



## Criminal Records Policy

<b>Policy owner:</b>	Conservatoire Quality Team
<b>Lead contact:</b>	Deputy Academic Registrar
<b>Audience:</b>	Applicants for Conservatoire courses of study; students; staff
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<b>Related Policies, Procedures and Guidance:</b>	Admissions Policies; Conservatoire Data Processing Statement; School Data Processing Statements; Non-Academic Misconduct Policy; Policy on Sexual Misconduct, Harassment and Related Behaviours
<b>UK Quality Code reference:</b>	Quality Code Expectations for Quality; Advice and Guidance: Admissions, Recruitment and Widening Access; Concerns, Complaints and Appeals; Enabling Student Achievement
<b>OfS Conditions reference:</b>	Conditions B2, B3, C1, C2
<b>Equality and Diversity Considerations:</b>	Policy should be available in accessible format for all students.
<b>Date Equality and Diversity Assessment Completed:</b>	January 2020

Where any School introduces a course that may necessitate or requires a criminal records check, this policy will need updating to include the relevant course details accordingly.



**THE CONSERVATOIRE FOR DANCE AND DRAMA  
CRIMINAL RECORDS POLICY AND PROCEDURES  
FOR APPLICANTS AND REGISTERED STUDENTS**

SECTION OF POLICY	CONTENTS OF SECTION	See Page No
	<b>Abbreviations</b>	<b>3</b>
	<b>Related Conservatoire/Member School Policies</b>	<b>3</b>
	<b>Definitions</b>	<b>4-6</b>
<b>POLICY</b>		
	<b>A) General Principles and Scope of Policy</b>	<b>7</b>
	<ul style="list-style-type: none"> <li>• <i>Admissions and criminal records data</i></li> <li>• <i>Applicants and criminal charges/convictions subsequent to an enhanced DBS check</i></li> <li>• <i>Voluntary disclosures of criminal records by applicants</i></li> <li>• <i>Registered students who are charged with / convicted of a criminal offence</i></li> <li>• <i>Related criminal matters</i></li> </ul>	<b>8</b>  <b>9</b>  <b>9</b>  <b>9</b>  <b>10</b>
	<b>B) Consideration of criminal records: Convictions Consideration Panel</b>	<b>11</b>
	<b>C) Circumstances for the processing of criminal record data under this policy</b>	<b>11</b>
	<ul style="list-style-type: none"> <li>• <i>Table 1: Circumstances for the processing of criminal record data under this policy)</i></li> <li>• <i>Enhanced DBS checks</i></li> <li>• <i>Table 2: Circumstances and arrangements for enhanced DBS checks</i></li> <li>• <i>Delays in enhanced DBS check results</i></li> <li>• <i>Table 3: Conservatoire Schools that process criminal record data systemically</i></li> </ul>	<b>11</b>  <b>13</b>  <b>13</b>  <b>13</b>  <b>14</b>
	<b>D) Delegation of powers</b>	<b>15</b>
	<b>E) Data processing, confidentiality and record keeping</b>	<b>15</b>
	<b>F) Liaison/Contacts regarding criminal records</b>	<b>16</b>

<b>G) Right of Appeal</b>	<b>16</b>
<b>APPENDICES TO THIS POLICY</b>	
<ul style="list-style-type: none"> <li>• <b>Appendix 1 – Criminal Record Assessment Form</b></li> <li>• <b>Appendix 2 – Criminal Record Consideration Criteria</b></li> <li>• <b>Appendix 3 – Criminal Records Consideration Procedure For Applicants</b></li> <li>• <b>Appendix 4 – Criminal Records Consideration Procedure For Registered Students</b></li> </ul>	

## Abbreviations

The following abbreviations are used in this policy:

<b>CCP</b>	-	Convictions Consideration Panel
<b>DBS</b>	-	Disclosure and Barring Service
<b>HE</b>	-	Higher Education
<b>QAA</b>	-	Quality Assurance Agency
<b>SPA</b>	-	Supporting Professionalism in Admissions
<b>UCAS</b>	-	The Universities and Colleges Admissions Service

## Related Conservatoire/Member School Policies

The following policies either apply to, or are linked with, this Policy and procedures, and should be read in conjunction with them:

- School Admissions Policies (please see each School’s website to locate these)
- School Admissions Appeals and Complaints Policies (please see each School’s website to locate these)
- [Conservatoire Emergency Powers of Exclusion and Suspension](#)
- [Conservatoire Non-Academic Misconduct Policy](#)
- [Conservatoire Support Through Studies Policy](#)
- [Conservatoire Policy on Sexual Misconduct, Harassment and Related Behaviours](#)
- School Data Processing Statements (please see each School’s website to locate these)
- [Conservatoire Data Processing Statement](#)
- School Safeguarding Policies (please see each School’s website to locate these)

