

School of Dentistry

FACULTY OF MEDICINE AND HEALTH



UNIVERSITY OF LEEDS

Applicants to Programmes of Study and Existing Students who have Criminal Records Policy (DBS)

September 2019

School of Dentistry

Policy in Relation to Applicants to Programmes of Study and Existing Students of the School of Dentistry who have Criminal Records (DBS Policy)

Introduction

The School of Dentistry has introduced this Policy for applicants and for students already registered on the programmes of study it offers. This policy reflects the School's desire to comply with best practise and to meet its legal responsibilities in this regard.

Fundamental Principles

The School will adopt the following principles in relation to applicants and students with regard to criminal records:

1. A criminal record will not necessarily prevent study depending on individual circumstances. However, as potential future oral health care workers, students must show through history and current practise that they will maintain public confidence and are not likely to harm others. In addition, the School aims to select students who will be effective members of the profession. Therefore, students are expected to show high standards of professional and personal integrity that will earn the respect of patients and other professionals. The criteria are laid out in Appendix A.
2. Applicants will be required to disclose to an authorised member of staff any convictions, cautions, reprimands or warnings that are not protected. These must be disclosed on application and at any other time upon request. Students must voluntarily and immediately disclose any criminal charges to the School if charged with an offence whilst registered as a student at Leeds. Students registered on a programme of more than 3 years duration will be required to complete a second criminal records check during their time as a registered student to ensure that the check is current.
3. Failure to accurately and comprehensively disclose a criminal charge or criminal record that is not protected will normally mean rejection of an applicant or expulsion of a student, as honesty is a key attribute required of students in the School of Dentistry and also of health care professionals in general.

4. Students must on occasion submit to third parties completing a criminal records check where such parties are involved in the delivery of the programme. For example, outreach clinics and placement hospitals may require further record checks. If the third party believes the results of the check to be unsatisfactory this may result in the student being unable to continue on the programme.

5. The 'Professional or Statutory Regulatory Body' (PSRB) for dental professions is the General Dental Council (GDC). The School of Dentistry will endeavour to ensure students and graduates are deemed suitable to practise. It accepts that it will from time to time be asked to make statements giving opinions on students' suitability. However, any decision made over suitability to register as a Dental professional, once qualified, ultimately rests with the GDC or the appropriate PSRB in the country of intended practise. The School of Dentistry accepts no liability where its decision in relation to the suitability of an applicant to practise differs from that of the GDC or any other regulatory body in the UK or abroad.

Procedure for Applicants

1. **Policy statement sent to applicants accepting an offer, to include the following:**

'As you should already know, you are required by the nature of the profession for which you intend to train, to declare any criminal record which is not protected. The Rehabilitation of Offenders 1974 does not apply given the nature of the programme of study you have applied for, so certain 'listed' convictions are never 'protected'. You must also disclose any police cautions and any offence for which you are currently subject to an ongoing police investigation (this information is deemed throughout to be part of your criminal record). More information regarding when a conviction is 'listed' and does, or when it is 'protected' and does not, need to be declared can be found at 'the information hub' which is a site with detailed information about declaring criminal convictions.

<http://hub.unlock.org.uk/knowledgebase/filtering-cautions-convictions/>

Please note that this website is an external organisation and as such neither the University of Leeds nor the School of Dentistry can be responsible for any content or advice offered.

Applicants and students may also contact a member of the School's Disclosure of Records Panel for confidential advice or guidance.

Failure to fully disclose a non-protected criminal record will normally result in automatic rejection or expulsion from the programme of study. If you have failed to comply with this requirement for any reason, please write explaining the circumstances to the Admissions Tutor at the School as soon as possible. Your criminal record will be checked before, or shortly after admission. Equivalent arrangements will be made for non-UK entrants.

You may have your criminal record checked again at any time whilst on your programme. Other organisations involved in delivery of the programme may also need to take up checks of their own. **If the results of any of these checks are deemed unsatisfactory by the School of Dentistry, or third parties assisting in the delivery of the programme, your application will fail (if you have not yet been registered as a student). If you are a registered student you may be required to withdraw from the programme. Your place on the programme is only offered / retained subject to any potential criminal record being deemed acceptable.** Bearing in mind our priority to preserve the safety of others, should you become a student, you must immediately declare in writing to the Head of the School any criminal record.'

