



LONDON SCHOOL
OF SCIENCE & TECHNOLOGY

FITNESS TO PRACTISE (WORK PLACEMENTS) AND DBS POLICY

Document title: Fitness to Practise (Work Placements) and DBS Policy		
Owner: Head of Legal Services		
Approving body: Executive Committee	Date of approval: September 2018	
Version: 3.0	Next review date: September 2019	
Supersedes: 2.0	Previous review dates: January 2017, September 2017	
Public use: Yes	Staff use: Yes	Student use: Yes

Contents

Part I - Fitness to Practise

1. Purpose and Scope.....	3
2. When this Policy applies.....	4
3. Reporting Concerns.....	5
4. Dealing with concerns.....	5
5. Suspension from Practise.....	5
6. Suspension from College.....	6
7. Formal stage of Fitness to Practise proceedings.....	6
8. Fitness to Practise Panel.....	7
9. Prior to the Panel Meeting.....	7
10. Conduct of the Panel.....	8
11. The Meeting.....	9
12. Decision of the Panel.....	10
13. Outcome and penalties.....	10
14. Notification of the decision of the Panel to the student.....	11
15. Record of the Meeting.....	11
16. Right to Review.....	11

Part II – DBS Checking

1. Purpose and Scope.....	12
2. Applicants who have an unspent criminal conviction.....	13
3. Applicants who have a spent criminal conviction applying to Relevant Courses.....	14
4. Students participating in a course which is a Relevant Course and/or involves a Relevant Placement.....	15
5. Students who commit criminal offences or are involved in other pertinent matters during their study.....	16
6. Staff DBS checks.....	16

1. Purpose and Scope

- 1.1 A number of the programmes which LSST offers entitle successful graduates to become registered members of regulated professions. The regulators of those professions require that LSST has processes in place to ensure that students are fit to practise during the programme and upon registration.
- 1.2 These procedures apply to students on a programme of study leading to a new registration status with their professional, statutory or regulatory body i.e. pre-registration students. Such students are subject to consideration of their fitness to practise by LSST from the moment they apply to the programme to the point when they achieve registration with their professional body (including students who have successfully completed their programme of study).
- 1.3 These procedures also apply to students who are already registered members of a profession but who may be undertaking continuing professional development or advanced studies with LSST (which does not lead to a new registration status).
- 1.4 These procedures apply to students throughout their period of study whether on campus, on placement or even in their personal or everyday lives.
- 1.5 LSST considers the assessment of fitness to practise as having a threefold purpose:
 - protection of the public;
 - upholding professional standards including the relevant code of conduct;
 - contributing to the maintenance of the reputation of the profession and public confidence in the profession.

It should be noted that reputation in this context does not just relate to an individual's personal reputation but the collective reputation of the profession.

- 1.6 This Policy shall apply at all times to enrolled students, who may be required to attend practise placements and who are in contact with patients or clients in a professional practise or work-based learning experience leading to professional registration. This Policy also apply to students already on a professional register where their conduct while on the course may raise concerns about their suitability to be on that register, for example, through persistent plagiarism.
- 1.7 It is the responsibility of students to familiarise themselves with the relevant professional standards and this Policy and meet the requirements of both.
- 1.8 Concerns which may be considered under this Policy include those relating to a student's health, behaviour or attitude which may affect the student's fitness to practise in their relevant profession. These concerns may arise inside or outside LSST and may be brought to the attention of LSST by any person or organisation.

1.9 Where concerns about a student may be considered under one or more Policy such as, Academic Misconduct Policy and Student Disciplinary Policy, as well as this Policy, the Policy used will be those which are most appropriate, taking into account fairness to the student, the scope and purpose of the Policy and LSST's responsibilities to professional bodies. This decision will be taken by the Principal in consultation with the relevant Personal Tutor.