This policy and its according procedures have been developed in consultation with charity Unlock [www.unlock.org.uk](http://www.unlock.org.uk), and in line with guidance provided by Supporting Professionalism in Admissions (SPA [www.spa.ac.uk](http://www.spa.ac.uk)), UCAS ([www.ucas.com](http://www.ucas.com)), the ICO ([www.ico.org.uk](http://www.ico.org.uk)), Nacro (<https://www.nacro.org.uk/wp-content/uploads/2018/08/Nacro-briefing-Data-protection-and-the-use-of-criminal-offence-data.pdf>), and government guidance on Regulated Activity: <https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>, [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/550197/Regulated\\_activity\\_in\\_relation\\_to\\_children.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/550197/Regulated_activity_in_relation_to_children.pdf), [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/216900/Regulated-Activity-Adults-Dec-2012.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/216900/Regulated-Activity-Adults-Dec-2012.pdf),

## Definitions

The following definitions are used in this policy:

<b>'Applicant'</b>	<b>Applicant</b> means any individual who has applied to study on a programme of higher education with a Member School of the Conservatoire. This includes applicants holding a provisional offer of a place to study on such a programme, and applicants holding a confirmed offer of a place to study on such a programme prior to initial registration and enrolment on that programme.
<b>'Registered student'</b>	<b>Registered student</b> means any individual who has successfully gained a place on a programme of higher education with a Member School of the Conservatoire, and is a registered student of both the Conservatoire and Member School.
<b>'Conservatoire'</b>	For the purposes of this policy, the <b>Conservatoire</b> means the Schools of the Conservatoire and/or the central office of the Conservatoire.
<b>'Convictions Consideration Panel' (CCP)</b>	The <b>Convictions Consideration Panel</b> is the Panel that considers the details of criminal records (and where appropriate, criminal charges) to determine next steps for the Member School concerned. For details of the membership, remit and procedures of the Convictions Consideration Panel, please see Section C of this Policy 'Convictions Consideration Panel' and also <b>Appendices 1-4</b> to this policy.
<b>'School Contact'</b>	The <b>School Contact</b> for the Criminal Records Policy is a senior member of staff at the School who is not involved in the admissions selections decision-making.
<b>'Regulated activity'</b>	<p><b>Regulated activity</b> is defined by the UK government<sup>1</sup> as follows:</p> <p>The definition of regulated activity (i.e. work that a barred person must not do) in relation to children comprises, in summary:</p> <ul style="list-style-type: none"> <li>i. unsupervised activities: teach, train, instruct, care for or supervise children, or provide advice/ guidance on well-being, or drive a vehicle only for children;</li> <li>ii. work for a limited range of establishments ('specified places'), with opportunity for contact: e.g. schools, children's homes, childcare premises. Not work by supervised volunteers.</li> </ul> <p>Work under (i) or (ii) is regulated activity only if done regularly (see link at footnote 6 for details of how 'regularly' is defined).</p> <p>Regulated activity in the context of a programme of study at one of the Conservatoire Schools normally (but not exhaustively) refers to activities which involve working closely with children/other vulnerable individuals such as caring for, training, supervising, or being solely in charge, which may exclude the normal criminal convictions exemptions under the Rehabilitation of Offenders Act 1974. For further details, please see the government guidance<sup>2</sup> at the following link:</p> <p><a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/299916/rehabilitation-of-offenders-guidance.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/299916/rehabilitation-of-offenders-guidance.pdf</a></p>

<sup>1</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/550197/Regulated\\_activity\\_in\\_relation\\_to\\_children.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/550197/Regulated_activity_in_relation_to_children.pdf)

<sup>2</sup> For more in point definitions of regulated activity, see Government guidance for [adults](#) and [children](#)

