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**Criminal Records Policy and Procedure for Students,
Applicants, and Members
Metanoia Institute**

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1. Introduction

- 1.1 Metanoia Institute is committed to the fair treatment of its student, associate and graduate members, and prospective students. No individual will be treated unfairly on the basis of a criminal record. Having a criminal record will not necessarily prevent someone from studying at Metanoia or a graduate from obtaining or maintaining membership. Any decisions about enrolment or membership related to a criminal record will depend on the nature and background of offences and their relevance to studying on a particular programme or maintaining membership.
- 1.2 Working as an adult and/or child counsellor or psychotherapist necessarily entails working with vulnerable people and/or children. For this reason, Metanoia takes seriously its obligation to safeguard vulnerable people and will therefore consider criminal records where this is deemed necessary to ensure the safety of clients, staff, students or the wider community and to comply with relevant professional, statutory and regulatory body (PSRB) requirements.
- 1.3 As a part of our efforts to safeguard vulnerable people and the community certain programmes of study, particularly those with a clinical element, may require individuals to disclose criminal records and/or to be screened by means of a “Disclosure” obtained from the Disclosure and Barring Service (DBS).
- 1.4 This Policy and Procedure does not sit alone, and should be considered with other relevant Metanoia policies and procedures:
- 1.4.1 Safeguarding Policy and Procedure
 - 1.4.2 Student Code of Conduct
 - 1.4.3 Fitness to Practice Procedure
 - 1.4.4 Student Disciplinary Procedure
 - 1.4.5 Clinical Ethics Handbook

2. Scope of this Policy

- 2.1 This Policy applies to all current students enrolled on a programme of study, including students on a break in study or enrolled with limited tuition (EWLT) or without tuition (EWT).
- 2.2 This Policy applies to associate and graduate members of Metanoia. It does not apply to graduates who do not maintain membership at Metanoia, however Metanoia may still advise relevant PSRBs should we become aware of a conviction.
- 2.3 This Policy applies to all applicants for admissions to any programme of study at Metanoia.
- 2.4 This Policy does not apply to staff, they are covered by separate staff policies.

3. Requirements for Disclosure of Criminal Records

- 3.1 Metanoia will carefully consider the nature of programmes and relevant PSRB requirements when determining whether or not there will be a requirement to disclose criminal convictions for entry and continuation on a particular programme of study or maintenance of membership. When a programme of study has a clinical element and is therefore likely to bring students into contact with children and young people under 18 and/or vulnerable adults and/or where the relevant programme PSRB(s) has in place disclosure requirements, a disclosure of criminal records will be required by us.
- 3.2 The Institute will normally enquire about “spent” and “unspent” convictions, cautions, reprimands and warnings at the point of application where it has been determined that a disclosure is necessary as set out in paragraph 3.1 above.
- 3.3 Information about convictions and cautions will be requested through a DBS Disclosure only where a thorough risk assessment has indicated that requesting one is proportionate, for example for students on placements within the Metanoia Counselling and Psychotherapy Service (MCPS). Where a DBS Disclosure is required for particular programmes or placements, this will be made clear in programme and application information.
- 3.4 The Institute will ensure that staff involved in recruitment of students will be provided with guidance related to the recruitment of students with a criminal record.
- 3.5 Where an individual discloses that they have a criminal record, the Institute will follow the relevant procedure set out below to determine whether the nature of the criminal record is such that an applicant should not be offered a place on a particular programme of study, a current student should be referred to the Fitness to Practice Procedure or a membership should be suspended.
- 3.6 Metanoia has the expectation that applicants, student, associate and graduate members will be open and transparent and disclose relevant criminal records at the earliest opportunity. Where it is discovered that a disclosure was not made when required or that material information about a criminal record or proceeding was withheld, this is likely to result in action being taken by Metanoia which could result in an offer of a place being withdrawn or enrolment/membership being terminated.

4. Disclosure and Barring Service (DBS)

- 4.1 Metanoia may require a standard or enhanced DBS disclosure for entry onto programmes where this is considered appropriate and proportionate. This requirement may also apply to internal or external placements which may form part of students’ programmes of study.
- 4.2 A “Disclosure” obtained from the Disclosure and Barring Service (DBS) is an impartial and confidential document that details an individual’s criminal record and where appropriate, details of those who are banned from working with young people under 18 and vulnerable adults.