1.10 Decisions made under this Policy may not be changed by the Assessment Boards.

1.11 LSST may start proceedings under this Policy up to 4 months after a student has ceased to be a student of LSST. For example where there is a professional or regulatory code of conduct which places a continuing duty on LSST to ensure that those students are fit to practise and/or to recognise breaches that may put members of the public at harm .

1.12 If a student withdraws from the course of study after the proceedings have started, LSST may continue the proceedings.

2. When this Policy will be applied

2.1 This Policy should be applied when there are concerns about a student's personal or professional suitability to remain on their course of study, for example when a student:

2.1.1 demonstrates unprofessional behaviour or behaviour that poses a direct risk to him/herself or others, calls into question his/her suitability for working in that environment, threatens the reputation of LSST or placement provider, e.g. abusive behaviour/intimidation or falsification of documentation;

2.1.2 commits an offence under LSST's Student Code of Conduct or Academic Misconduct Policy which raises doubts about his/her professional suitability;

2.1.3 is charged and/or convicted of a criminal offence whilst on the course;

2.1.4 fails to disclose information on application which would have influenced acceptance on the course or self-discloses information during the course which would be deemed to impact upon suitability to practise;

2.1.5 self-discloses information during the course which would be deemed to impact on suitability to practise;

2.1.6 has a physical or mental health condition which may put him/herself or others at risk;

2.1.7 fails to comply with College or placement provider policies and procedures.

This list is not exhaustive, other behaviour may cause concerns about a student's fitness to practise.

3. Reporting of concerns

- 3.1 In cases where a member of LSST observes, or is informed of, any cause for concern about a student's personal or professional suitability to remain on their course of study, this shall be reported to their Personal Tutor, who shall discuss the situation with the Principal.
- 3.2 The student should be notified in writing as soon as possible by their Personal Tutor about concerns raised about their Fitness to Practise.

4. Dealing with concerns

- 4.1 Where appropriate, the student should be given the opportunity and support to rectify the problems before the formal stage of this Policy is invoked. This may be through a learning contract or action plan agreed with the Personal Tutor. This should be clearly documented and agreed with the student.
- 4.2 If concerns about a student's alleged behaviour and/or professionalism persist, the case should be referred to the Fitness to Practise Panel.
- 4.3 Where the alleged behaviour is sufficiently serious, the case can be referred directly to the formal stage of this Policy.

5. Suspension from Practise (Work Placements)

- 5.1 Where there are concerns that are serious, LSST may suspend a student without prejudice from a placement/work experience. Some examples of a serious concern to warrant a suspension of student from their practise area would include:
- 5.1.1 Patients or clients may be at risk;
 - 5.1.2 The profession might be brought into disrepute by the public knowing that the student remained in the work environment;
 - 5.1.3 Student's conduct is alleged to be disruptive to the delivery of (clinical) care in a professional organisation.
- 5.2 A student may be suspended from a placement without being suspended from LSST. If a student is suspended from a placement pending the outcome of the Fitness to Practise Meeting, the student maybe allowed to attend LSST for any theory sessions as part of their course of study and may submit any theory assessments.
- 5.3 The Lead Personal Tutor shall be informed in writing of any decision on suspension of a student from a placement.
- 5.4 If a student is suspended from their placement, s/he will be required to return the Identity Badges and uniforms, where applicable, pending the outcome of the Meeting.

5.5 The placement is not able to suspend a student If an incident occurs which leads to serious concerns as outlined in 5.1 above and it is not possible to contact LSST, the relevant Placement Provider will be required to send the student away from the placement until the next working day. The Placement Provider will be expected to contact the Placement Coordinator at LSST as soon as possible. The Placement Coordinator will consider whether the student should be suspended from the placement with immediate effect, following the Policy described above.

6. Suspension from LSST

6.1 The student's Personal Tutor may additionally suspend a student from LSST during an investigation if it is deemed that such suspension is in the best interests of the student, other students and LSST, or is necessary to ensure an effective investigation.

