

Plymouth Marjon University

**Student and Programme
Compliance Policy**

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1 Disclosure and Barring Service (DBS) Checks

1.1 Introduction

- 1 Plymouth Marjon University will comply with current and future legislation and aims to promote good practice within all aspects of the University. All applications to the University are considered initially on academic and motivational merit irrespective of any criminal record. However, there may be occasions where the nature of an applicant's criminal conviction provides a potential threat to the University community or is deemed unsuitable for their chosen course/profession in line with the requirements of the Department for Education (DfE) or other governing bodies and on these grounds may not be suitable for entry.
- 2 The University complies with the Disclosure and Barring Service (DBS) Code of Practice (November 2015), <https://www.gov.uk/government/publications/dbs-code-of-practice>.
- 3 The rules regarding the automatic disclosure of cautions and convictions on a DBS certificate are set out in legislation.

Standard and Enhanced DBS certificates must always include the following records no matter when they were received:

- All convictions for specified offences
 - Adult cautions for specified offences
 - All convictions that resulted in a custodial sentence
- 4 Other records must be included depending on when the caution or conviction was received:
 - Any adult caution for a non-specified offence received within the last 6 years
 - Any adult conviction for a non-specified offence received within the last 11 years
 - Any youth conviction for a non-specified offence received within the last 5 and a half years

- 5 An 'adult' is any individual aged 18 or above at the time of the caution or conviction. A 'youth' is any individual aged under 18 at the time of the caution or conviction.
- 6 A 'specified offence' is one which is on the [list of specified offences](#) agreed by Parliament which will always be disclosed on a Standard or Enhanced DBS certificate where it resulted in a conviction or an adult caution. Youth cautions for specified offences will not be automatically disclosed.
- 7 Any cautions (including reprimands and warnings) and convictions not covered by the rules above are 'protected' and will not appear on a DBS certificate automatically.
- 8 Cautions, reprimands and warnings received when an individual was under 18 will not appear on a Standard or Enhanced certificate automatically.

Please note that Enhanced certificates may include information relating to a protected caution or conviction if the police consider that it is relevant to the workforce that the individual intends to work in. Decisions to include information in this way are subject to [statutory guidance](#).

1.2 Procedural

- 1 Courses of study will be risk-assessed by the Admissions Manager to identify whether DBS clearance is required for relevant activities. All offers of places by the University to courses which have been identified as involving contact with children and/or vulnerable adults in a 'Regulated Activity' (Appendix A) will be made conditional to receipt of a satisfactory DBS certificate.
- 2 A DBS check application pack will be sent to applicants by the Admissions team once the offer of a place has been firmly accepted on professional courses or when the students are registered for other courses. Applicants who choose the University as their second choice will be advised of the need to provide a satisfactory check before they commence their studies with us. Clearing applicants will also be offered places conditional upon a satisfactory DBS check. For non-professional courses, packs will be sent after registration during the first Semester of study.

- 3 The DBS offers a confidential checking process for transgender applicants. This process is for transgender applicants who do not wish to reveal details of their previous identity to the person who asked them to complete an application form for a DBS check. For more information about the transgender process, email sensitive@dbs.gov.uk or see the [DBS Transgender Applications guidance](#).
- 4 Existing DBS certificates processed by other institutions will not be accepted unless the certificate has been registered with the DBS Update Service. The applicant must provide the Admissions team with a copy of the DBS certificate and give authorisation for the update check to be made. If the check is not satisfactory, the University retains the right to request a new DBS check.

The [DBS Update Service](#) is an online subscription that allows you to keep your standard or enhanced DBS certificate up to date and allows [employers to check a certificate online](#). You can [join the Update Service](#) for standard and enhanced checks as soon as you have your application form reference number. You can request this number when you apply for your DBS check. You can also join the Update Service with your certificate number when you receive your DBS certificate. If so, you must do so within 30 calendar days of the 'date of issue' which is printed on the certificate. You can [log in](#) to the Update Service if you have already joined.