- 4.3 Standard and Enhanced DBS certificates will include details of convictions and cautions (including youth cautions, reprimands and warnings) recorded on the Police National Computer (PNC). In addition to information from the PNC, an Enhanced certificate may also include information taken from police records that a chief officer of a police force considers relevant to the application and/or details of whether an individual is included on one or both of two lists barring people from working with children and/or vulnerable adults.
- 4.4 Some PNC information will now be filtered and will not appear on the certificate. Cautions and convictions filtered out are set out in legislation and are subject to change
- 4.5 A list of offences which will never be filtered has been derived from the legislation and is available at: <https://www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check>.

5. Data Protection

- 5.1 Metanoia will treat all information about a criminal record as confidential and sensitive. Only staff with a need to know about a student, associate or graduate member's criminal record in order to carry out their role or a particular function will have access to this information.
- 5.2 Metanoia Institute will handle personal data in accordance with relevant data protection legislation including the Data Protection Act 2018 and UK GDPR.
- 5.3 Metanoia's Privacy Notice for past, present and prospective students is available at <https://www.metanoia.ac.uk/about/data-protection/> This Privacy Notice explains how Metanoia collects, uses and shares the personal data of prospective students, and of their rights in relation to the personal data Metanoia holds.
- 5.4 Further detail on how Metanoia manages Data Protection matters can be accessed in the Institute's Data Protection Policy [link to website]

6. PROCEDURE FOR THE DISCLOSURE OF CRIMINAL RECORDS

Procedure for Applicants

- 6.1 Where an applicant indicates that they have a criminal record when required to do so on the application form, Admissions will write to the applicant inviting them to supply detailed information about their record. This will normally be done by the completion of a Disclosure of Criminal Records form which will include an opportunity for the applicant to write a statement and provide supporting documentation. The completed form is to be submitted directly to the Academic Registrar.
- 6.2 Applicants disclosing a criminal record may not be offered a place at Metanoia until such time as the Criminal Records Review Panel has met and reached a decision about their suitability for admission. In all other ways the applicants will be treated as normal and their application progressed in the normal manner.

- 6.3 Upon receipt of the completed Disclosure of Criminal Records form, the Academic Registrar will call a Criminal Records Review Panel to consider the disclosure.
- 6.4 The Panel will normally be formed of three staff- the Academic Registrar (Chair) or their nominee and two Heads of Programme, one of which is for the programme to which the applicant seeks entry or their nominee.
- 6.5 The Panel will normally conduct a paper-based review. In exceptional cases the Panel may request that the applicant attend the Panel meeting where the Panel considers it necessary to speak directly with the applicant in order to reach a decision.
- 6.6 The Panel will carefully consider the completed disclosure form and any other documentation provided by the applicant and will consider their suitability for admissions based upon:
- a. The seriousness of the record and its relevance to the safety of students, staff, visitors and potential future clients.
 - b. The relevance of the record to the programme of study to which they have applied, including any requirements for, and nature of, any placements.
 - c. The length of time since an offence took place.
 - d. Any relevant information offered by the applicant about the circumstances of the offence.
 - e. The frequency of offending; was it a one-off, or part of a history of offending or repeat offences.
 - f. Whether an applicant's circumstances have changed since the offence.
 - g. Evidence of an attempt to "go straight" and/or degree of remorse expressed.
 - h. The country in which the offence was committed, some activities are offences in Scotland and not in England and Wales, and vice versa.
 - i. The potential for them as a student to obtain any required placement/ practice experience.
 - j. The level of oversight/supervision they are likely to receive on the programme.
 - k. The likely ability to obtain registration with the relevant professional body.
- 6.7 Upon completion of the above considerations, the Panel will reach one of the following conclusions:
- a. That the applicant is suitable for admission onto the programme to which they have applied and may be offered a place if they meet all entry and admission requirements.
 - b. That the applicant is unsuitable for admissions and cannot be offered a place at Metanoia.
- 6.8 The Chair of the Criminal Records Review Panel will notify the applicant and the Admissions Team of the outcome of the Panel meeting.
- 6.9 There is no mechanism for appealing the decision of the Criminal Records Review Panel. The decision is final.