6.2 The decision to suspend a student from LSST will include the exclusion from all College activities including studying at or with LSST and also the use of any College premises and/or facilities.

6.3 In the case of students on time-limited professional courses involving work placements, it may be necessary to impose enforced intermission during any investigation. In such cases, the Personal Tutor may delegate the authority to impose enforced intermission to the Placement Co-ordinator. It should be noted that some professional body requirements on the course will permit a period of intermission to be counted as part of the time taken to complete the course, although under College's Withdrawal, Intermissions, and Resumption of Study Policy, and the University of West London/London Metropolitan University Academic Regulations, the period of intermission would not count in this way. The student's statutory funding, if any, may stop during a period of intermission.

7. Formal Stage of Fitness to Practise proceedings

7.1 Where the concerns raised about the student's behaviour are serious and call in to question his/her suitability to remain on a course leading to professional registration or where the initial attempts to resolve concerns has not resolved the matter, the student's Personal Tutor, in consultation with appropriate persons, shall decide whether or not to instigate a further investigation into the matter. The Personal Tutor may delegate any such investigation to an appropriate member of staff competent to undertake it (e.g. IT personnel, the Registrar).

7.2 Further investigation will include the completion of an investigation report, collection of relevant information to support the allegation with signed and dated statements from the student(s) and witnesses directly involved with the cause for concern/incident.

7.3 The investigation should normally be completed within 20 working days.

7.4 Following the completion of further investigation into the concerns, the Personal Tutor or their nominee may decide on one of the following outcomes:

- 7.4.1 No further action;
 - 7.4.2 Resolve informally (allow the student to continue fully as a student on the course but provide advice in writing as to their future conduct and/or impose a requirement to attend an alternative placement);
 - 7.4.3 Refer the Student to a Disciplinary Panel for a Fitness to Practise Meeting.
- 7.5 The student shall be informed of the outcome of further investigation in writing within five working days of completion of the investigation.
- 7.6 The investigation report is to remain on the student's file for the duration of the course even if there is no further action.
- 7.7 The student will have the right of appeal against these decisions as outlined in Section 16 below.

8. Disciplinary Panel Membership

- 8.1 Membership of the Disciplinary Panel shall be the Associate Dean of the student's campus (as Chair); an Administrator appointed by the Registrar will minute the Panel; and such other academic or support staff as are required from the following:-
- 8.1.1 The Student's Personal Tutor;
 - 8.1.2 Head of Student Support;
 - 8.1.3 Head of Academic Support Centre;
 - 8.1.4 Placement Coordinator;
 - 8.1.5 A representative of the relevant Placement Provider.
- 8.2 All members of the panel should not have had previous involvement with the concerns that have given rise to the Fitness to Practise Panel. The Chair is responsible for ensuring that the hearing is conducted in a fair manner.

9. Prior to the Fitness to Practise Meeting

- 9.1 A student whose case has been referred to Fitness to Practise Panel Meeting should be given at least 10 working days' notice of the date of the Meeting including the following information :
- 9.1.1 A statement of the allegation to be considered, including reference to the breach of specific Regulation/paragraph of the Student Code of Conduct;
 - 9.1.1 Reference to the relevant professional body requirements that are alleged to be breached;
 - 9.1.2 A statement of the student's right to be accompanied by a friend or representative, e.g. from the Students' Union. Students may not be represented by an external organisation, save for a representative of the Students' Union. The accompanying person may not be a practicing solicitor or barrister. Under no circumstances shall the costs be re-claimable, save for expenses in exceptional cases;
 - 9.1.3 A copy of the investigation report;
 - 9.1.4 A statement to the effect that witnesses may be called in support of the allegation and that the student has the right to call witnesses on his/her behalf.