<p><b><i>‘Relevant Criminal Convictions’</i></b></p>	<p>The Conservatoire follows the UCAS definitions of <b>‘relevant criminal convictions’</b>. For the purposes of this policy, relevant<sup>3</sup> criminal offences include convictions, cautions, admonitions, reprimands, final warnings, bind over orders or similar, involving one or more of the following:</p> <ul style="list-style-type: none"> <li>• Any kind of violence including (but not limited to) threatening behaviour, offences concerning the intention to harm or offences which resulted in actual bodily harm;</li> <li>• Sexual offences, including those listed in the Sex Offences Act 2003</li> <li>• The unlawful supply of controlled drugs or substances where the conviction concerns commercial drug-dealing or trafficking (drug offences only involving possession are not relevant offences);</li> <li>• Offences involving firearms</li> <li>• Offences involving arson</li> <li>• Offences listed in the Terrorism Act 2006.</li> </ul> <p>If you were convicted outside the United Kingdom for an offence listed above, this is also considered a relevant offence.</p> <p>For clarification, criminal convictions, for these purposes, exclude motoring offences that received a fine/three penalty points or a spent sentence as defined by the Rehabilitation of Offenders Act 1974. Further clarification regarding relevant criminal convictions is provided in the following paragraphs of this policy.</p>
<p><b><i>‘Cautions, reprimands and final warnings’</i></b></p>	<p>For the purposes of this policy, <b>cautions, reprimands and final warnings</b> are considered as convictions. Penalty notices for disorder (PNDs), anti-social behaviour orders (ASBOs) or other orders are not convictions, unless you have contested a PND or breached the terms of an ASBO or other order and this has resulted in a criminal conviction.</p> <p>Cautions, reprimands and final warnings relating to the listed ‘relevant’ offences above are considered as convictions. Any convictions, cautions, reprimands or final warnings that are ‘protected’ as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013) (i.e. filtered and not displayed on a disclosure) do not need to be declared, and will not be taken into account in any admissions decision or under any disciplinary process, in the event that an applicant or registered student chooses to disclose them to a Member School and/or the central office of the Conservatoire.</p>
<p><b><i>‘Spent / unspent convictions’</i></b></p>	<p><b>Convictions that are spent</b> are not considered to be ‘relevant’ (please note that certain offences will never be deemed ‘spent’; see also paragraph 5, below). Most cautions, reprimands and final warnings become spent immediately, so will not normally be ‘unspent’.</p> <p>A criminal conviction can become ‘spent’ after a period of time. The length of time it takes to become spent is defined by the Rehabilitation of Offenders Act 1974 and depends on the sentence or disposal made by the court following the conviction. Until that period has passed, the conviction is considered ‘unspent’. Further convictions can impact when other</p>

<sup>3</sup> Where an enhanced DBS check is required as part of a programme of study at one of the Conservatoire Schools, this may disclose convictions which are not deemed ‘relevant’ but which may be material to the terms of undertaking regulated activities. In this instance, the Convictions Consideration Panel will normally consider any such disclosures to determine next steps as appropriate (see Appendix 2 ‘Convictions Consideration Panel’ and Appendix 6 ‘Criminal Convictions Disclosed by DBS Checks’).

	convictions become spent. Sentences of over four years in prison cannot become spent. The definition of 'spent' is complex, being affected by such factors as the type of the offence, the age at which the person was found guilty and the sentence received.
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Further information to assist with understanding when a criminal conviction may become spent can be accessed using the online 'Disclosure Calculator' [www.disclosurecalculator.org.uk](http://www.disclosurecalculator.org.uk), and the charity Unlock also has a poster <http://hub.Unlock.org.uk/knowledgebase/spentposter/> which sets out when convictions are spent.

## THE CONSERVATOIRE FOR DANCE AND DRAMA

### CRIMINAL RECORDS POLICY AND PROCEDURES FOR APPLICANTS AND REGISTERED STUDENTS

#### A) General Principles and Scope of Policy

1. The Conservatoire for Dance and Drama ('the Conservatoire') is a designated Higher Education Institution, with 6 Member Schools. All Schools of The Conservatoire are responsible for systems and procedures for recruitment and admission of students. Once admitted, students are jointly registered with the School and The Conservatoire.
2. The definition of the Conservatoire and its Member Schools to which this policy applies includes the following:
  - Bristol Old Vic Theatre School
  - Central School of Ballet
  - London Contemporary Dance School
  - National Centre for Circus Arts
  - Northern School of Contemporary Dance
  - Rambert School of Ballet and Contemporary Dance
  - The central office of the Conservatoire
3. This policy sets out the common approach to be followed by Member Schools of the Conservatoire for managing criminal record data in the following circumstances:
  - i. Applicants applying for entry to a programme of higher education with a Member School of the Conservatoire that involves regulated activity<sup>4</sup> and thus necessitates an enhanced DBS check;
  - ii. Registered students on a programme of higher education with a Member School of the Conservatoire that involves regulated activity and thus necessitates an enhanced DBS check;
  - iii. Registered students on a programme of higher education with a Member School of the Conservatoire who are charged with and/or convicted of a relevant<sup>5</sup> criminal offence during the course of their studies;
  - iv. Related criminal matters relating to registered students (e.g. registration of a student on the Sex Offenders' Register)
4. The Conservatoire Schools have a responsibility to provide a secure, safe environment for staff, students, visitors and others, and must balance this alongside any legal requirements, such as those to protect vulnerable individuals, when considering a criminal record in the circumstances laid out in Section C of this policy. Where after due consideration under its policies and procedures, a School determines that it is necessary to do so, it may determine not to admit an applicant, or to remove student status from a registered student, as a consequence of a criminal record. Where a programme of study requires students to be engaged in 'regulated activity' (such as working with children or adults as defined in the

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<sup>4</sup> For information: 'Regulated activity' is defined in the Safeguarding Vulnerable Groups Act 2006, and amended by s. 64 and 66 Protection of Freedoms Act 2012 (see Government guidance for [adults](#) and [children](#)).

