CCP
 - Uphold the decision of the original CCP
 - Refer the case back to the CCP for reconsideration
 - Defer the decision pending further information.
 - Reject the Appeal.
- 6.6. The decision and any recommendations or advice of the CCAP will be notified to the student or applicant and to the Admissions Manager or relevant Faculty.

Appeal against Expulsion

- 6.7. The decision to exclude or expel a student will be confirmed by the Vice-Chancellor and will be notified to the Panel and to the student.
- 6.8. Students will be advised about the appropriate appeals procedure. Appeal against Expulsion <https://www.ljmu.ac.uk/about-us/public-information/student-regulations/student-appeals>

7. Completion of Procedures and the Office of the Independent Adjudicator (OIA)

- 7.1. A completion of procedures letter will be issued to students when the internal procedures have been exhausted.
- 7.2. Students who have completed the internal procedures and remain dissatisfied with the outcome and believe that the university has failed to follow this procedure may take their case to the Office of the Independent Adjudicator for Higher Education (OIA). Further information can be found at <http://www.oiahe.org.uk/>

8. Amendments and Review of Policy and Process

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8.1. The University reserves the right to amend and review the LJMU Criminal Convictions Policy in the light of operating experience and/or prevailing circumstances such as government legislation or changes to professional body requirements.

9. Further Information

9.1. Further information on LJMU Criminal Convictions Policy and other Student Policies can be obtained by contacting: **LJMU Student Governance at** Exchange Station, Tithebarn Street, Liverpool, L2 2QP Telephone: 0151 231 8128/8147/8148. Email: StudentGovernance@ljamu.ac.uk

9.2. Independent advice and guidance can be obtained by the contacting: **Liverpool John Moores Students' Union Advice Service** Tel: 0151 231 4900, Email: JMSUadvice@ljamu.ac.uk

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LJMU Criminal Convictions Policy Appendices

<u>Appendix 1</u>	Precautionary Measures and Suspension
<u>Appendix 2</u>	Guidance Notes for Students - Rehabilitation of Offenders Act 1974
<u>Appendix 3</u>	Guidance Notes- Disclosure and Barring Service (DBS)
<u>Appendix 4</u>	Criminal Convictions Panel Membership and Composition
<u>Appendix 5</u>	Faculty of Health Criminal Convictions Terms of Reference
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Appendix 1

Precautionary Measures and Suspension

Upon receipt of a criminal conviction disclosure or notification that a student is subject to police investigation and/or criminal proceedings, the SG office and/or appropriate contact in the Faculty of Education, Health and Community (EHC) and the Faculty of Science (SCS) will liaise with appropriate staff to determine if any immediate action needs to be taken. Any such action is not a penalty or sanction and does not indicate that the University has concluded that the accused students has committed a breach of discipline or a criminal offence.

Precautionary measures may be necessary in order to:

- Ensure that a full and proper investigation can be carried out (either by the police or the University).
- To protect all parties whilst the allegation is being dealt with as part of a criminal process or University process.

Precautionary Action can include one or more of the following:

(The following list is not exhaustive as precautionary measures are dependent on the circumstances of the case):

- Support Arrangements for example referral to Student Advice and Wellbeing, academic adjustments and support, referral to the University Police Officer, notification of incident to Security etc.
- Conditions and Undertakings for example agreement to not contact or communicate with another person.
- Prohibited from specified University activities and/or removal of access from specified University premises.
- Suspension from the University (this can be a full suspension which prohibits the student from engaging in any activity of the University and registration is on holds or a partial suspension where a student will be prohibited from attendance and entering University premises but will be provided with an academic contact and may be allowed to submit or partake in assessments). Further information on Suspension is available at Appendix 5.

A failure to comply with specified precautionary measures will be considered by the University as a Discipline Offence <https://www.ljmu.ac.uk/about-us/public-information/student-regulations/guidance-policy-and-process>

The University will reassess precautionary measures at regular intervals or where there is a material change in the circumstances.

