

# London Contemporary Dance School (The Place)

## Criminal Records Policy

For Applicants and Registered students

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## 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>OIA</b>	-	Office of the Independent Adjudicator
<b>QAA</b>	-	Quality Assurance Agency
<b>SPA</b>	-	Supporting Professionalism in Admissions
<b>UCAS</b>	-	The Universities and Colleges Admissions Service

## Related LCDS Policies

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

- Admissions Policy
- LCDS Admissions Appeals and Complaints Policy
- Emergency Powers of Exclusion and Suspension
- Non-Academic Misconduct Policy
- Support Through Studies
- Prevention of Bullying, Harassment and Sexual Misconduct
- LCDS Privacy Notice
- The Place Safeguarding Policy

## 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 course of higher education at LCDS. This includes applicants holding a provisional offer of a place to study on a course, and applicants holding a confirmed offer of a place to study on a course prior to initial registration and enrolment.
<b>'Registered student'</b>	<b>Registered student</b> means any individual who has successfully gained a place on a course of higher education at LCDS, and is a registered student of LCDS.
<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 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 LCDS who is not involved in the admissions selections decision-making.

<p><b>‘Regulated activity’</b></p>	<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> <ol 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> </ol> <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 course of study at LCDS 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 <a href="#">government guidance</a><sup>2</sup>.</p>
<p><b>‘Relevant Criminal Convictions’</b></p>	<p>LCDS 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>

<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](#)

<sup>3</sup> Where an enhanced DBS check is required as part of a course of study at LCDS, 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’).

	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.
<b><i>‘Cautions, reprimands and final warnings’</i></b>	<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 LCDS.</p>
<b><i>‘Spent / unspent convictions’</i></b>	<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 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.</p>

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.

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

1. The policy sets out the common approach to be followed by London Contemporary Dance School (LCDS), which is part of The Place, for managing criminal record data in the following circumstances:
  - i. Applicants applying for entry to a course of higher education at LCDS that involves regulated activity<sup>4</sup> and thus necessitates an enhanced DBS check;
  - ii. Registered students on a course of higher education at LCDS that involves regulated activity and thus necessitates an enhanced DBS check;
  - iii. Registered students on a course of higher education at LCDS 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)
  
2. LCDS has 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, LCDS 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 course of study requires students to be engaged in 'regulated activity' (such as working with children or adults as defined in the legislation<sup>6</sup>), LCDS 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***

3. In any event, either when confirming conditional offers to applicants for admission to courses involving regulated activity that necessitates an enhanced DBS check as an admission requirement, or in any dealings with registered students, LCDS 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 course 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.

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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 LCDS using the UCAS definitions. Please see 'Definitions' at the front of this policy.

<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.

***Admissions and Criminal Records Data***

4. LCDS's responsibilities include having systems and procedures for student admission which meet LCDS's criteria developed in line with consumer law requirements, the Office for Students, the Quality Assurance Agency ('QAA'), and the validating universities' guidance. LCDS's responsibilities are to operate within the criteria it sets and the validating universities set, 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 admissions workshops and interviews.
5. Except where a course 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 course requirement, LCDS 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.
6. Where a course of study has some regulated activity as an optional strand and is not a compulsory element of a course, applicants will not be required to undertake an enhanced DBS check prior to admission to the course. However, registered students will not be able to participate in optional regulated activity as part of their course without first undertaking an enhanced DBS check, the results of which will be processed by LCDS in accordance with this Policy and following which LCDS is satisfied that the student is eligible to undertake such activity.
7. **For a course of study which includes some regulated activity as a compulsory part of the course, 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 LCDS via the procedures in this Policy, before admission to the course can be confirmed.
8. 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 a conditional offer of a place to study on that course has been made. However, where regulated activity is a course 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, LCDS will refuse admission to the course in question.

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

9. Where an applicant has undertaken an enhanced DBS check for a course 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 LCDS as

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

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 LCDS's lawful basis and conditions for processing this data). In such circumstances, LCDS 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.