<sup>5</sup> 'Relevant' is defined by the Conservatoire using the UCAS definitions. Please see 'Definitions' at the front of this policy.

legislation<sup>6</sup>), a School will require the student to undergo an enhanced Disclosure and Barring Service (DBS) criminal records check in order to ensure it meets any additional responsibilities relating to such activities<sup>7</sup> (further information regarding enhanced DBS checks can be found later in this policy).

***Consideration of convictions/criminal record data***

5. In any event, either when confirming conditional offers to applicants for admission to programmes involving regulated activity that necessitates an enhanced DBS check as an admission requirement, or in any dealings with registered students, the Conservatoire Schools will not take into account any criminal convictions which are deemed “spent”<sup>8</sup> under the terms of the Rehabilitation of Offenders Act 1974 unless the requirements of the programme of study means such convictions are deemed “exceptions” under the terms of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013) (the Order). Where such convictions are deemed “exceptions”, they will never become spent.

***Admissions and criminal records data***

6. The Conservatoire’s responsibilities include requiring the Schools to have systems and procedures for student admission which meet the Conservatoire’s criteria developed in line with consumer law requirements, the Office for Students, the Quality Assurance Agency (‘QAA’), and the validating universities’ guidance. The Schools’ responsibilities are to operate within the criteria as set down by the Conservatoire and the validating universities, to determine their HE student admission requirements and entry qualifications, admissions mechanisms and procedures, and to undertake the recruitment and admission of HE students, including publicity, provision of information to prospective students, and audition.
7. Except where a programme as outlined in Table 2 in this Policy sets out that an enhanced DBS check is a requirement for applicants due to regulated activity<sup>9</sup> being a programme requirement, Member Schools of the Conservatoire will not require nor request that applicants undertake an enhanced DBS check or disclose whether they have a relevant criminal conviction at any point during the admissions process.
8. Where a programme of study has some regulated activity as an optional strand and is not a compulsory element of a programme, applicants will not be required to undertake an enhanced DBS check prior to admission to the programme. However, registered students will not be able to participate in optional regulated activity as part of their programme of study without first undertaking an enhanced DBS check, the results of which will be processed by the School in accordance with this Policy and following which the School is satisfied that the student is eligible to undertake such activity.
9. **For any programme of study which includes some regulated activity as a compulsory part of the programme, an enhanced DBS check will be an admission requirement.** This means applicants will need to undertake an enhanced DBS check, the results of which must be considered by the School via the procedures in this Policy, before admission to the programme can be confirmed.

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<sup>6</sup> For information: ‘Regulated activity’ is defined in the Safeguarding Vulnerable Groups Act 2006, and amended by s. 64 and 66 Protection of Freedoms Act 2012 (see Government guidance for [adults](#) and [children](#)).

<sup>7</sup> [SPA guidance](#) page 21 ‘No placement involving regulated activity can take place before the official disclosure is received, and there should be no exceptions to this under any circumstances.’  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/299916/rehabilitation-of-offenders-guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/299916/rehabilitation-of-offenders-guidance.pdf)

<sup>8</sup> For more information, please see ‘Definitions’ at the front of this policy.

<sup>9</sup> Please see ‘Definitions’ at the front of this policy for the definition of Regulated Activity.



10. The School will only ask an applicant to complete an enhanced DBS check in the event that they have satisfied all other entry criteria first, and therefore will not require applicants to undertake such a check until the School makes a conditional offer of a place to study on that programme. However, where regulated activity is a programme requirement meaning that an enhanced DBS check is an admission requirement, the check will need to be completed and the results of the check assessed by the CCP, before an applicant's place on the course can formally be confirmed. Where the CCP determines that the results of the check would prevent an applicant from being able to undertake the required regulated activity, the School will refuse admission to the programme in question.

***Applicants and criminal charges/convictions subsequent to an enhanced DBS check***

11. Where an applicant has undertaken an enhanced DBS check for a programme requiring regulated activity, had an offer subsequently confirmed, and then is charged with or convicted of a criminal offence prior to formally registering as a student, the applicant must inform the School as soon as possible, as this may have a bearing on the individual's eligibility for the place (please see Table 1 for further information, including the Conservatoire's lawful basis and conditions for processing this data). In such circumstances, the School will refer the known details of the criminal charge(s)/conviction to the Convictions Consideration Panel (CCP – see Section C of this Policy) to determine whether:

- **The confirmed offer of a place may stand;**
- **The confirmed offer of a place may stand but with conditions;**
- **The confirmed offer of a place may be deferred;**
- **The confirmed offer of a place needs to be withdrawn in light of the criminal charge(s)/conviction.**

12. Failure on the part of an applicant to declare such a change in circumstances will normally be deemed by the Conservatoire to constitute a breach of contract as laid out in Section 6 of the Terms and Conditions signed by applicants at the point of accepting a confirmed offer, and may result in termination of that contract by the Conservatoire and School in accordance with Section 6 of the Terms and Conditions.