Suspension of a Student

Under the University's Articles of Government, the Vice-Chancellor is responsible for the maintenance of student discipline and for the suspension or expulsion of students. The Vice-Chancellor delegates responsibility to the Director of Legal & Governance Services who may nominate others to act.

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A student who is the subject to criminal proceedings, may be suspended from the University pending further investigation, consideration at a Criminal Convictions Panel and/or the conclusion of criminal proceedings.

Suspension will be used where it is considered essential to do so and to allow time to ensure a full and appropriate investigation of the matter. Suspension may also be used where there are concerns with respect to the safety and welfare of members of the University community, including the student who is the subject of the allegation(s).

Suspension means withdrawal of a student's rights of access to specified University premises and/or participation in specified University activities, including placements.

Suspension will be subject to conditions, such as permission to enter University buildings or to take an examination or submit coursework, and may include a requirement that the student should have no contact of any kind with a named person or persons.

Where possible and subject to the safety and welfare of students and staff, arrangements will be made to minimise the disruption to the student's programme of study, for example arrangements may be made to allow a suspended student to complete outstanding academic work and sit examinations.

A formal notification of suspension and any terms and conditions will be given in writing to the student. Where a decision is made to suspend a student as a precautionary measure the student can:

- **Make representations** before the decision is made or as soon as possible thereafter. Where possible they will normally be invited to a meeting.
- **Request a review** at any stage if there is any **material change** in the circumstances of the case. Students should contact the Student Governance team to request a review.

The University will reassess the decision to suspend a student or any other precautionary measures at regular intervals or where there is a material change in the circumstances.

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Appendix 2:

Guidance Notes for Students - Rehabilitation of Offenders Act 1974

The Rehabilitation of Offenders Act 1974 enables criminal convictions to become 'spent' or ignored after a specified 'rehabilitation period'. After this period, with certain exceptions, an ex offender is not normally obliged to mention their conviction.

Students are not obliged to disclose Spent convictions if they are applying for or attend programmes that are not professionally validated programmes or do not require a DBS disclosure.

Exceptions: Professionally Validated Programmes

There are a number of programmes which the University define as 'exempt from the Rehabilitation of Offenders Act'. This means that applicants and students are required to declare **ALL** unprotected Convictions, cautions, reprimands and cases pending. Such programmes include teaching, nursing, pharmacy and those where students will work with children or vulnerable adults. Students applying for these courses will be asked to complete a DBS enhanced disclosure.

Please note that some modules or some work placements on non-professional programmes may require students to complete a DBS disclosure. **An enhanced DBS disclosure will detail all unprotected cautions and convictions, whether they are spent or not (see Appendix 2).**

Applicants and Students should refer to Government Guidance on the Rehabilitation of Offenders Act 1974, which is available at <https://www.gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offenders-act-1974> for detailed information on Rehabilitation periods, Exceptions and DBS Disclosures at

Rehabilitation Periods: How long it will take before the caution or conviction becomes spent.

Please note that this is intended as general guidance for applications and students and refers to the Government's Guidance at <https://www.gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offenders-act-1974>

The Rehabilitation period is the period which is defined in the Act and specifies the amount of time which must pass before an offence can be classed as 'spent'. The length of the rehabilitation period depends on the type of disposal administered or the length of the sentence imposed and the age of the person when convicted.

Where a court imposes more than one sentence or penalty for the offence then the longest rehabilitation period determines when the conviction may become spent.

Once a conviction becomes spent it remains spent, even if a person is convicted of other offences later. However if a person gets another caution or conviction **before the first conviction becomes spent** then this may impact of the rehabilitation periods please see <https://www.gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offenders-act-1974> for further information.

LJMU includes the following as Relevant Unspent Convictions, but these are to be regarded as examples and not as constituting an exhaustive list:

- Any offence resulting in harm to another person, irrespective of the nature of that harm.
- Offences involving threatening behaviour, including (but not limited to) harassment or stalking.