- 9.1.5 Copies of any documents to be considered in connection with the allegation, including any signed and dated statements.
 - 9.1.6 A statement as to whether the student requires any reasonable adjustments;
 - 9.1.7 Details of the date, time and place of the hearing and those who will be present.
- 9.2 The student will be requested to submit a statement about the allegation(s) not less than 5 working days prior to the Meeting. This will be circulated to all members of the Panel and the student's friend or representative.
 - 9.3 A student who intends to be accompanied must inform the Registrar of the name of the person accompanying him/her in writing in advance of the meeting.
 - 9.4 All participants (the student, Panel members, and representatives of the student and any Placement Provider) should receive the same documents.
 - 9.5 The Chair of the Panel will satisfy him/herself that the student has been sent all of this information before he/she allows the hearing to go ahead.
 - 9.6 Should a student notify the Chair of the Panel in advance of the Meeting that s/he is unable to attend the Meeting on the scheduled date, normally only one further attempt to reschedule the Meeting shall be made.
 - 9.7 If a student does not attend the Meeting and does not communicate the reason for their non-attendance, the Chair will consider whether the Meeting should proceed in the absence of the student by taking into account the seriousness of the allegations and whether they could lead to enforced deferral, expulsion or a further period of suspension, in accordance with this Policy.
 - 9.8 Where a student has provided a reason for their non-attendance, the Chair of the Panel will consider whether in all the circumstances the reason provided is reasonable and if the Meeting should be reconvened or the Meeting should proceed with the written evidence.

10. Conduct of the

10.1 The Disciplinary Panel shall consider the following:

10.1.1 The impact or relevance of the student's action on their suitability to continue to study on a professional course leading to practitioner registration;

10.1.2 The student's suitability to undertake professional practise;

10.1.3 The risk in the practise area if the student has a physical or mental health condition;

10.1.4 For students who are already registrants, to consider their suitability to remain on their professional Register.

11. The Meeting

11.1 The Chair will open proceedings and will:

11.1.1 Invite all parties except witnesses into the room.

11.1.2 Explain the purpose and the possible outcomes of the Meeting if the allegation is upheld as set out in paragraph 13;

- 11.1.3 Establish the names and identities of everyone present at the Meeting and confirm the names of all witnesses who will be supplying evidence.
- 11.2 If the allegations involve several students, the Chair of the Panel may decide to hear the allegations at one Meeting subject to their being no reasonable objection from the student(s) or their representative(s).
- 11.3 Where witnesses are to be heard they are only to be present for the duration of their own evidence.
- 11.4 The Panel will not have access to the student's previous record unless and until the allegation has been upheld.
- 11.5 The Meeting will be conducted fairly but will not seek to replicate a court of law and will ensure that all relevant facts are considered by the Panel and a suggested procedure is as follows:
- 11.5.1 The Chair of the Panel will request the Personal Tutor or nominee to present the case against the student, including submission of written or verbal statements from witnesses;
 - 11.5.2 The Panel and the student and their representative will be given the opportunity by the chair to address questions to the Personal Tutor, or ask for points of clarification.
 - 11.5.3 The Personal Tutor will then leave the Meeting but remain available for the purposes of clarification.
 - 11.5.4 The key witnesses submitting written statements should be in attendance to answer any questions unless there are exceptional circumstances or the parties agree otherwise;
 - 11.5.5 The Panel may be given the opportunity by the Chair to address questions to any of the witnesses;
 - 11.5.6 The Chair will request the student or their representative to present their case, including submission of written or oral statements from witnesses;
 - 11.5.7 The Chair of the Panel may ask questions of anyone present at the Meeting at any time for the purposes of clarification; the Panel members should direct any questions they wish to ask at the Meeting through the Chair.
- 11.6 The Chair of the Panel will invite the student or, where the student requests it, his/her friend or representative to make a final statement.
- 11.7 The Chair of the Panel will then ask everyone except the members of the Panel to withdraw from the room.
- 11.8 The Chair of the Panel may adjourn the Meeting where further evidence or information is required at any time and will explain the reason for doing so to the student.

