

## FMD Policy on disclosure of criminal conviction/caution

The practice of medicine and dentistry requires the highest standards of professional and personal behaviour. Applicants to these disciplines are expected to demonstrate honesty and probity in line with expectations outlined by the General Medical (GMC) and Dental Councils (GDC) and expressed in the Faculty of Medicine and Dentistry guidance and the Queen Mary University of London Professional Capability and Fitness to Practise regulations.

This policy is applicable to all applicants to all undergraduate medical and dental programmes in the Faculty of Medicine and Dentistry, including Direct Clinical Entrants, Clinical Foundation Studies, Incoming Electives, Transfer students, Oral Health and MSc Physician Associate.

- 1.1 Applicants who have any convictions, cautions, reprimands or final warnings that are not protected as defined by the Rehabilitation of Offenders Act (ROA) 1974 (exceptions) order 1975 (2013 and 2020), should declare them on their UCAS or other applicable application. The amendments to the Exceptions Order (2013 and 2020) provide that certain spent convictions and cautions are 'protected' and are not subject to disclosure to employers and cannot be considered.
- 1.2 Applicants are advised to check all information which may be relevant at <https://www.gov.uk/government/organisations/disclosure-and-barring-service>
- 1.3 Applicants from St Andrews and MOCAG Universities to the A300 Clinical Medicine programme are required to sign a declaration on the application form that they do not have any criminal convictions or cautions and that there are no current criminal proceedings against them. These applicants are expected to be registered with the DBS update service for their DBS check to be assessed and passed or they will be required to do a DBS Enhanced Disclosure with Queen Mary University of London.
- 1.4 Individuals or applicants who request information or disclose a criminal record at any time will be sent a copy of this policy.
- 1.5 The consideration of an applicant's criminal record is entirely separate from the selection process for the undergraduate medical or dental courses at the Faculty of Medicine and Dentistry, Queen Mary University of London to ensure there is no bias in the selection process. Applicants who disclose a criminal record on their UCAS or other applicable application and are subsequently offered a place will be provided with this policy. Applicants who have been offered a place who have declared a criminal conviction/caution on their UCAS or other applicable application form will be asked for further information. Information about the selection process can be found in the [Undergraduate Medicine and Dentistry Admissions Policy](#).
- 1.6 All offers of a place on the undergraduate medical and dental courses are made subject to satisfactory police checks by the Disclosure and Barring Service (DBS) or police clearance from your country of residence from those applicants domiciled outside the United Kingdom. All applicants holding offers will be asked to complete an 'Enhanced Disclosure' prior to starting their course. Applicants domiciled outside the United Kingdom must obtain police clearance from their own countries and start the DBS process immediately after enrolment.

- 1.7 Applicants who have registered for the DBS Update Service and whose registration is current will not need to provide a new 'Enhanced Disclosure' once this has been verified by the Faculty of Medicine and Dentistry Admissions Office.
- 1.8 Applicants in receipt of offers are subject to disclosing to the Faculty of Medicine and Dentistry Admissions Office any criminal convictions/cautions received since completing their UCAS application or applicable application until enrolment. Failure to do so may result in an offer being withdrawn or de-registration from the course after enrolment.
- 1.9 Where there is a delay in the processing of police checks, applicants will be asked to sign a full declaration of any criminal record they have received prior to full enrolment.

### **Process following Disclosure of a criminal conviction/caution**

- 2.0 Applicants shortlisted for interview who have declared a criminal conviction on their UCAS form will be sent the policy and asked to complete the Faculty of Medicine and Dentistry declaration of matters of interest to the GMC/GDC, providing details of the conviction and subsequent penalties.
- 2.1 Applicants in receipt of offers who have declared an offence other than a conviction on their UCAS form will be asked to complete the Faculty of Medicine and Dentistry declaration of matters of interest to the GMC/GDC, providing details of the offence and subsequent penalties.
- 2.2 Applicants will also be asked to provide a copy of the paperwork detailing the conviction or other offence received, a reference from their current employer or academic tutor and supporting evidence of the account they have given in their statement. Permission may also be sought from the applicant to contact their probation officer.
- 2.3 The applicant's statement and other documentation will then be considered by a Chair of the Professional Capability Committee in line with the appropriate GMC or GDC fitness to practise guidance and the school's processes for student disclosure of matters of interest to the GMC/GDC.
- 2.4 The Chair of the PCC will provide a report to the Faculty Criminal Records panel which includes the relevant programme lead, Director/Manager of Admissions, Academic Lead for Admissions (Medicine and Dentistry), and one of the chairs of the Professional Capability Committee.
- 2.4 The Panel will discuss and consider the conviction or other offence and decide whether admission to study medicine or dentistry is appropriate. Each case will be considered on its own merits. The applicant may also be invited for an interview with the Panel for further discussion. Guidelines on which criminal records may prevent an applicant from entering the School of Medicine and Dentistry are detailed in Appendix A (see below).
- 2.5 The Panel will consider each applicant on a case-by-case basis and will take account of the following:
  - The circumstances of the conviction or other offence.
  - Any mitigating factors.
  - The applicant's behaviour since conviction or other offence
  - The potential risk posed to patients, students, staff, the community, the programme, the profession and the property of the institution and the perceived risk of re-offending.