2. **Confidentiality and security**

All information relating to criminal records will be kept securely and any documentation will be kept in locked storage to which access will be regulated. After admission, access to a check will only be granted in limited circumstances and only following approval from the Chair of the Disclosure of Records Panel (DoRP) or Director of Student Education and only to those involved in the process. Except where third parties are involved in the delivery of study, all information provided by an applicant / student relating to their criminal record will not be disclosed outside of the University. Minutes of confidential meetings in relation to enforcement of this policy will generally be stored for 6 months after termination / completion of studies. The School will not store any physical or copies of paperwork or electronic records received from the Disclosure and Barring Service. Any physical paperwork shall remain the property of the applicant/student. Any confidential notes of proceedings of the Disclosure of Records panel will be stored on password protected hard drives as digitally encrypted files until the student completes registration with a professional body such as the General Dental Council.

3. **Applicants accepting an offer from Leeds where a record has been declared.**

See Flowchart 2.

Chair of the Disclosure of Records Panel

To deal with disclosed offences, the Chair of the Disclosure of Records Panel will review the returned information in relation to the criteria (Appendix A). The chair should, in cases where there may be special circumstances, seek advice from the Director of Student Education, the University Legal Advisor and other senior personnel as may be deemed necessary. The decision of the review should be communicated to the Director of Student Education.

Interview Regarding Offence

Applicants may be invited to a specific interview with the 'Disclosure of Record Panel' at the request of the Chair of the panel. The panel will normally include the Chair, the Director of Student Education (DoSE) or their nominee, an administrator for the process and a member of staff from another programme. If deemed necessary or appropriate a representative of the Leeds Teaching Hospitals Trust may be requested to attend. This interview will only take place if the applicant is otherwise deemed to be suitable for a place.

4. Applicants provisionally offered a place who have not disclosed a record, but a non-protected record has been revealed following a criminal records check

See Flowchart 3.

In appropriate cases, the Chair of the panel will seek advice from senior personnel as outlined above. If needed, the "Disclosure of Record Panel" should be constituted as above.

5. Students already on a programme of study within the School

For existing students who commit a crime or gain a criminal record during their period of study, see appendix B.

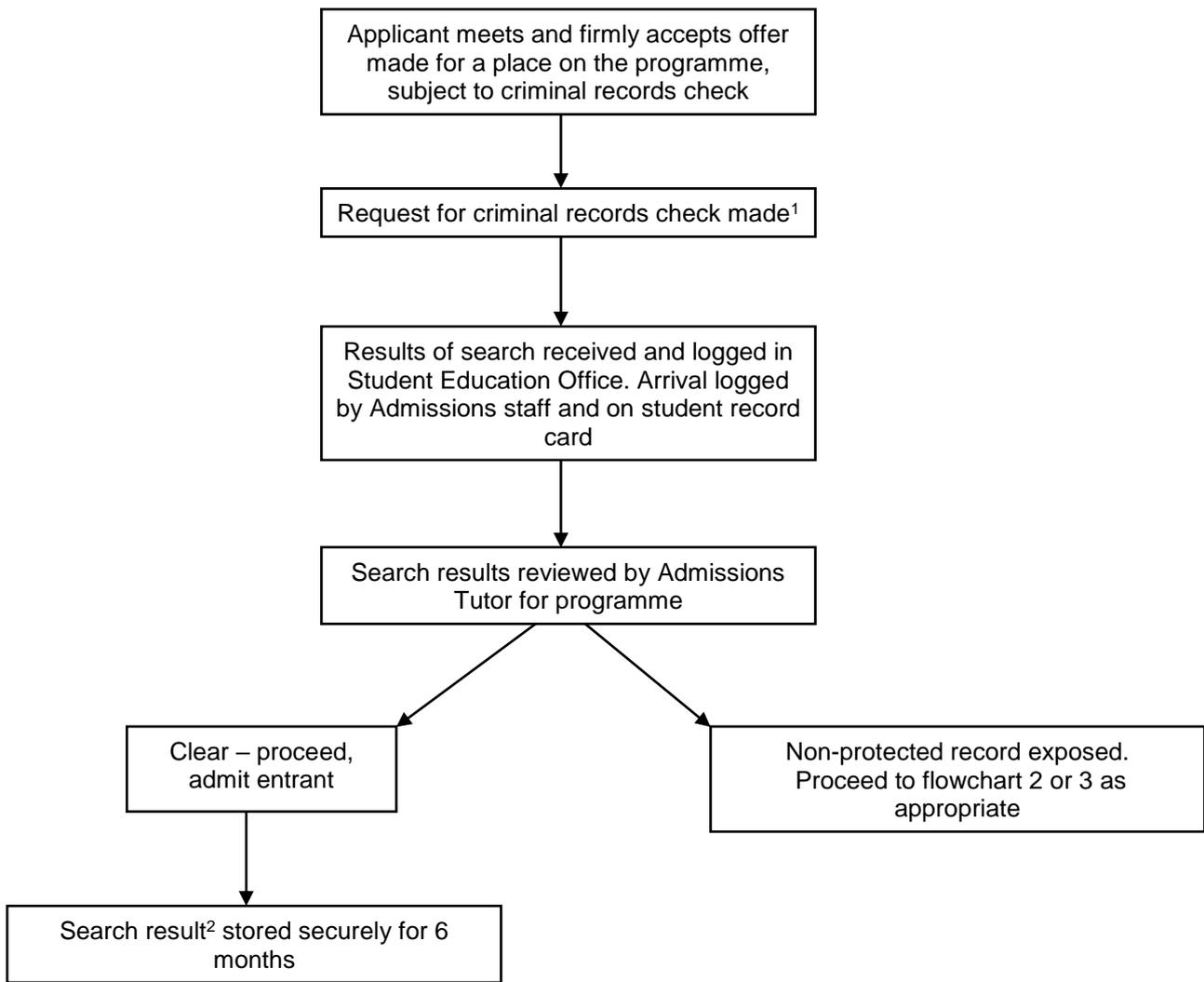
6. Disclosure of Record Panel (DoRP)