***Voluntary disclosures of criminal records by applicants***

13. Where during the admissions process an applicant chooses to disclose that they have a criminal record but is not required to do so to satisfy an admission requirement to the programme of study, this information will not be used by the School in determining whether an applicant may be admitted onto the programme. However, at any point in the admissions process the School concerned may offer the applicant the option to enter into a dialogue, to give the applicant an opportunity to explore with the School whether any additional support might be needed. Such dialogue is not mandatory and it is up to the applicant as to whether they wish to avail themselves of such an opportunity.

***Registered students who are charged with/convicted of a criminal offence during their studies***

14. In the event that a registered student is charged with and/or convicted of a criminal offence (including receiving a Police Caution, Reprimand or Final Warning), the Conservatoire does not require the student to disclose this. However, where such matters come to light (including via self-disclosure by a student), the Conservatoire will determine whether any action is necessary, in accordance with its obligations and duty of care towards all members of its community.
15. Where a registered student obtains or is charged with a criminal conviction that would normally lead to a custodial sentence during the course of their studies, this may constitute a disciplinary matter and the student's case may accordingly be referred under the [Non-Academic Misconduct Policy](#) for consideration.

As necessary and appropriate, the student may also be referred into procedures under the [Support Through Studies Policy](#). Please see Table 1 for further information including the Conservatoire's lawful basis and conditions for processing this data.

16. Where a registered student obtains or is charged with a criminal conviction that would normally lead to a custodial sentence during the course of their studies, the School will determine whether it is necessary to also refer the matter to the Convictions Consideration Panel, as part of ensuring it meets its duty of care obligations and/or determining next steps.
17. Where a registered student is convicted of a criminal offence resulting in a custodial sentence, the matter will normally be referred to the Convictions Consideration Panel for assessment and School will consider whether it is possible for the student to continue with their studies, as well as whether disciplinary action is necessary or proportionate. Such considerations may include (but are not limited to), for example, whether the offence falls within one of the definitions of 'relevant' under this Policy (see 'Definitions' at the front of this policy), the length of the sentence and the duty of care to the School and Conservatoire community.

#### ***Voluntary disclosures by registered students***

18. Where a registered student chooses to disclose that they have a criminal record to the Conservatoire **that was incurred prior to registering as a student of the Conservatoire**, the matter may as necessary be referred to the CCP as part of assessing whether any additional support may be needed by that student, and any appropriate measures the School might need to take. Where the programme of study has an optional element that involves regulated activity, the assessment of the CCP will not be taken in lieu of an enhanced DBS check. However, in these circumstances the School may hold a dialogue with the student about whether the student might undergo the enhanced DBS check, and what the alternatives are in the event that the student is unable to participate in the optional regulated activity.
19. Where a registered student discloses to the Conservatoire that they have been charged with and/or convicted of a criminal offence during their studies, they are under no obligation to do so by the Conservatoire. In the event that the student chooses to make such a disclosure to the Conservatoire, as outlined above the Conservatoire will determine whether any action is necessary. The Conservatoire may as necessary refer the matter to the CCP. The fact that the student has chosen to disclose the charge/conviction may as appropriate be taken into account by the Conservatoire in determining next steps and/or in the event that the matter is referred into any other Conservatoire procedures (e.g. the Non-Academic Misconduct policy; Emergency Powers of Exclusion and Suspension; Support Through Studies; Policy on Sexual Misconduct, Harassment and Related Behaviours).

#### ***Related Criminal Matters***

20. Where the Principal of a School has reasonable grounds to do so (such as significant safeguarding concerns), they may refer a related criminal matter that is not in itself a criminal charge or conviction to the Convictions Consideration Panel for assessment (eg where an individual is placed on the Sex Offenders Register whilst they are a registered student, and the School receives notification from the Police or other authority that the individual is considered to pose a significant safeguarding risk). In this instance to restrict the disclosure of this information as far as possible, the relevant School Principal will sit as a member of the Convictions Consideration Panel and will undertake the risk assessment. The Principal will ultimately have the final say with regard to the outcome of the Panel's assessment.

## B) Consideration of criminal records: Convictions Consideration Panel

21. The **Convictions Consideration Panel** is the Panel that considers the details of criminal records (and where appropriate, criminal charges) to determine next steps for the Member School concerned.
22. The Panel will comprise two appropriate senior members of staff normally from the School, with relevant expertise, who collectively have the necessary understanding of the programme. The Panel may be comprised of individuals drawn from a different programme to that of the applicant or student, or if this is not possible, other officers of the Conservatoire from the central office of the Conservatoire, or a different Conservatoire school.
23. The Convictions Consideration Panel (CCP) will consider all criminal record data under the relevant procedure for either applicants or registered students, using the Criminal Record Risk Assessment Form (**Appendix 1** to this Policy).
24. In operating the Criminal Records Consideration Procedures, the Convictions Consideration Panel uses the Criminal Records Consideration Criteria. The Criteria are found in **Appendix 2** to this Policy.
25. The Criminal Records Consideration Procedure for Applicants is found in **Appendix 3** to this Policy.
26. The Criminal Records Consideration Procedure for Registered Students is found in **Appendix 4** to this Policy.