12. Decision of the Panel

- 12.1 Once the Panel has reached its decision, the student and his/her friend or representative, and the Personal Tutor may be invited back into the room and the Chair will announce whether or not the allegation has been upheld.

- 12.2 Where the allegation against the student has been upheld the Chair of the Panel may re-convene the meeting with the Panel members to determine the outcome of the Meeting and inform the student in writing of the decision of the Panel within ten working days of the Meeting.
- 12.3 Where the Panel has upheld the concerns, the student's file/record will be made available to the Panel at this stage along with a short summary of the student's current academic position which has been obtained by the Programme Leader. In arriving at a decision, the Panel will take account any previous suitability to practise issues that may have been investigated previously and the decision(s) made in respect of this.
- 12.4 The Chair of the Panel will sign the written record of the decision of the panel and, the record will be kept by the Registry Office and a copy will be placed on the student's file.
- 12.5 The Panel need not be unanimous in its decision, but should base its decision on the majority view. Where there is not a majority view, the Chair will have the casting vote.
- 12.6 The Panel must reach a decision based on the balance of probabilities, based on the facts available at the time.

13. Outcomes and Penalties

- 13.1 The Fitness to Practise Panel shall have the power to decide on one or more of the following outcomes:
 - 13.1.1 Defer a decision pending the receipt of further information or advice;
 - 13.1.2 No further action;
 - 13.1.3 Permit the student an extended period of placement with the same provider;
 - 13.1.4 Permit the student a new placement with the same or a different provider;
 - 13.1.5 Enforced deferral of studies while receiving therapy/counselling/medical treatment. In such cases, students shall be asked to provide evidence of suitability to resume study and professional practise before being re-admitted to their course (a student may be referred to an appropriate Student Support adviser for this purpose);
 - 13.1.6 Require the student to provide a written undertaking that the Student Code of Conduct and Disciplinary Procedure will be observed for the remainder of the student's studies;
 - 13.1.7 Require the student to apologise in the appropriate manner to any person;
 - 13.1.8 Require the student to sign a contract for good behaviour/conduct;
- 13.2.1 Exclude the student indefinitely from enrolling on any other award with professional requirements within LSST;
- 13.2.2 Notify the relevant Professional Statutory or Regulatory Body where required;
- 13.2 In addition or alternatively to the outcomes above, the Panel may recommend to the Principal that he:
 - 13.2.3 Permit the student to continue on the course, either unconditionally, or subject to such requirements relating to the course as may be reasonably imposed;
 - 13.2.4 Require the student to repeat a specified part or parts of the course;
 - 13.2.5 Withdraw the student permanently from further study on the course;

- 13.2.6 That the student is suspended either for a specified period of time, or until specified conditions have been met (not exceeding 12 months);
- 13.2.7 That the student is expelled from LSST;
- 13.2.8 Exceptionally, recommend to the Academic Board of the awarding body that an award already made is withdrawn.

This list is not exhaustive and the Panel may agree other outcomes as appropriate and relevant to the particular case.

14. Notification of the Panel's decision to the student

- 14.1 The student should be notified in writing of the Panel's decision within 5 working days of the outcome of the Panel meeting. The student should be notified of the right of appeal and of their right to guidance / representation from the Students' Union.
- 14.2 The Administrator appointed to minute the Panel has responsibility for notification of the outcome of the Panel to all relevant parties.

15. Record of the meeting

- 15.1 The Administrator appointed to minute the Panel shall produce a formal record of the meeting, to include:
 - 15.1.1 The nature of concerns about a student's Fitness to Practise;
 - 15.1.2 The evidence considered and the weight given to it;
 - 15.1.3 The Panel's decision;
 - 15.1.4 The reasons for the decision.