See Appendix C for details.

7. Appeals

See Appendix D for appeals procedure.

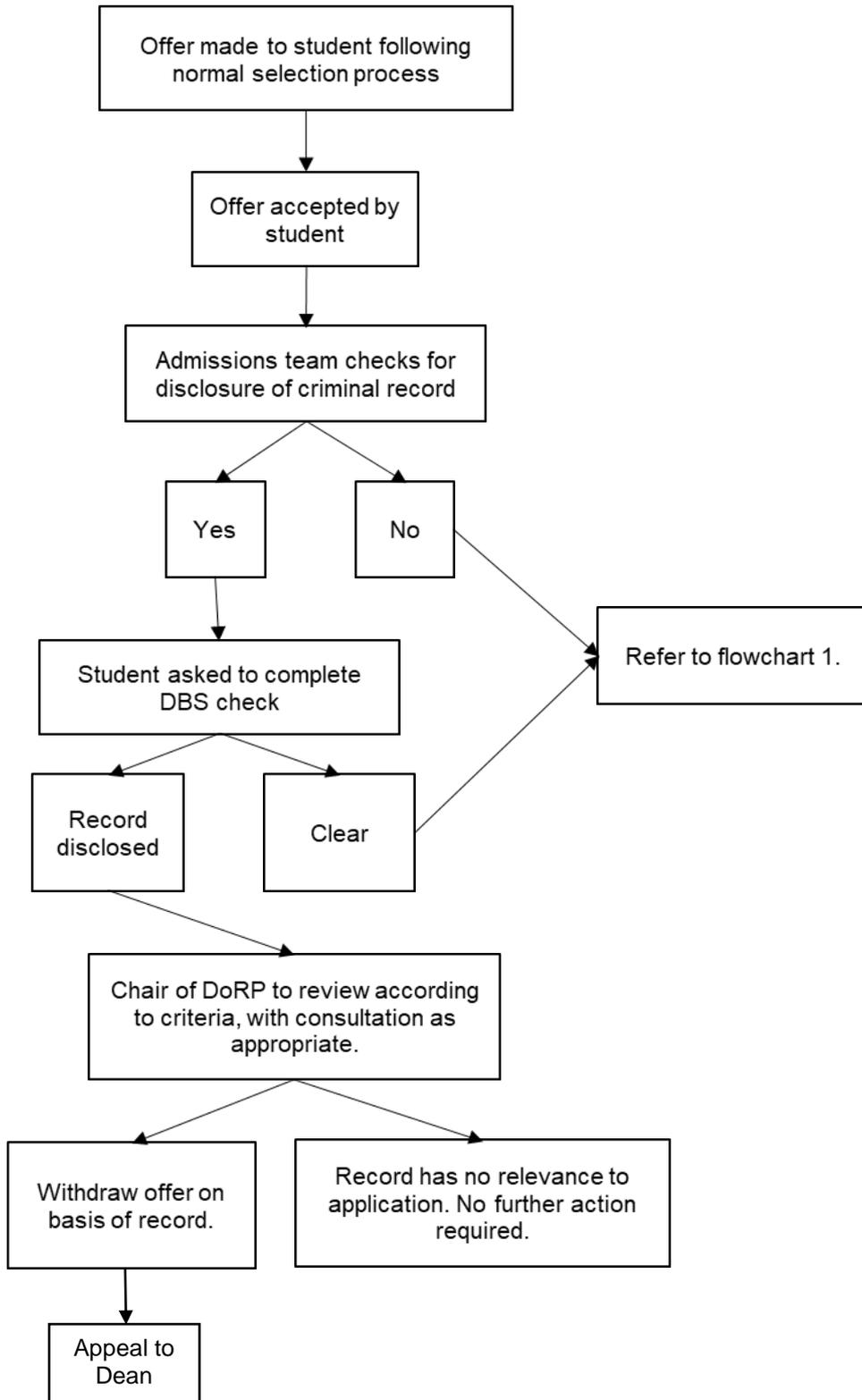
Flowchart 1: Procedure for handling police checks in Admissions Office