## C) Circumstances for the processing of criminal record data under this policy

27. There are five circumstances identified by the Conservatoire under which a School may process criminal record data set out in Table 1 below:

**Table 1 Circumstances for the processing of criminal record data under this Policy**

No.	Status of Individual	Circumstance necessitating processing of criminal record data	What this means	Lawful basis and Condition for processing this data
1.	Applicant	Where the programme of study includes some regulated activity as a compulsory part of the programme.	Applicants will need to undergo an enhanced Disclosure and Barring Service (DBS) criminal records check (referred to in this Policy as an 'enhanced DBS check') before they may be offered a place to study on the programme.  Where the results of the enhanced DBS check disclose a criminal record, the School will refer it to the Convictions Consideration Panel (CCP) for assessment under this Policy, to determine whether the student can be admitted to the programme.	Please see Table 3 in this policy for the lawful basis and condition under which Conservatoire Schools process this data.
2.	Applicant	Where an applicant, having accepted a confirmed offer on a	This would necessitate an assessment of the known details of the case by the CCP, in order to ascertain whether the offer could	In accordance with Article 10 of the GDPR, the Conservatoire's lawful basis for processing this

		programme that includes some regulated activity, is charged with a criminal offence or obtains a criminal conviction before registering as a student.	still stand, whether the offer might reasonably be deferred, whether the offer of an alternative programme of study may be suitable, or whether the offer to study with the School must be fully withdrawn.	data is the <b>public task basis</b> in <b>GDPR Article 6(1)(e)</b> . The conditions for processing this data are: <b>Section 18</b> ‘Safeguarding of Children and Individuals at Risk’, and <b>Section 12</b> ‘Regulatory requirements relating to unlawful acts and dishonesty etc’ of <b>Schedule 1 Part 1 DPA 2018</b> .
3.	Registered student of the School and Conservatoire	Where a programme of study includes some regulated activity that is an optional strand and not a compulsory part of the programme.	Should the student choose an optional strand of their programme of study that includes some regulated activity, the student will need to undergo an enhanced Disclosure and Barring Service (DBS) criminal records check (referred to in this Policy as an ‘enhanced DBS check’) to determine whether they are eligible to participate in the activity.  Where the results of the enhanced DBS check disclose a criminal record, the School will refer it to the CCP for assessment under this Policy, to determine whether the student is eligible to undertake the regulated activity.	Please see Table 3 in this policy for the lawful basis and condition under which Conservatoire Schools process this data.
4.	Registered student of the School and Conservatoire	Where a registered student is charged with or obtains a criminal offence during the course of their studies (including cautions, reprimands and final warnings) as defined in Section B of this Policy, or where a related criminal matter comes to light (including via self-disclosure by the student).	As part of a School’s duty of care and in order to inform and/or decide any necessary next steps, the School may determine that the matter should be referred to the CCP for assessment. The matter may also be referred for consideration under the <a href="#">Non-Academic Misconduct Policy</a> and/or the <a href="#">Emergency Powers of Exclusion and Suspension</a> and/or the <a href="#">Support Through Studies Policy</a> as deemed appropriate by the School.	In accordance with Article 10 of the GDPR, the Conservatoire’s lawful bases for processing this data are: <b>Contract in GDPR Article 6(1)(b)</b> , and <b>legitimate interests in GDPR Article 6(1)(f)</b> . The conditions for processing this data are: <b>Section 18</b> ‘Safeguarding of Children and Individuals at Risk’, and <b>Section 12</b> ‘Regulatory requirements relating to unlawful acts and dishonesty etc’ of <b>Schedule 1 Part 1 DPA 2018</b> .
5.	Registered student of the School and Conservatoire	Where a registered student discloses a criminal record obtained prior to registration as a student of the Conservatoire.		In accordance with Article 10 of the GDPR, the Conservatoire’s lawful basis for processing this data is the <b>public task basis</b> in <b>GDPR Article 6(1)(e)</b> . The conditions for processing this data are: <b>Section 18</b> ‘Safeguarding of Children and Individuals at

				<i>Risk</i> , and <b>Section 12</b> 'Regulatory requirements relating to unlawful acts and dishonesty etc' of <b>Schedule 1 Part 1 DPA 2018</b> .
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28. In all such considerations of criminal convictions, each Conservatoire School shall take into account its safeguarding or equivalent policy.