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- Offences involving the use of any violence, force or public disorder.
- Offences involving firearms or possession of offensive/dangerous weapons.
- Offences of a sexual nature, including (but not limited to) offences listed in the Sexual Offences Act 2003.
- Unlawful possession or supply of controlled drugs or substances.
- Offences involving criminal damage or arson.
- Offences against property, including those listed under the Theft Act 1968 or Fraud Act 2006.
- Offences listed in the Terrorism Act 2006.

If you are unsure whether a conviction that you hold falls within the above list, it is your responsibility to check by contacting Student Governance at StudentGovernance@ljmu.ac.uk

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Appendix 3:

Disclosure and Barring Service (DBS)

The Disclosure and Barring Service (DBS) helps employers make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups, including children. It replaces the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA).

The DBS is responsible for

- processing requests for criminal records checks
- Maintaining adults' and children's Barred Lists.
- Making considered decisions as to whether an individual should be included on one or both of these lists and barred from engaging in regulated activity.

Detailed information on the DBS Service and DBS Checks is available at <https://www.gov.uk/government/organisations/disclosure-and-barring-service/about>

Application to study on some professional programmes or modules may require applicants and students to undertake a Disclosure and Barring Service criminal record check (DBS check).

Professional courses or modules which are exempt from the ROA ([Appendix 2](#)) will require applicants and students to obtain an Enhanced DBS check. This would be considered by the relevant Criminal Convictions Panel. Enhanced DBS Checks are required for all who work with children and vulnerable adults.

The level of disclosure required for the programme or module will be clearly stated in the LJMU programme literature.

A charge may be made to applicants and students for obtaining a DBS disclosure.

The processing of any required DBS disclosures is normally completed within the local Faculty. For further information about the processing of DBS Disclosures please contact the programme leader and/or school office.

Applicants and students will be issued with a DBS certificate directly from the DBS and will be required to provide this to LJMU. Applicants and Students can also register to the Disclosure and Barring Service (DBS) update service, which lets applicants keep their DBS certificates up to date online and allows employers to check a certificate online.

Applicants from overseas or applicants whose five year address history contains non-UK addresses may also have to apply to their country of origin for criminal convictions disclosure as well as to the DBS. The DBS cannot currently access overseas criminal records or other relevant information as part of its disclosure service. Obtaining criminal convictions disclosures from overseas agencies may involve an additional financial cost and may increase the length of time taken for the information to be returned.

Referrals

LJMU in certain circumstances will be required to make Referrals to the DBS when there are concerns that a person has caused harm, or poses a future risk of harm to vulnerable groups, including children.

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Appendix 4

Panel Membership

Membership of the University Criminal Convictions Panel and Appeals Panel

The Panel (s) will be Chaired by a member of the University Management, assisted by two members of LJMU staff.

The Panel will be advised on matters of procedure by an SG Adviser. The Panel will be facilitated by SG.

The Panel may request advice and attendance from appropriate members of LJMU staff and where applicable external representatives.

Where the Panel are considering a declaration from an applicant or student on a professional programme, one member of the Panel will be an external stakeholder or member of the relevant profession.

The University Criminal Convictions Panel will meet when required.

The Chair will act as the final arbiter in the matter after considering the opinions of all panel members.

Panel members who considered the conviction(s) under Stage One of the procedure or under any other LJMU procedures will not be part of the decision of the Criminal Convictions Appeals Panel (CCAP).

Panel Membership:

- A Chair, normally drawn from the Senior Management of the University
- Two members of staff from each Faculty
- At least two members of staff drawn from other areas of the University.
- At least two members of staff from the admissions department

Panel Quorum

- The Chair
- At least one member of the academic representation
- Any two other members of the Panel.
(Where relevant this may be an external stakeholder or professional representative)
- Adviser from SG

Membership of Faculty Criminal Convictions Panel

The Faculty Panel (s) will be chaired by a member of the Faculty Management, assisted by a Secretary to the Panel, at least one LJMU Faculty staff member and at least one external representative (e.g. school partners, NHS representations).

The Faculty Panel may on occasions be advised on matters of procedure by an SG Adviser.

The Panel may request advice and attendance from appropriate members of LJMU staff and/or external professional representatives.

The Faculty Criminal Convictions Panel will meet according to the established terms of reference.