¹ Criminal records checks will be undertaken through the normal procedures with the Disclosure and Barring Service (DBS) and / or for international students the procedure appropriate to their home country will be followed, for example a letter of “good standing” from the police force in their home country may be required

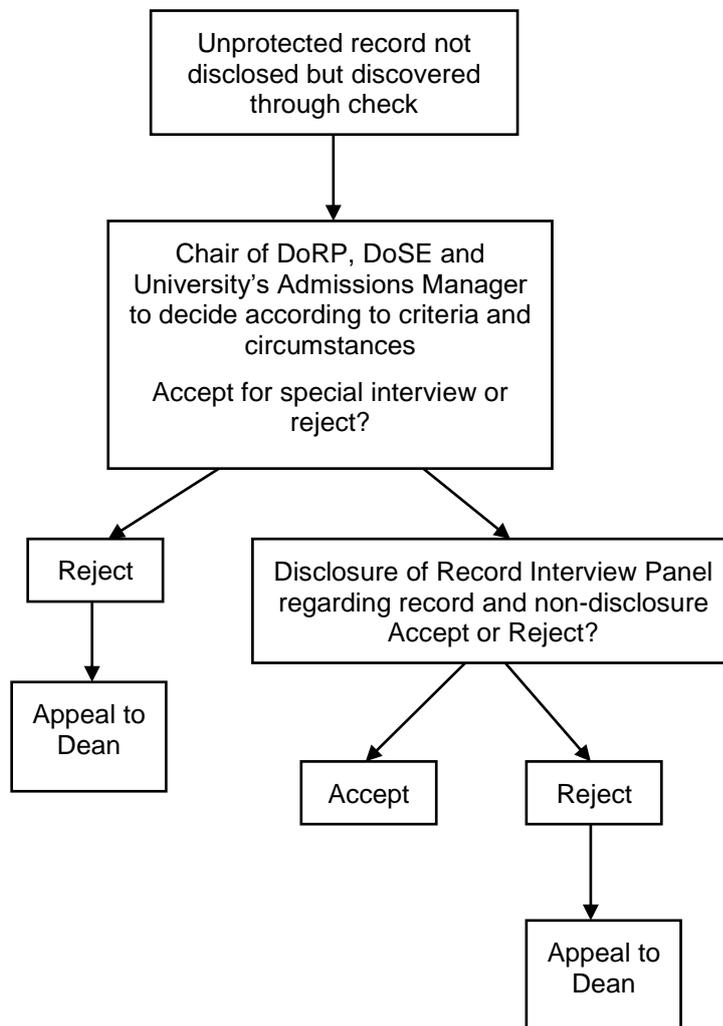
²Original documentation from the Disclosure and Barring Service will not be stored – these remain the property of the applicant/student. Only documentation confirming a clear check or documentation in relation to proceedings of the Disclosure of Records Panel will be stored. This is stored electronically, password protected and encrypted. Any and all documentation will be destroyed 6 months after graduation or termination of studies.