**Enhanced DBS Checks**

29. Most courses of study at the Conservatoire Schools do not require any criminal records data to be processed in order for an applicant to be accepted onto the programme, or for a registered student to complete the requirements of the programme. However, some courses involve 'regulated activity' such as working with children or adults as defined in UK legislation<sup>10</sup> (see 'Definitions' at the front of this Policy for further information).

30. Table 2 shows the circumstances under which, subject to the structure of the programme of study, an enhanced DBS check may be done (please see Table 3 for the specific details of programmes of study that involve regulated activity):

**Table 2 Circumstances and arrangements for enhanced DBS checks**

Status of individual	Circumstance requiring enhanced DBS check	When is the enhanced DBS check undertaken?	What this means
<b>Applicants</b>	Where the programme includes some <b>regulated activity</b> as a <b>compulsory</b> part of the programme.	At the end of the admissions process, before a provisional offer of a place to study on the programme can be confirmed.	An enhanced DBS check must be undertaken and the results of the check will be assessed by the CCP. This is in order to satisfy the School that there is nothing arising from the check that would prevent the applicant from being able to undertake the regulated activity and meet the programme requirements. The School may refuse admission to the programme if a check is not undertaken or if the CCP identifies that the results of the check would prevent the applicant from undertaking the regulated activity.
<b>Registered students</b>	Where a programme includes some <b>regulated activity</b> that is an <b>optional</b> strand and not a compulsory part of the programme.	After an individual has become a registered student, prior to enrolment on the module(s) that require regulated activity.	If a student wishes to partake in an optional strand of the programme that involves regulated activity, an enhanced DBS check must be undertaken and the results of the check will be assessed by the CCP. This is in order to satisfy the School that there is nothing arising from the check that would prevent the student from being able to undertake the regulated activity. Where the CCP determines the results of the check would prevent the student from undertaking the regulated activity, the student will not be able to undertake this option on the programme, and the School will inform the student of their alternative options.

**Delays in enhanced DBS check results**

31. No regulated activity can be undertaken by a student for whom the results of an enhanced DBS check have not been received and assessed by the School. It is a legal requirement for persons undertaking

<sup>10</sup> For information: 'Regulated activity' is defined in the Safeguarding Vulnerable Groups Act 2006, and amended by s. 64 and 66 Protection of Freedoms Act 2012 (see Government guidance for [adults](#) and [children](#)).

regulated activity to undertake an enhanced DBS check which must satisfy the requirements of the activity, before they can be permitted to engage in that activity.

32. Where a student has completed all of the necessary steps for an enhanced DBS check but there is a delay which is outside of their control, the student does not have the right to attend placements or complete any activity for which the DBS check is required. The Principal/Director of the School may exercise discretion in granting or refusing permission for the individual to partake in any non-regulated activity element of such School-related activity pending any delayed results, taking account of the circumstances of the case, and subject to any requirements and due diligence.
33. Where there is a delay in receiving the results of a DBS check which could reasonably have been avoided by the student, the student does not have the right to attend placements or complete any activity for which the DBS check is required. The Principal/Director of the School may exercise discretion in granting or refusing permission for the individual to partake in any such activity pending any delayed results, taking account of the circumstances of the case, and subject to any requirements and due diligence.
34. The table below (Table 3) shows the Conservatoire Schools that routinely collect and process criminal records data for specific programmes of study, the lawful basis and condition upon which they have determined to do so, and the programmes of study related to this data processing:

**Table 3 Conservatoire Schools that process criminal record data systemically**

School	Programme of Study	Reason	Point at which criminal record data will be processed by the School	Lawful basis and condition for processing this data under GDPR
<b>Northern School of Contemporary Dance</b>	BA Hons Contemporary Dance	The 'teaching pathway' on the programme involves regulated activity, necessitating an enhanced DBS check	Prior to enrolment on the relevant module(s)	NSCD's lawful basis for processing this information is the <i>Consent basis</i> in GDPR Article 6 (a). The conditions for processing this data are: Section 18 ' <i>Safeguarding of Children and Individuals at Risk</i> ', and Section 12 ' <i>Regulatory requirements relating to unlawful acts and dishonesty etc</i> ' of Schedule 1 Part 1 DPA 2018. NSCD's responsibility is to carry out the DBS check at the necessary (Enhanced) level and inform the relevant placement school when this has been done. Whilst NSCD is not obliged to share information relating to the issue date or certificate number of DBS checks with schools, NSCD may do so, with the consent of students. NSCD cannot, however, share information about the content of DBS certificates in terms of criminal record information.
<b>Rambert School of Ballet &amp; Contemporary Dance</b>	MA Professional Dance Performance	The programme involves regulated activity, necessitating an enhanced DBS check	Once registered on the programme, within the first six months	Rambert School of Ballet & Contemporary Dance lawful basis for processing this information is the <i>Consent basis</i> in GDPR Article 6 (a). The conditions for processing this data are: Section 18 ' <i>Safeguarding of Children and Individuals at Risk</i> ', and Section 12 ' <i>Regulatory requirements relating to unlawful acts and dishonesty etc</i> ' of Schedule 1 Part 1 DPA 2018. Rambert School's responsibility is to carry out the DBS check at the necessary (Enhanced) level and inform the relevant placement school when this