16. Right to Review

- 16.1 The student has a right to request a review of the decision of the Fitness to Practise Panel in accordance with this Policy. Such a Review will be dealt with in accordance with paragraph 11 of the Student Code of Conduct and Disciplinary Procedures, and all procedures and time limits set out in that policy shall apply.
- 16.2 If the student requests a review under the above Policy, any decision of the Disciplinary Panel will not take effect until a decision on the review has been taken, although a suspension may be maintained until the end of the review process.
- 16.3 A student who is not satisfied with the outcome of the appeal provided by LSST may submit a complaint to the Office of the Independent Adjudicator (OIA). Information on submitting a complaint to the OIA shall be contained in the Completion of Procedures letter. Information on how to submit a complaint to the OIA can also be found on their website: www.oiahe.org.uk.

Part II – DBS Checking and Disclosure of Criminal Offences

1 Purpose and Scope

This paragraph 1 is a statement of policy and is not intended to have binding effect.

1.1 LSST welcomes students from a wide variety of backgrounds and aims to provide a supportive learning environment in which students can fulfil their potential. It recognises that some of its applicants and students:

- may have unspent criminal convictions;
- may have spent criminal convictions that may be relevant in relation to their proposed course of study;
- may be charged with a criminal offence during the course of their study;
- may be convicted of a criminal offence during the course of their study;
- may apply for a course that has professional body accreditation or involves certain regulated activities, which requires an *Enhanced* Disclosure and Barring Service (DBS) check and therefore the disclosure of spent and unspent criminal convictions that are not eligible for filtering.

1.2 LSST aims to treat all such students fairly, while having due regard for its duty of care to all members of LSST community - students and staff. LSST aims to support those with criminal convictions and disclosure of a conviction does not automatically result in the withdrawal of an offer or the termination of registration.

1.3 For a number of professionally accredited courses, whether or not they require a DBS check associated with placements or other activities, the standard of good conduct expected of students may be higher than those of other, non-accredited courses. Consequently, LSST may impose stricter criteria both for admission and for remaining on such courses.

1.4 LSST expects and requires its applicants and students to be honest, open and to disclose their status with regard to criminal convictions appropriately and in accordance with this Policy. Any failure to disclose this status to LSST will, of itself, be regarded as a serious breach of trust and honesty and is likely lead to summary exclusion from the institution, regardless of the nature of the actual conviction.

1.5 In relation to all aspects of this Policy, the key points LSST will consider when making a judgement are set out below:

- the seriousness of any offence or other matter revealed;
- the length of time since the offence or other matter occurred;
- whether the individual has a pattern of offending behaviour or other relevant matters;
- whether the individual's circumstances have changed since the offending behaviour or other relevant matters occurred;
- the circumstances surrounding the offence and the explanation(s) offered by the convicted person;

- whether the course of study has any professional accreditation or registration which would limit or prescribe or exclude the recruitment of students with an offending history;
- Where a work placement, particularly a Relevant Placement is a requirement of the student or applicant's course, the difficulty of obtaining such a placement the conviction will cause; and
- if related to a Relevant Placement, whether the conviction or other matter revealed is relevant to that placement.

2 Applicants who have an unspent criminal conviction

2.1 Disclosure prior to offer or admission

- 2.1.1 In accordance with the Rehabilitation of Offenders Act 1974, applicants who have a spent criminal conviction(s) and who are applying for courses which do not involve a Relevant Placement or Relevant Activities are not required to disclose the spent convictions.
- 2.1.2 Applicants who have an unspent criminal conviction(s), must disclose these in accordance with this Policy at the earliest stage and before an offer is made of a place on a course.
- 2.1.3 When an applicant has an unspent conviction and declares it prior to receiving an offer, they will be asked to give a full and frank account of the conviction to the member of admissions staff, who will then inform the Admissions Officer. The Admissions Officer will then determine whether not to reject the applicant or to recommend that the applicant be made an offer or, if an offer-holder, be permitted to register as a student.
- 2.1.4 If the Admissions Officer determines to reject the applicant/offer-holder this will be at their absolute discretion and not subject to any right of appeal.
- 2.1.5 If they wish to recommend that the applicant be made an offer or the offer-holder be permitted to register as a student, the Admissions Officer will refer the matter to the Principal for a final decision. The decision of the Principal is final and there is no right of appeal.