Flowchart 2: Applications where criminal record has been declared by candidate for admission

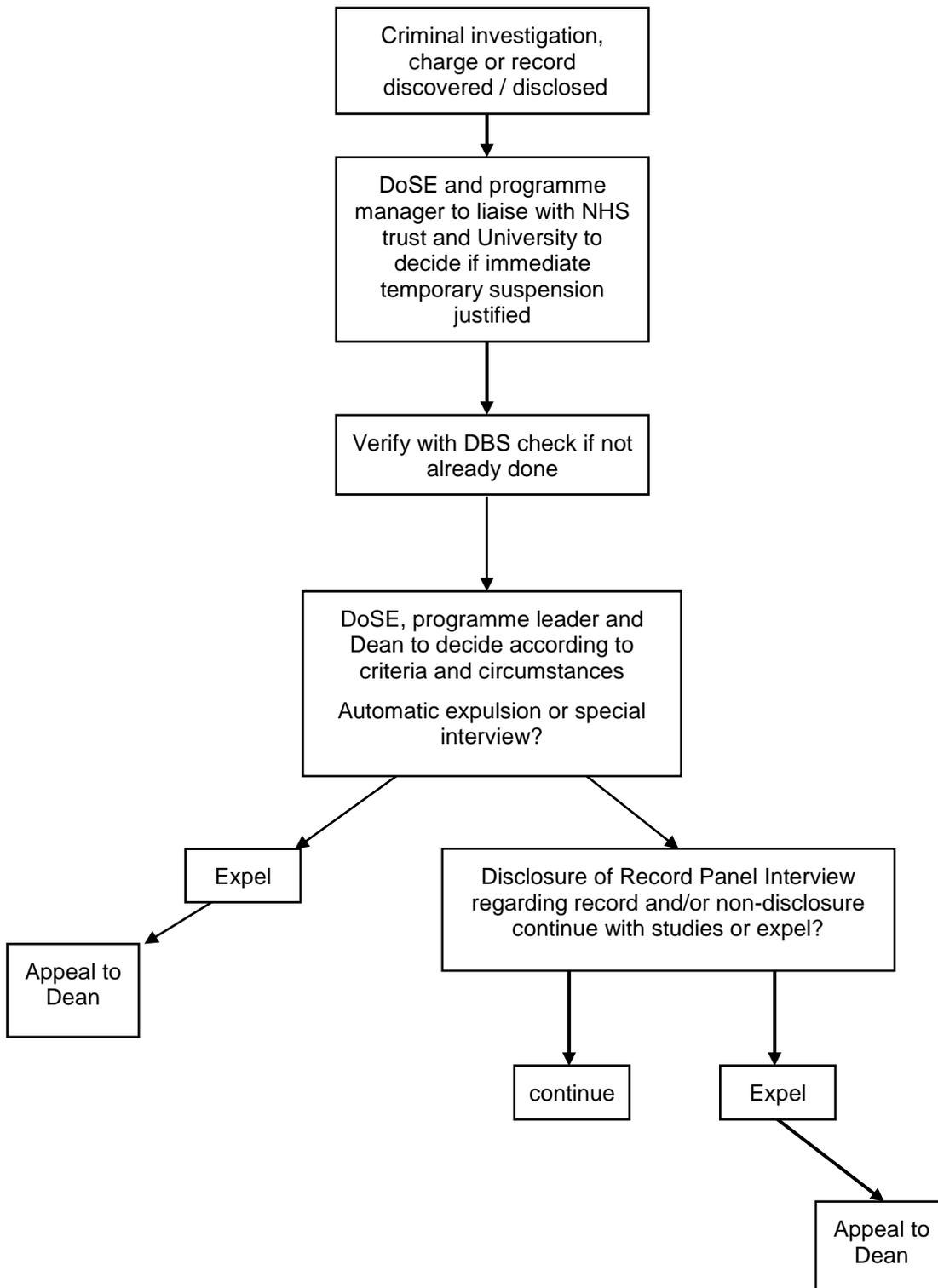


Flowchart 3: Applicants accepted for entry to the School of Dentistry who have not disclosed their record, but a search has revealed a non-protected criminal record. The School maintains the right to reject the applicant on the basis of non-disclosure alone which will be the normal action

N.B. It is anticipated that this will be a rare event



Flowchart 4: Existing student within the School of Dentistry when a criminal record is found



APPENDIX A

School of Dentistry

Disclosure of Record Criteria

General

The over-riding principle in making decisions should be that students must show through history and current practise that they will maintain public confidence and are not likely to harm others.