Procedure for Students

- 6.10 Where a current student is subject to a criminal conviction, caution, reprimand or warning, they are expected to disclose this to Metanoia at the very earliest opportunity by completing a Disclosure of Criminal Records form. Students undertaking clinical practice should also inform their place of practice and relevant PSRB. Students may seek advice from their Primary Tutor or Head of Programme about making disclosures.
- 6.11 In the case of a student disclosing that they are accused of or have been convicted of a serious crime, the Academic Registrar, or in their absence a member of the Senior Management Group, may determine that the Student Disciplinary Procedure will be followed in place of this procedure, in order to ensure that there is appropriate safeguarding in place.
- 6.12 Upon receipt of the completed Disclosure of Criminal Records form, the Academic Registrar will call a Criminal Records Review Panel to consider the disclosure.
- 6.13 The Panel will normally be formed of three staff- the Academic Registrar (Chair) or their nominee and two Heads of Programme, one of which is from the student's programme, or their nominee.
- 6.14 The Panel will normally conduct a paper-based review
- 6.15 The Panel will consider the completed disclosure form and any other documentation provided by the student and will consider only whether the criminal record is sufficiently minor so as not to require any action by Metanoia (for example a minor traffic matter) or whether it requires referral to the Fitness to Practice Procedure or Student Disciplinary Procedure for consideration and possible action.
- 6.16 In making the above decision the Panel will consider:
- a. Whether the Criminal Record was disclosed at the earliest opportunity.
 - b. Whether the conviction is so minor it is exempted from disclosure by the relevant PSRB for the student's programme of study.
 - c. Whether the conviction raises any concerns about their suitability for clinical training or practice.
 - d. Whether the conviction could impact on the student's capacity to obtain or retain placements or otherwise meet requirements of the programme.
 - e. Whether the conviction raises any concerns about the safety of clients or other students, staff or visitors to Metanoia.
- 6.17 The Panel will reach one of the following conclusions:
- a. That the conviction is considered minor and no further action is required. The disclosure of the conviction and the decision of the Panel will be retained by Registry during the student's registration period and may be taken into consideration should there be further disclosed convictions.

- b. That the conviction requires further consideration under Metanoia's Fitness to Practice Procedure or Student Disciplinary Procedure and the matter is therefore referred to Stage 2 of the relevant procedure.
- 6.18 The Chair of the Criminal Records Review Panel will notify the student and the Registry of the outcome of the Panel meeting.
- 6.19 There is no mechanism for appealing the decision of the Criminal Records Review Panel. The decision is final.

Procedure for Associate and Graduate Members

- 6.20 Where an associate or graduate member is subject to a criminal conviction, caution, reprimand or warning, they are expected to disclose this to Metanoia at the very earliest opportunity by contacting the Membership team (membership@metanoia.ac.uk), providing details. Members are also expected to follow the criminal record disclosure requirements for the PSRB(s) with which they are registered.
- 6.21 Upon receipt of a disclosure, the Director of Clinical Training will call a Criminal Records Review Panel to consider the disclosure. The Director may contact the member requesting further details to ensure there is sufficient information for the Panel to reach a decision.
- 6.22 The Panel will normally be formed of three staff- the Director of Clinical Training (Chair), or their nominee, and two members of the Metanoia Ethics Committee. Members of the panel should have no prior knowledge of the member making the disclosure.
- 6.23 The Panel will normally conduct a paper-based review.
- 6.24 The Panel will consider the disclosure and any documentation provided by the graduate or associate member and will consider only whether the criminal record is sufficiently serious to compel Metanoia to suspend membership.
- 6.25 In making the above decision the Panel will consider:
- a. Whether the Criminal Record was disclosed at the earliest opportunity.
 - b. Whether the Criminal Record disclosed is likely to result in formal consideration and possible action by the relevant PSRB.
 - c. Whether the conviction raises any concerns in respect of the Institute's Code of Clinical Ethics and Professional Conduct, and by the fitness to practice test.
- 6.26 The Panel will reach one of the following conclusions:
- a. That the conviction is considered minor and no further action is required. The disclosure of the conviction and the decision of the Panel will be retained by Memberships during the graduate/associate members period of membership and may be taken into consideration should there be further disclosed convictions.

- b. That the conviction is considered sufficiently serious for Metanoia to suspend membership pending consideration by the relevant PSRB.
- 6.27 The Chair of the Criminal Records Review Panel will notify the graduate member and Memberships Office of the outcome of the Panel meeting.
- 6.28 There is no mechanism for appealing the decision of the Criminal Records Review Panel. The decision is final.
- 6.29 Where a membership is suspended, Metanoia will await notification of the outcome of the PSRB's consideration of the matter. The Director of Clinical Training will then reinstate or terminate their membership on the basis of the PSRB's determination of their fitness to practice.