- 5 The University requires that all students apply for one DBS certificate for the duration of their course but, if after suspension of studies they are absent for a period of more than 12 months, the student will be required to apply for a new DBS check to provide clearance for the full duration of the course of study.
- 6 The University will require non-UK students (including exchange students) to apply for a DBS check and to provide a 'Certificate of Good Conduct' from all countries where they have resided during the 5 years prior to the commencement of the course. This will also apply to UK applicants who have been resident outside of the UK in the previous 5 years.

The DBS provides additional information on how to access these checks, [Guidance on the application process for criminal records checks overseas - GOV.UK \(www.gov.uk\)](#)

- 7 The University will ask applicants for Employment-based Training courses to sign a form authorising their employer to provide their DBS certificate information and confirm or otherwise the presence of additional information.
- 8 The University will record these details in the same manner as DBS certificates processed by the University and the information will be retained for the same time period. Where their acceptance onto the course represents a significant change in responsibilities or job role with their employer, the University would expect to see that a new DBS certificate had been obtained.
- 9 For applicants on salaried School Direct Accredited courses, the University will request School Direct partners to provide to the University DBS information for their students.
- 10 The University will record these details in the same manner as those DBS certificates processed by the University and the information retained for the same time period.
- 11 Where an applicant has indicated on their application form that they intend to defer entry until the following year, they will be sent information to apply for a DBS check during the 12 months prior to their date of entry. However, if an applicant defers late in the application cycle and has already applied for a DBS check, they could be liable to undergo another DBS check in the following year of the UCAS cycle and be liable to pay the due amount unless the original check was registered with the DBS Update Service.
- 12 A DBS certificate carries no formal period of validity, and older certificates will contain less reliable information as the information it contains may not reflect recent incidents. Therefore, the University is obliged to ensure that applicants undertake a DBS certificate in the admissions cycle immediately prior to the commencement of their course of study and not before unless the DBS certificate is registered with the Update Service.
- 13 All applicants who are current serving prisoners should be supported by either a probation or prison officer's report regarding their conviction, which will include a risk

assessment. Applicants will be sent a standard letter by the University asking for further details. Such applicants may be subject to providing details of their police records. It should be noted that having a criminal record will not necessarily bar an applicant from being accepted on their chosen course. This will depend on the nature and circumstances of the offence and if appropriate, the decision of the Criminal Conviction Group.

The University's policy on the recruitment of ex-offenders can be found in Section 6.

14 Applicants, who declare convictions or criminal records for relevant courses or where offences are present on DBS certificates, will be asked to provide details of the conviction(s) depending on the nature of the conviction(s). For all courses, all isolated offences which meet the following criteria will be risk-assessed by the University's Admissions Manager and the application authorised:

- Road Traffic Offences* (including speeding, driving without insurance, failing to report an accident, driving a motor vehicle with excess alcohol, failing to provide a specimen for analysis, driving without due care and attention and being in charge of a mechanically propelled vehicle whilst unfit through drink)
- Drunk and disorderly behaviour
- Being drunk at a sporting event
- Possession of a class C drug
- Shoplifting
- Travelling without a ticket/fare
- Trespassing

*Parking tickets and fixed penalty road traffic offences are ignored. Road traffic offences involving fatalities are not included in this.

15 Where the Admissions Manager is unable to satisfactorily recommend an outcome, the case will be discussed with the Programme Leader (PL) OR Programme Area Leader (PAL). If the Admissions Manager and the PL/PAL are unable to satisfactorily recommend an outcome, the case will be referred to the Professional Issues and Criminal Convictions Panel (PICCP), (Appendix B).