**10.** Failure on the part of an applicant to declare such a change in circumstances will normally be deemed by LCDS 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 LCDS in accordance with Section 6 of the Terms and Conditions.

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

**11.** 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 course of study, this information will not be used by LCDS in determining whether an applicant may be admitted. However, at any point in the admissions process LCDS may offer the applicant the option to enter into a dialogue, to give the applicant and LCDS an opportunity to explore 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**

**12.** 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), LCDS does not require the student to disclose this. However, where such matters come to light (including via self-disclosure by a student), LCDS will determine whether any action is necessary, in accordance with its obligations and duty of care towards all members of its community.

**13.** 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 LCDS's lawful basis and conditions for processing this data.

**14.** 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, LCDS 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.



15. 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 LCDS 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 LCDS.

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

16. Where a registered student chooses to disclose that they have a criminal record that **was incurred prior to registering as a student of LCDS**, 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 LCDS might need to take. Where the course 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 LCDS may hold a dialogue with the student about whether they 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.
17. Where a registered student discloses 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 LCDS. In the event that the student chooses to make such a disclosure, as outlined above LCDS will determine whether any action is necessary. LCDS 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 LCDS in determining next steps and/or in the event that the matter is referred into any other LCDS procedures (e.g. the Non-Academic Misconduct policy; Emergency Powers of Exclusion and Suspension; Support Through Studies; Policy on Sexual Misconduct, Harassment and Related Allegations).

#### **Related Criminal Matters**

18. Where the Chief Executive of The Place 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 LCDS 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 Chief Executive will sit as a member of the Convictions Consideration Panel and will undertake the risk assessment. The CEO will ultimately have the final say with regard to the outcome of the Panel's assessment.

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

19. The **Convictions Consideration Panel** is the Panel that considers the details of criminal records (and where appropriate, criminal charges) to determine next steps for LCDS.
20. The Panel will comprise of two appropriate senior members of staff, with relevant expertise, who collectively have the necessary understanding of the course. The Panel may be

comprised of individuals drawn from a different course to that of the applicant or student, or if this is not possible, other members of staff of The Place.

21. 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).
22. 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.
23. The Criminal Records Consideration Procedure for Applicants is found in **Appendix 3** to this Policy.
24. 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**

25. There are five circumstances identifies by LCDS under which they may process criminal record data:

**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 course of study includes some regulated activity as a compulsory part of the course.	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 course.  Where the results of the enhanced DBS check disclose a criminal record, LCDS will refer it to the Convictions Consideration Panel (CCP) for assessment under this Policy, to determine whether the student can be admitted to the course.	Please see Table 3 in this policy for the lawful basis and condition under which LCDS process this data.
2.	Applicant	Where an applicant, having accepted a confirmed offer on a course that includes some regulated activity, is charged with a criminal offence or obtains a	This would necessitate an assessment of the known details of the case by the CCP, in order to ascertain whether the offer could still stand, whether the offer might reasonably be deferred, whether the offer of an alternative course of study may be suitable, or whether the offer to study must be fully withdrawn.	In accordance with Article 10 of the GDPR, LCDS'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:

		criminal conviction before registering as a student.		<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 LCDS	Where a course of study includes some regulated activity that is an optional strand and not a compulsory part of the course.	Should the student choose an optional strand of their course 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, LCDS 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 LCDS process this data.
4.	Registered student of LCDS	Where a registered student is charged with or obtains a criminal offence during 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 LCDS's duty of care and in order to inform and/or decide any necessary next steps, LCDS 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 Policy</a> and/or the <a href="#">Support Through Studies Policy</a> as deemed appropriate by the LCDS.	In accordance with Article 10 of the GDPR, LCDS'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 LCDS	Where a registered student discloses a criminal record obtained prior to registration as a student of LCDS.		In accordance with Article 10 of the GDPR, LCDS's lawful basis for processing this data is the <i>public task basis</i> 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>