				has been done. Whilst Rambert School is not obliged to share information relating to the issue date or certificate number of DBS checks with schools or other relevant placement providers where activity requires an enhanced DBS check, Rambert School may do so provided the consent of students has been obtained. Rambert School cannot, however, share information about the content of DBS certificates in terms of criminal record information.
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35. Statistical data on enhanced DBS checks may be shared by Schools with the Conservatoire for statutory monitoring purposes.

#### **D) Delegation of powers**

36. The Principal/Director of a Conservatoire Member School may delegate their powers under these procedures to a nominee either generally or in respect of a particular case, providing always that any person to whom these powers may be delegated will be in a position to act and be seen to act impartially, either generally or in respect of a particular case. Normally, the nominee will be from the Principal/Director's School, but may be from the Conservatoire's central office or the wider Conservatoire.

#### **E) Data processing, confidentiality and record keeping**

37. All data will be handled sensitively, confidentially, and in accordance with the Data Protection Act (1998), the Conservatoire's Data Processing Statement<sup>11</sup>, and each School's Data Processing Statement (see individual Member School websites for each School's individual Data Processing Statement). From May 2018, this will be in accordance with the General Data Protection Regulations (GDPR). Some Schools involve third parties in the delivery of their programmes; further information about how your data will be managed in this regard should be sought from the School.

38. Generally, no information on an unsuccessful applicant's criminal record will be kept for longer than six months after completion of the admissions process.

39. Generally, once admitted onto a programme of study, no personal data on a student's criminal record will be kept for longer than six months after completion of that programme by the student.

40. The Conservatoire and all of its Schools (each a "Controller") collect, hold and otherwise process "personal data" (which may include "sensitive personal data" as defined by the Data Protection Act 1998 or "special category personal data" as defined by the General Data Protection Regulation) about applicants and students of the Schools which is provided to them by the applicant/student (or which is otherwise received from third parties) for their own, separate purpose(s), in accordance with each Controller's Data Processing Statement.

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<sup>11</sup> For more information, see the [Conservatoire Data Processing Statement](#) and accompanying schedules.

41. This personal information is generally processed by each Controller for the following general purposes: to administer admissions, courses of study and pastoral care; to monitor student performance; to send communications to students; to compile statistics for internal monitoring and enhancement purposes or for publication; and to make required returns to external bodies, including to the regulator (the Office for Students) and agencies of UK Government (eg as a condition of leave to remain in the UK). More specific details are set out in each Controller's Data Processing Statement (see each School's website for their individual Data Processing Statements and <http://www.cdd.ac.uk/about-us/how-we-work/resources-and-policies/>).
42. Please note that by providing your personal information to each Controller, that Controller will, in accordance with the relevant Data Processing Statement and any other information and/or consent form(s) provided to you from time to time, process your data in accordance with the identified lawful bases as set out in each Controller's Data Processing Statement. This includes where your personal information is disclosed as a result of an enhanced DBS check.
43. In accordance with the Conservatoire's duties under the General Data Protection Regulations (2018) and the Data Protection Act (2018) and in keeping with OIA recommendations, excepting criminal record data as outlined above, student records will be retained for a minimum of 15 months and for no longer than is reasonably necessary (i.e. no longer than 6 years after the final action on the student's case, at which point the individual student file will be destroyed). Some deviation from this schedule can be expected for cases which, in the judgement of the School and/or the central office of the Conservatoire, are unique or complex and therefore require shorter or longer record retention periods.

#### **F) Liaison/Contacts regarding criminal records**

44. A list of contacts for each School is located on the Conservatoire website at <http://www.cdd.ac.uk/policies/student-related-policies/>. Applicants should contact the School(s) to which they have applied via the named contact, and request to speak with the 'School Contact' for the Criminal Records Policy with any queries. The School Contact is a senior member of staff at the School who is not involved in the admissions selections decision-making.
45. Current/Registered students should contact a member of staff responsible for student support and welfare in their School, or the named School Contact with any queries.
46. In assessing individual cases, where the CCP deems it necessary, the School may seek to involve (as is relevant and appropriate in the circumstances) third parties such as probation officers, medical practitioners, professional bodies and character referees. Applicants may also be asked to provide a character reference.

#### **G) Right of Appeal**

47. For details of rights to appeal against a decision concerning a criminal record:
  - **Applicants** should consult **Appendix 3** to this policy (**Criminal Records Consideration Procedure For Applicants**);
  - **Registered students** should consult **Appendix 4** to this policy (**Criminal Records Consideration Procedure For Registered Students**).