- 16 Under the Protection of Children Act 1999 and the Criminal Justice and Court Services Act 2000, a number of people are automatically banned from working with children and these include those on the Children's Barred list and the Adult's Barred list. Other offences are specifically named. More information can be found here: [dbs-factsheet-05.pdf \(publishing.service.gov.uk\)](#)
- 17 The Department of Health and Social Care and DfE also indicate clearly that the sorts of offences or behaviour that would most likely lead to someone being barred from teaching include:
- Sexual offences
 - Crimes of violence
 - Crimes of dishonesty including fraud or embezzlement
 - Offences relating to possession or supply of illegal drugs
 - Any offences against children or which raised concern with regard to child protection
- 18 When considering a person's suitability to join or remain on a course the University will review:
- The length of time which has passed since the offence without any further convictions
 - The seriousness of the offence and whether it may be relevant to a person's professional position
 - Whether it would be proportionate to remove a person from the profession or prevent them joining the profession on the basis of the offence committed
 - Whether any children were directly involved either as victims or in terms of being put at risk
 - The explanation provided by the student or applicant
- 19 The amendments to the Exceptions Order 1975 (2013) provide that certain spent convictions and cautions are 'protected' and are not subject to disclosure to employers and cannot be taken into account. All cautions and convictions for specified serious violent and sexual offences, and other specified offences of relevance for posts concerned with safeguarding children and vulnerable adults, will

remain subject to disclosure. All convictions resulting in a custodial sentence, whether or not suspended, will remain subject to disclosure, as will all convictions where an individual has more than one conviction recorded. More information can be found here: <https://www.gov.uk/government/publications/dbs-filtering-guidance/dbs-filtering-guide>

1.3 Criminal Convictions Panel

- 1 The PICCP consists of the Head of Quality and Standards (Chair), the Admissions Manager, a senior representative of Student Wellbeing & Support, Safeguarding Leads per School, and a nominated representative of the course. The Apprenticeship Manager and Practice Learning and Compliance Manager may also attend where appropriate. They will consider all evidence, taking into consideration the date(s) of the conviction(s) and the seriousness of the offence(s) before making a recommendation to the University Secretary and Registrar.
- 2 The University Secretary and Registrar will decide whether to withdraw the offer of a place or to impose restrictions upon the offer. If the applicant decides to appeal, the University Secretary and Registrar will instigate the Admissions Appeals procedure if it is found to be appropriate. There will be no further consideration.

1.4 Retention of Confidential Information

- 1 All information provided or revealed to the University will be treated as strictly confidential and disclosed only to authorised personnel involved in the risk assessment process.
- 2 In the case of a decision not to admit an applicant to a course, all correspondence will be destroyed 7 years after the date of the decision. In all cases, the Admissions Manager will keep a confidential file note for seven years. This will record the decision made about the admission and that it was made in accordance with the University's Student and Programme Compliance Policy.

1.5 Placements

- 1 No registered student will be permitted to attend a placement, to work with children and/or vulnerable adults, organised by the University without satisfactory clearance.
- 2 The placement officer for the course will contact the placement, in advance, in writing, to advise them of the student's DBS certificate number and date and to confirm that they are clear to work with children (and/or vulnerable adults).
- 3 The University complies with PSRB, OFSTED and DfE guidance and regulations.

1.6 Referrals to the DBS

- 1 The statutory duty of the DBS is to:
 - To maintain a list of individuals barred from engaging in regulated activity with children;
 - To maintain a list of individuals barred from engaging in regulated activity with vulnerable adults;
 - To make well-informed and considered decisions about whether an individual should be included in one or both barred lists; and
 - To reach decisions as to whether to remove an individual from a barred list
- 2 Referrals should be made to DBS when an employer or organisation believes a person has caused harm or poses a future risk of harm to vulnerable groups, including children. An employer or volunteer manager is breaking the law if they knowingly employ someone in a regulated activity with a group from which they are barred from working. A barred person is breaking the law if they seek, offer or engage in regulated activity with a group from which they are barred from working.
- 3 The University will abide by its legal requirement to make referrals to the DBS about students or staff where there is harm or risk of harm to children or vulnerable adults, relevant conduct has occurred, or an individual has received a caution or conviction for a relevant offence.