Cautions and offences for which an individual is at that time subject to police investigation will be considered and should be regarded as falling within the definition of a 'record', 'offence' or 'conviction' throughout.

Examples of a record likely to be unacceptable

Any offence or record which falls into the 'listed' category will almost certainly preclude studying on the Dentistry programme at the University of Leeds.

Examples include:

Offences against the person: e.g. *Assault occasioning actual or grievous bodily harm, robbery or assault with intention to rob, offences involving firearms, knives and other objects, crimes involving violence, any sexual or sex- related offences.*

Drug-related Offences: e.g. *Supply and/or manufacture.*

Examples of relevant factors that may be taken into account

- whether the criminal record or other matter revealed is relevant to the course (including any electives or placements);
- the seriousness of any offences;
- the number of any offences;
- whether the offences show a pattern of behaviour that seems to be recurrent and ongoing;
- whether the offences involve violence or threats of violence;
- the age of the individual at the time the offence was committed;
- whether the circumstances surrounding the offences were unique;
- whether the applicant's circumstances have now changed; and
- what evidence the applicant produces to support the view that the applicant is unlikely to offend again.

APPENDIX B

School of Dentistry

Students already on a programme of study within the School

The School reserves the right to repeat a criminal records check at any time during a student's study if it is considered that there is sufficient justification.

If any student commits a crime, receives a criminal conviction or record during the period of their studies, it is their responsibility to inform the Chair of the Disclosure of Record Panel or the Director of Student Education immediately. Students who disclose a criminal activity shall be required to report it to the relevant authority immediately, which will normally be the police force.

Should the situation arise where a student commits an offence the processes outlined in flowchart 4 shall be instituted. If the outcome of the process is a decision to expel, the standard 'unsatisfactory student procedure' shall be followed.

Normal appeals procedures will still apply.

APPENDIX C

School of Dentistry

Disclosure of Record (DoR) Panel

(i) Purpose of the DoR panel

- Act in the best interests of patients and the public in general, other students, the University of Leeds and the School itself, and the applicant/student
- consider the circumstances of the record / disclosure
- decide if any remedial measures or further action is required
- decide if the applicant/student may progress or continue to study Dentistry
- inform the applicant/student of its decisions and the reason for those decisions
- support the applicant/student with any issues relating to those decisions

(ii) Membership of the panel

The Panel shall normally comprise a minimum of 4 members:

- The Director of Student Education for the School or appropriate nominee
- The Chair of the Panel
- An Administrator
- Another academic without direct responsibility for the programme in question

Plus

- For pre-enrolment cases, the Dental Admissions Tutor
- For cases involving existing students, an appropriate programme lead

When more than one of the above roles is occupied by the above person, and/or a key panel member is unavailable and neither the admissions tutor nor appropriate programme manager is able to assume the open place on the panel, the Dean shall nominate an appropriate substitute.

(iii) Conflict of interests

All panel members must confirm that they have no prior or present relation to the applicant/student beyond programme delivery which may represent a conflict of interests.

APPENDIX D

School of Dentistry

Appeals

Where an applicant is rejected (or student expelled) because of their criminal record (an outcome of Flowcharts 2 and 3) they will be informed in writing of their right to appeal.

Where an applicant / student believes that their case deserves further consideration then the applicant / student can appeal to the Dean in writing within 7 days of being informed of their rejection because of the criminal record. The grounds for appeal must be stated by the applicant / student within the written notice to the Dean. The Dean will make a written ruling on the appeal, after consultation and interview with any person as may be deemed appropriate. Applicants / students have further rights of appeal as described in the University's Policy on Students with Criminal Records.

Agreed at STSEC on 21st October 2015

Updated on 2 August 2019

Version 5