2.2 Failure to disclose

2.2.1 All offers of a place on any course at LSST are conditional upon the:

- The applicant disclosing all unspent convictions in accordance with this Policy; and
- the applicant applying for a Relevant Course disclosing and spent criminal convictions that are not eligible for filtering;
- the applicant signing and returning the DBS Checking Agreement and paying the relevant admin fee to LSST; and
- the applicant complying with this Policy.

- 2.2.2 Any failure to disclose an unspent criminal conviction, before an offer of a place is made or at any time after, will be regarded as a serious act of misrepresentation and an attempt to deceive or mislead LSST.

- 2.2.3 Where an offer-holder or student has failed to disclose an unspent criminal conviction, or has otherwise failed to comply with this Policy, the Admissions Officer may withdraw their offer or terminate their registration.
- 2.2.4 No refund of fees paid will be given in the event of termination for failure to disclose. A failure to disclose a previous conviction may also amount to a criminal offence and LSST may report this to the Police.

3 Applicants who have a spent criminal conviction applying to Relevant Courses

3.1 Disclosure prior to offer or admission

- 3.1.1 Relevant Courses are those which have particular professional body accreditations or involve a Relevant Placement and are exempt from the Rehabilitation of Offenders Act 1974. Relevant Courses include (but are not limited to) Social Work, Dietetics, Teacher Training courses and other courses that involve working with children.
- 3.1.2 In accordance with the Rehabilitation of Offenders Act 1974, applicants who have an unspent criminal conviction(s) that are eligible for filtering are not required to disclose those convictions that are eligible for filtering.
- 3.1.3 Applicants who apply to LSST to study Relevant Courses who have a spent criminal conviction(s) that is not eligible for filtering are required to disclose all unspent and spent criminal convictions that are not eligible for filtering at the earliest stage and before an offer is made of a place on a course.
- 3.1.4 When an applicant has a spent conviction that is not eligible for filtering and declares it prior to receiving an offer, they will be asked to give a full and frank account of the conviction to the member of admissions staff, who will then inform the Admissions Officer. The Admissions Officer will then determine whether not to reject the applicant or to recommend that the applicant be made an offer or, if an offer-holder, be permitted to register as a student.
- 3.1.5 If the Admissions Officer determines to reject the applicant/offer-holder this will be at their absolute discretion and not subject to any right of appeal.
- 3.1.6 If they wish to recommend that the applicant be made an offer or the offer-holder be permitted to register as a student, the Admissions Officer will refer the matter to the Principal for a final decision. The decision of the Principal is final and there is no right of appeal.

3.2 Failure to disclose

- 3.2.1 All offers (including “unconditional offers”) of a place on a Relevant Course or a course that involves a Relevant Placement are conditional upon:
- The applicant disclosing all unspent convictions in accordance with this Policy; and
 - the applicant applying for a Relevant Course disclosing and spent criminal convictions that are not eligible for filtering;
 - the applicant signing and returning the DBS Checking Agreement and paying the relevant admin fee to LSST; and