- 4 The University will refer to the DBS information which does or could indicate that an individual has engaged in an activity that caused concern for the safeguarding of children or vulnerable adults. Further information can be found here: [Making barring referrals to the DBS - GOV.UK \(www.gov.uk\)](http://www.gov.uk/making-barring-referrals-to-the-dbs)
- 5 The Admissions Manager will make referrals by completing the [on-line referral form](#) and submitting to the DBS together with any supporting information and evidence which may be held, on behalf of the University.
- 6 The DBS can only consider referrals that are related to safeguarding children or vulnerable adults in the workplace (including volunteers) during a regulated activity.
- 7 The University will follow current guidance issued by the DBS, [DBS checks: guidance for employers - GOV.UK \(www.gov.uk\)](http://www.gov.uk/db-checks-guidance-for-employers)

2 Additional Checks for Teacher Training

- 1 All teacher training students who may be working with
 - Early Years aged children, birth to Reception (5 years old) during and after school hours
 - above Reception age but below 8 years old out of school hours (but not extended hours for co-curricular activities) i.e. breakfast clubs and other after school provision

will be required to complete an annual declaration as per Disqualification under the Childcare Act 2006 (Sections 75 and 76). For more information, see <https://www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006/disqualification-under-the-childcare-act-2006#staff-covered>

2 All teacher training students will have a Teacher Status check, accessed through the Department for Education (DfE) portal, to

- identify any prohibition, sanction or restriction that may/will affect their ability to carry out certain activities, or work in particular roles, for example, Secretary of State's teacher prohibition order
- see details of any Secretary of State decision not to impose a prohibition order following a professional conduct panel's determination of unacceptable professional conduct, conduct that may bring the profession into disrepute or conviction of a relevant offence
- identify potential restrictions imposed by the [Disclosure and Barring Service \(DBS\)](#)

3 On-line Health Assessment (OHA)

1 Training providers have a responsibility to ensure that trainee teachers have the health and physical capacity to train to teach and will not put children and young people at risk of harm. The activities that a teacher must be able to perform are set out in the [Education \(Health Standards\) \(England\) Regulations 2003](#) . People with disabilities or chronic illnesses may have the capacity to train to teach, just as those without disabilities or medical conditions may be unsuitable to train to teach.

2 The University is responsible for ensuring that only trainees who have the capacity to teach remain on the programme. Successful applicants will be asked to complete an on-line fitness questionnaire prior to commencing the programme. This is provided by a third party and is totally confidential and secure.

3 Applicants for the EYITT course must also undertake this assessment.

4 Students on a Registered Healthcare Programme must, prior to commencement on a course, undertake an occupational on-line health check, including an assessment of inoculations as required for any NHS positions. The University shall ensure that all relevant checks on trainees are commissioned as are required under Department

of Health guidance in force at the time of the check.

- 5 Students on a Registered Healthcare Programme will be required to undergo vaccination where appropriate to ensure alignment to any NHS requirement.
- 6 In all mentioned cases, upon receipt of a firm acceptance of the offer of a place, the University will send the applicant log-in details to complete a confidential on-line health questionnaire. This is confidentially and securely managed by an external contractor, who will forward a decision to the University as follows:
 - Pending
 - Fit
 - Fit with Restrictions
 - Unfit for the role
- 7 Where the status is Fit or Fit with restrictions, the applicant will be deemed as suitable for the role. Where the status is Unfit for the role, the Admissions Manager will withdraw the offer of a place or offer an alternative programme of study. This information is for facilitating an admissions decision only and is totally confidential and will not be used for any other purpose.

3.1 Appeals

- 1 If the applicant appeals against the decision and can provide further evidence to support their appeal, the Admissions Manager will request a re-assessment of the fitness of the applicant. The final decision on acceptance on the course is made by the University.
- 2 The University will not allow any trainee to commence a placement organised by the University until the student has been assessed as Fit or Fit with Restrictions.