- 2.6 Where offences involved alcohol or drugs, applicants may be invited to attend an assessment by the University's Occupational Health Physician before a decision can be made in relation to their admission to the university.
- 2.7 The applicant will be informed in writing of the Panel's decision with regards to their application. Any documents relating to the criminal record and the Panel's deliberation will be kept on record whilst they are enrolled at the Faculty of Medicine and Dentistry. Documentation relating to rejected applicants will be retained for six months and then securely removed.
- 2.8 Once the Panel's decision has been communicated, applicants are asked to do their DBS application as soon as they accept their offer. Any criminal convictions or offence that is not disclosed on the UCAS form or made known to the panel, that later appear on the enhanced disclosure may result in the offer being withdrawn or deregistration from the programme.

## **Appeal Process**

3.0 Requests for appeals must be submitted by the candidate in writing (by letter or email) to the Governance Manager within 20 working days from the date of the letter of notification of the decision by the panel. Appeals received after this time may be considered only in exceptional circumstances. The letter of appeal must contain the following information:

- The applicant's full name, address, application number and programme about which the appeal is made.
- The valid grounds for appeal (see below), with the full details of the case; Any other information that the candidate feels is relevant to the case.

3.1 Being unhappy with the decision is not considered to be a valid ground for appeal. Valid grounds for appeal are as follows:

- Evidence of irregularities – the candidate believes that the Faculty of Medicine and Dentistry as not complied with its own stated requirements and procedures.
- Evidence of improper conduct of staff.
- Emergence of new and substantial information which, for good reasons, was not previously provided.
- Evidence of bias or prejudice.

3.2 Appeal requests will be considered by the Head of Governance. A response will generally be made in writing to the applicant within 20 working days and will include the reasons for the decision. Where a decision cannot be made in this time the candidate will be informed.

4.2 All decisions are final and there will be no further right of appeal. No applicant will be discriminated against for submitting an appeal request.

## **Registration with the GMC or GDC**

5.0 Whilst the decision to admit an applicant holding a criminal conviction, or other offence, to study medicine or dentistry rests with the Panel and the Admissions Office, applicants are informed that subsequent registration with the GMC or GDC cannot be guaranteed as it is the responsibility of each of those independent organisations to make its own decision as to whether a student is suitable to be registered with it.

## **Subsequent Disclosure of Criminal Records**

6.0 Failure to disclose criminal records may result in offers being withdrawn or deregistration from the programme.

6.1 Any offences or criminal records that were not revealed prior to admission but which subsequently come to light after entry to the Faculty of Medicine and Dentistry must be reported to the Professional Capability Committee in accordance with the University's Professional Capability and Fitness to Practise regulations.

## **Interruption of Studies**

7.0 Students who interrupt studies for a period of two years or more who are not currently registered with the DBS update service will normally be required to have their DBS reissued.

## **Appendix A – Guidance on criminal convictions that may preclude the entrance of an applicant to the School of Medicine and Dentistry**

A number of offences are so serious that they may lead to refusal of admission to the School. These include:

- *Offences against the person including assault, grievous bodily harm and any offences resulting in death such as murder or manslaughter*
- *Sexual offences including indecent assault, rape, sexual harassment or abuse.*
- *Offences against children*
- *Terrorism or conspiracy charges involving terrorism*
- *Drug related offences*
- *Theft, fraud, extortion, deception or bribery*
- *Public order offences such as riot or affray*
- *Perjury or obstruction of justice*