- the applicant complying with this Policy.
- 3.3 If a student fails to disclose any spent or unspent criminal conviction(s) that was not eligible for filtering before an offer is made, or at any time after, this will be regarded as a serious act of misrepresentation by the student and an attempt to deceive or mislead LSST.
- 3.4 Where a student fails to disclose an unspent conviction or spent criminal conviction that was not eligible for filtering, or has otherwise failed to comply with this Policy, the Principal may withdraw the offer or terminate their registration on the basis that these conditions have not been fulfilled. There be no refund of any fees already paid.
- 3.5 A failure to disclose a previous conviction may also amount to a criminal offence and LSST may report this to the Police
- 4. Students participating in a course which is a Relevant Course and/or involves a Relevant Placement**
- 4.1 For the avoidance of doubt LSST will apply for the relevant DBS disclosure for students who have enrolled on any course that is a Relevant Course and/or involves a Relevant Placement, whether those placements are mainly supervised or unsupervised.
- It is a condition of continuing on these courses that students consent to LSST applying for the relevant DBS check, and pay the relevant fee for the check. Continued study or admission on courses covered by this Policy is conditional upon the Principal being satisfied with the following:
- the DBS disclosure;
 - that a student is not barred from working with children and/or vulnerable groups or in a regulated activity;
 - such restrictions and conditions as the Principal may apply to mitigate any convictions – e.g. making an offer conditional on securing a work placement and/or additional satisfactory employer references; and
 - such other checks that LSST or a placement provider is required to complete or undertake from time to time.
- 4.2 LSST will normally apply for a DBS disclosure either on enrolment, or prior to an individual undertaking a Relevant Placement. The disclosure must have been reviewed and be deemed satisfactory by LSST and the Placement Provider before the placement can begin.
- 4.3 Students must provide LSST with the DBS certificate where this is requested by LSST, and consent to LSST retaining a copy of the DBS disclosure, which it will store for a period of 7 years, and use only in accordance with the [LSST Privacy Notice](#).
- 4.4 Students must retain their DBS disclosure for the duration of the course and must make it available to placement providers if requested by their Personal Tutor/Work Placement Officer or the Placement Provider.
- 4.5 Students are required to subscribe to the DBS Update Service at their own expense if the course duration is more than one year (<https://www.gov.uk/dbs-update-service>).

4.6 Students must also consent to status checks. LSST would consider the refusal to consent to status checks as failure to disclose.

4.7 If a further DBS check is required for a student who has not subscribed to the DBS Update Service the student must meet the full cost of the additional check.

Students will not ordinarily be required to provide or apply for a further DBS disclosure during the course unless

- a DBS status check reveals a change; or
- a status check is required and the student has not subscribed to the DBS Update Service.

4.8 It is a condition of enrolment that students consent to LSST discussing the information contained in the DBS disclosure or status check with any placement provider. Students may be required to attend an interview with the placement provider to discuss the information contained in the disclosure or status check before a final decision on suitability can be taken.

4.9 In the event that relevant information about a student (whether in relation to previous convictions or otherwise) is obtained through a DBS check or DBS status check during the course of study, Student Support will determine how to proceed.

4.10 If an individual wishes to dispute any information contained in a disclosure, they can do so by contacting the DBS directly.

5. Students who commit criminal offences or are involved in other pertinent matters during their study

5.1 All students are under a continuing duty to immediately notify their Personal Tutor or Placement Coordinator throughout their course of study:

- if they are charged or convicted of any criminal offence; or
- if they receive a police caution, reprimand or warning.

5.2 The student's Personal Tutor will determine what action should be taken, including whether matter is misconduct under the Student Code of Conduct and Disciplinary Procedure and/or whether any action should be taken under the relevant Course Specific Policy (for example, Fitness to Practise) if:

- relevant information about a student (whether in relation to previous convictions or otherwise) is volunteered by a student during the course of study, the student's Personal Tutor will consult with Student Support as to how to proceed if there is a formal child protection investigation of the student or any member of their household or,
- if they are barred from working with children or vulnerable groups or in a regulated activity or;
- if they are the subject of a referral to the DBS;

5.3 In the event that relevant information about a student (whether in relation to previous convictions or otherwise) is volunteered by a student during the course of study, the Lead Personal Tutor will consult with Student Support as to how to proceed.

6. Staff DBS Checks

6.1 LSST conducts DBS checks on recruitment for any staff who routinely work with or supervise work with vulnerable persons, e.g. staff responsible for supervising students on Relevant Placements.

6.2 Staff who commit criminal offences or are involved in other pertinent matters during their study are dealt with under the Staff Disciplinary Policy. All job offers for the roles above are subject to clear DBS checks being received by LSST.