4 Fee/Residency Assessment

- 1 The fees and awards regulations allow publicly funded institutions to discriminate against students who do not meet the eligibility requirements, by charging them a higher 'International' fee. The purpose of the regulations is to allow discrimination that would otherwise be unlawful and to protect institutions from prosecution under the Race Relations Act 1976.

- 2 You are eligible for 'Home' fees, if you
 - are Irish
 - have indefinite leave (but not through the EU Settlement Scheme)
 - are the spouse/civil partner/child of a UK national and have lived in the UK for 3 years
 - are a UK national or their spouse/civil partner/child, and have lived in Europe/Switzerland/an EU overseas territory for part of the last 3 years
 - are a UK national or their spouse/civil partner/child, and have lived in any of the British Overseas Territories (these include Gibraltar) for part of the last 3 years
 - have residence rights in Gibraltar
 - are an EU national or their spouse/civil partner/child, and you (or the EU national) moved to the UK before the end of 2020
 - are an EU national and have lived in the UK or Channel Islands or Isle of Man for the last 3 years
 - are a national of Switzerland, Norway, Liechtenstein or Iceland, or their spouse/civil partner/child, and one of you moved to the UK before the end of 2020
 - Your parent has been an EU or EEA worker in the UK in the past
 - Your Swiss parent has pre-settled status or settled status under the EU Settlement Scheme
 - Your Turkish parent lives in the UK, and you moved to the UK before the end of 2020

- 3 Updated detailed information can be found here:
[england he who pays home fees public version5 24.10.21.pdf \(ukcisa.org.uk\)](https://www.ukcisa.org.uk/england/he-who-pays-home-fees-public-version5-24.10.21.pdf)

4.1 Procedural

- 1 The University adheres to the above regulations. Any applicants who are identified as meeting the following criteria are sent a Fee/Residency Assessment questionnaire to complete:
 - Entry into the UK after their date of birth
 - Non-UK nationality
 - Non-UK permanent residence
- 2 The Admissions Manager will assess the fee/residency status of the applicant on behalf of the University and advise the applicant of the decision in writing.
- 3 The University will accept further evidence which could alter the status decision. In these cases, the Admissions Manager will re-assess the status of the application based on the supplementary information.
- 4 The Admissions Manager will also use the Fee/Residency Status form to assess the immigration status of the applicant on behalf of the University for UKVI visa purposes.

5 Sponsoring students under UKVI legislation

- 1 To qualify under the Student Visa requirements, a student must score 40 points. To be able to apply for permission to enter or stay in the UK under UKVI, the student will need a confirmation of acceptance for studies (CAS) from their UKVI education sponsor. The student's application must be made no more than six months before the start date of their course. The University has Basic Compliance status with UK Visas and Immigration (UKVI) and is licenced to issue CAS.
- 2 Any non-UK applicant who does not have leave to remain in the UK, must check to see if they require a student visa to study at the University.

- 3 You can check here: [Check if you need a UK visa - GOV.UK \(www.gov.uk\)](https://www.gov.uk/check-uk-visa)
- 4 Information on how to apply for a student visa can be found here:
[Student visa - GOV.UK \(www.gov.uk\)](https://www.gov.uk/student-visa)
- 5 The University must make sure that the course the student wants to do is acceptable for a Student Visa, and that any work placements meet the UKVI requirements.
- 6 If the student is going to undertake a pre-sessional course to prepare them for their main course of study, the University must make sure that the pre-sessional course meets the UKVI requirements.
- 7 The University does not need to check that the student has enough money (maintenance) to cover their course fees and monthly living costs.
- 8 The University will need to verify the level of the student's English language ability.
- 9 The University will issue a CAS offering the student an unconditional place at this institution. This will enable the student to apply for permission to enter or stay in the UK as a student under Student Visa.
- 10 When the University issues the unique CAS reference number to the student, it will treat it as a secure and confidential document.
- 11 A CAS is valid for six months from the date when it is assigned. If the student does not use it within this period to apply for permission to stay under UKVI it will automatically become invalid.
- 12 If the student accepts the University's offer of place and they are granted permission to study in the UK based on the CAS, the University will become the student's sponsor. The University will undertake reporting duties for the student in line with immigration legislation.