26. In all such considerations of criminal convictions, LCDS shall take into account The Place's Safeguarding Policy.

**Enhanced DBS Checks**

27. Some courses at LCDS 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).

28. Table 2 shows the circumstances under which, subject to the structure of the course of study, an enhanced DBS check may be done (please see Table 3 for the specific details of courses 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 course includes some <b>regulated activity</b> as a <b>compulsory</b> part of the course.	At the end of the admissions process, before a provisional offer of a place to study 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 LCDS that there is nothing arising from the check that would prevent the applicant from being able to undertake the regulated activity and meet the course requirements. LCDS may refuse admission to the course 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 course 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 unit(s) that require regulated activity.	If a student wishes to partake in an optional strand of the course 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 LCDS 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 and LCDS will inform the student of their alternative options.

**Delays in enhanced DBS check results**

29. 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 LCDS. It is a legal requirement for persons undertaking 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.

30. 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 or complete any activity for which the DBS check is required. The Director of the course may

<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](#)).

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.

31. 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 or complete any activity for which the DBS check is required. The Director of the course 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.

32. The table below (Table 3) shows the courses of study that routinely collect and process criminal records data and the lawful basis and condition upon which they have determined to do so.

**Table 3: Courses that process criminal record data systemically**

Course of Study	Reason	Point at which criminal record data will be processed by LCDS	Lawful basis and condition for processing this data under GDPR
BA Hons Contemporary Dance	Unit 6: Outside Encounters involves regulated activity, necessitating an enhanced DBS check	At the end of the admissions process, before a provisional offer of a place to study can be confirmed.	LCDS'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: <i>Section 18 'Safeguarding of Children and Individuals at Risk', and Section 12 'Regulatory requirements relating to unlawful acts and dishonesty etc'</i> of Schedule 1 Part 1 DPA 2018. LCDS's responsibility is to carry out the DBS check at the necessary (Enhanced) level and inform the relevant placement provider when this has been done. Whilst LCDS is not obliged to share information relating to the issue date or certificate number of DBS checks with schools, LCDS may do so, with the consent of students. LCDS cannot, however, share information about the content of DBS certificates in terms of criminal record information.

**D) Delegation of Powers**

33. The CEO of The Place 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.

**E) Data Processing, Confidentiality and Record Keeping**

34. All data will be handled sensitively, confidentially, and in accordance with the General Data Protection Regulations (GDPR) and LCDS Privacy Notice.

35. Generally, no information on an unsuccessful applicant's criminal record will be kept for longer than six months after completion of the admissions process.
36. Generally, once admitted onto a course of study, no personal data on a student's criminal record will be kept for longer than six months after completion of that course by the student.
37. LCDS (a "Controller") collect, hold and otherwise process "special category personal data" as defined by the General Data Protection Regulation about applicants and students of LCDS 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 the LCDS Privacy Notice.
38. This personal information is generally processed by LCDS 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 the LCDS Privacy Notice.
39. Please note that by providing your personal information to LCDs, LCDS will, in accordance with the LCDS Privacy Notice 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 the Privacy Notice. This includes where your personal information is disclosed as a result of an enhanced DBS check.
40. In accordance with LCDS'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 LCDS, are unique or complex and therefore require shorter or longer record retention periods.

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

41. Applicants should contact the Quality and Compliance Manager at [qualityandcompliance@theplace.org.uk](mailto:qualityandcompliance@theplace.org.uk) with any queries.
42. Registered students should the Director or Registry and Student Wellbeing or the Director of their course with any queries.
43. In assessing individual cases, where the CCP deems it necessary, LCDS 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**

**44.** For details of right to appeal against a decision concerning a criminal record:

- i. Applicants should consult Appendix 3 to this policy (Criminal Records Consideration Procedure for Applicants)
- ii. Registered students should consult Appendix 4 to this policy (Criminal Records Consideration Procedure for Registered Students)