The Faculty Criminal Convictions Panel has responsibility to provide recommendations as to the suitability for acceptance, continuation or withdrawal from a programme of study.

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The Faculty Criminal Convictions Panel should report to the Dean of the Faculty and University Secretary and General Counsel (or nominee) any recommendations to suspend, exclude, or expel students.

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Appendix 5:

Faculty of Health Criminal Convictions Terms of Reference

The remit of the panel is to assess criminal convictions declared by applicants, students for all courses for the Faculty of Health in consideration of relevant government legislation and professional body suitability requirements. (See appendix i)

HEA professional programmes (and other courses who required an Enhanced DBS as conditional of offer) are exempt from the Rehabilitation of Offenders Act and therefore applicants/students must be asked to declare all unprotected criminal convictions (including spent convictions, cautions or formal reprimands), prior to being offered a place on a LJMU programme. Applicants and students are also required to declare any pending police charges, investigations or proceedings.

All applicants/students on these programmes are required to complete a DBS enhanced disclosure and should be cautioned that all unprotected convictions will be identified and if they are found to have made a false declaration, the offer of a place may be withdrawn.

On programmes where students are likely to come into contact with children or vulnerable adults, prospective students must be asked to declare any criminal convictions as part of the application process.

The HEA Panel will also consider criminal conviction declarations from applicants and students on non-professional programmes and those courses which don't involve come into contact with children or vulnerable adults.

Panel members:-

Chair of panel (or nominee)	Secretary
2 LJMU Representative(s) Programme/Placement Rep(s) Admissions Rep	from External Stakeholders (e.g., NHS trust, NWAS, School partners, Social Services)

Quorum

Chair of panel

Secretary

1 LJMU Reps

1 external representative

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Appendix i : **Professional Body Suitability Requirements and Recommendations**

Professional programmes are subject to suitability requirements and recommendations from professional bodies such as the Nursing and Midwifery Council (NMC), Healthcare Professionals Council (HPC) and British Association of Counselling & Psychotherapy Practitioners (BACP),

Such programmes require students to attend placements, which may involve working and contact with children and vulnerable adults. Specific programmes are professionally validated courses, which are subject to professional codes of conduct.

Programme providers have a responsibility to ensure that applicants meet the defined codes of conduct and requirements for entry to and continued maintenance on an approved programme leading to registration.

Programme providers are required to select students and make decisions with public protection in mind.

Applicants and students must demonstrate evidence of 'good character'. Applicants/student's criminal records are considered as part of the suitability requirements and evidence of 'good character'.

A DBS or Disclosure Scotland check is a compulsory requirement as students may be working unsupervised with vulnerable client groups.

Students are required to notify LJMU and their placement provider if there are any additional convictions, charges or investigations that may impact on their 'good character' standing or calls their fitness to practise into question.

Students are required to conduct themselves in accordance with the professional body codes of conduct and are required as a professional to be personally accountable for their actions and to be open, honest, act with integrity and uphold the reputation of the profession.

Students and applicants should be aware that that if accepted onto the pre-registration programme they are required to declare convictions on application for registration to the appropriate professional body.

LJMU operates within the professional body requirements when processing and considering applicants and students with criminal convictions.

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Appendix 6

Faculty of Science Terms of Reference

Terms of Reference

The Faculty of Science, Criminal Conviction Panel will consider all applicants for a place on a programme within the Faculty of Science who declare a criminal conviction.

Membership

- *Chair – Director (or nominee)*
- *Secretary*
- *2 Academic Staff Representatives from each school (including at least one registered Pharmacist and one member of staff who is registered with the HPC from within the Faculty)*
- *4 independent senior level practitioners with experience appropriate to the case*
- *Adviser*

Advisory Group

The membership may be extended from time to time to include advisory members who have a vested interest in process and procedures:

- Skill Support Officers
- CETL/Work Based Learning Administrators
- Admissions and Recruitment Co-ordinators
- Recruitment and Marketing Co-ordinator
- Admissions and Information Officers
- Programme Leaders
- Academic Managers
- Database administrators

Quorum for Panel Meetings

- *Chair*
- *Secretary*
- *2 Academic Staff Representatives (including one that is not directly connected to the student's programme of study.*
- *1 External Representative (from the area most appropriate to the case)*

Frequency

- The Panel will meet three times per year with additional meetings convened as necessary.