- 13 Students can study **only** with the sponsor named on their CAS.
- 14 The University will adhere to current immigration regulations and will withdraw sponsorship of a student who fails to meet immigration requirements set by the UKVI.

6 Policy for the Recruitment of Ex-offenders

- 1 As an organisation assessing applicants' suitability for positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order using criminal record checks processed through the Disclosure and Barring Service (DBS), the University complies fully with the [Code of Practice](#) and undertakes to treat all applicants for positions fairly. The University undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.
- 2 An application for a criminal record check is only submitted to DBS after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a criminal record check is identified as necessary, all application forms, marketing and recruitment briefs will contain a statement that an application for a DBS certificate will be submitted in the event of the individual being offered a place on a course.
- 3 The University ensures that all those in the institution who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. The University also ensures that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.
- 4 The University makes every subject of a criminal record check submitted to DBS aware of the existence of the [Code of Practice](#) and makes a copy available on request.

- 5 The University undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of a place on a course.
- 6 Having a criminal record will not necessarily bar you from working or studying with us. This will depend on the nature of the position and the circumstances and background of your offences.
- 7 On the 29 May 2013, legislation ¹ came into force that allows certain old and minor cautions and convictions to no longer be subject to disclosure.
- 8 In addition, employers and training providers will no longer be able to take an individual's old and minor cautions and convictions into account when making decisions.
- 9 All cautions and convictions for specified serious violent and sexual offences, and other specified offences of relevance for posts concerned with safeguarding children and vulnerable adults, will remain subject to disclosure. In addition, all convictions resulting in a custodial sentence, whether or not suspended, will remain subject to disclosure, as will all convictions where an individual has more than one conviction recorded.

Appendix A

Regulated Activity in relation to Children

[Department for Education \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

Statutory guidance: Regulated Activity (children) - supervision of activity with children which is regulated activity when unsupervised

[Department for Education - \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

Information on regulated activities for adults:

[DH Title \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

Appendix B

Professional Issues and Criminal Convictions Panel

Serviced by: Registry Services

Reports to: University Secretary and Registrar / Teaching Learning and Academic Quality Committee

1. Terms of Reference

1.1 To assess convictions, cautions, reprimands and warnings as detailed on a Disclosure and Barring Service certificate or where an applicant has indicated relevant unspent convictions on their application and provided additional information

1.2 To assess, Pre-Course Occupational Health, Reasonable Adjustments and Student Suitability Declarations to ensure only applicants who will be able to fulfil the competency standards of the course and of the relevant Professional Statutory and Regulatory Body (e.g. NMC/HCPC etc.), and following graduation be suitable to work within their chosen field, are admitted to the programme.

1.3 To complete a formal risk assessment as to whether an applicant or registered student poses an unacceptable risk; to take a 'reasonable' view as to the risk which the applicant would or the registered student does pose to the institution, its members, visitors and the community, including placements.

1.4 To offer an alternative programme of study if the applicant's requirements or declarations cannot be accommodated.

1.5 To seek further information and expert knowledge where appropriate

1.6 To make recommendations to the University Secretary and Registrar based on the risk assessment

2. Membership

2.1 The membership of the Panel shall be as follows:

- Head of Quality and Standards (Chair)
- Representative from the Student Wellbeing and Support
- Admissions Manager
- Practice Learning Compliance Manager (where appropriate)
- Apprenticeship Manager (where appropriate)
- The relevant Programme Leader
- One safeguarding Lead per Academic School
- A member of Registry Services (Secretary) (in attendance)

3. Frequency of Meetings and Conduct of Business

- 3.1 The Panel will meet regularly during the recruitment cycle, with meetings convened when an issue has been identified following an initial desk-based review.
- 3.2 For PSRB programmes a registered member of staff will be required to attend
- 3.2 The panel will report to the University Secretary and Registrar via its minutes

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