Some programmes within the Faculty are exempt from the Rehabilitation of Offenders Act and therefore students applying to, or enrolled on these programmes must be asked to declare all unprotected criminal convictions (including spent convictions, cautions or formal reprimands), prior to be offered a place on a programme:

- Pharmacy Programmes
- Biomedical Science

All students on these programmes (listed above) are required to complete a DBS enhanced disclosure and should be cautioned that all convictions will be identified and if they are found to have made a false declaration, the offer of a place may be withdrawn at any stage the programme.

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All students on these programmes (listed above) are required to complete an annual self declaration confirming their status regarding their criminal record.

1. Prospective students on programmes exempt from the ROA must be asked to declare ALL unprotected criminal convictions.
2. The applicant will state on the application form if they have a criminal conviction(s).
3. The nature of the convictions will be investigated and if applicable a preliminary decision may be made by the Director of School. The decision and the appeals process will be communicated to the prospective student in writing.
4. Applicants may be accepted subject to satisfactory police checks, however they will not be allowed on placement until satisfactory police checks are received and considered.
5. If a student fails to disclose or only partially discloses any criminal conviction/s they will immediately be suspended from the programme whilst an investigation is undertaken. Investigation is conducted in line with the University procedures for breach of the University Code of Conduct and/or Fitness to Practise Issue.

During the decision making process, the Faculty's Criminal Conviction Panel will refer to guidance and information including such that is provided by the Regulator:

Pharmacy

- Code of Conduct for Pharmacy Students
- Guidance on Student Fitness to Practise Procedures in School of Pharmacy
- Assessment of Good Character
- Good Character Assessment Framework Template
- University Code of Conduct
- University Regulations

Biomedical Science

- Guidance on Health and Character
- Guidance on Conduct and Ethics for Students
- Assessment of Good Character
- Good Character Assessment Framework Template
- University Code of Conduct
- University Regulations

All other programmes

- Assessment of Good Character
- Good Character Assessment Framework Template
- University Code of Conduct
- University Regulations

Faculty of Science Criminal Convictions Protocol

1. All self disclosures regarding criminal cautions/convictions will be referred to the School Director who will review each case along with a senior member of Faculty staff, to determine the seriousness of the case and whether or not the case should be referred to the panel; The School Director will report the detail and outcome of all cases brought to his/her attention to the next panel meeting.

LJMU CRIMINAL CONVICTIONS POLICY

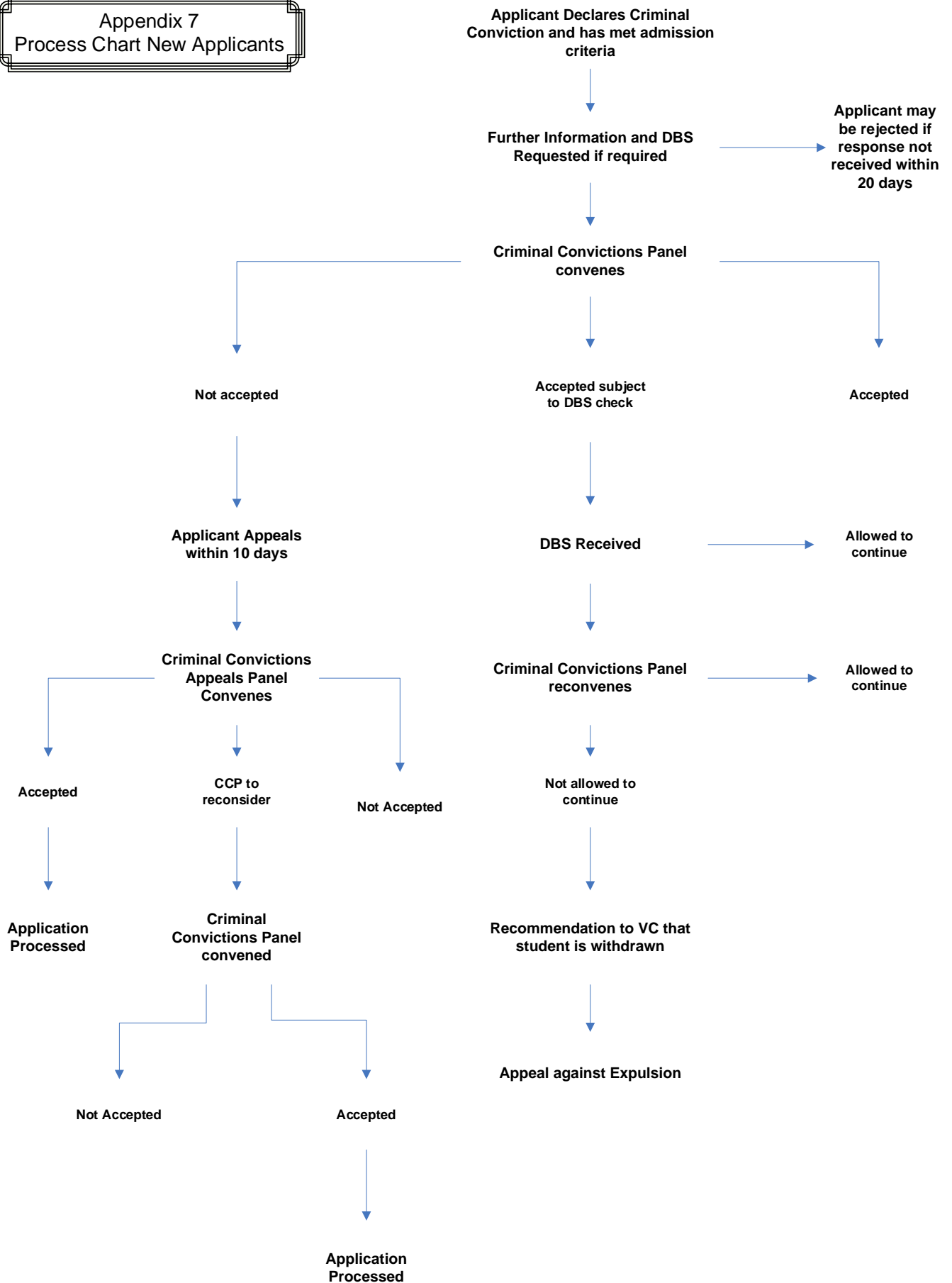
2. All disclosures from DBS checks will be submitted to the Criminal Convictions Panel;
3. The Chair will open the panel hearing and summarise each case;
4. Each case will be considered separately, and in accordance with the appropriate Regulator's regulations and guidance;
5. Panel members will advise the Chair of their opinion of the case.
6. The Chair will summarise the Panel's decision. The outcome of the hearing will be confirmed in writing within five (5) working days of the decision;
7. The student will be notified of the appropriate appeals procedure;
8. Decisions made against individuals will be reported to the Regulator as appropriate;
9. Whilst the guidance is issued by the regulators, regulators will not participate in student fitness to practise cases. The regulators are not a fitness to practise adjudicator or an appeal body for students in schools. Regulators however, are the final arbiter in relation to an individual's eligibility to enter into pre-registration training; and their inclusion on the appropriate profession's register.
10. The 'Regulator' reserves the right to set aside a school's fitness to practise decision, if there are grounds for doing so.
11. The Faculty or the University cannot guarantee entry to The Register as this is a decision that must be made by the Regulator and can only be made at the point of application to join The Register.

Further information is available on the Faculty's Fitness to Practise web pages [here](#).

Further information can also be obtained by contacting SCS-CCP@LJMU.AC.UK.

LJMU CRIMINAL CONVICTIONS POLICY

Appendix 7 Process Chart New Applicants



LJMU CRIMINAL CONVICTIONS POLICY

Appendix 8 Process Chart: Students

