

**Fitness to Practise**  
**For those Registering as a qualified Voice**  
**Rehabilitation Specialist**



This signed statement is a statutory requirement for all practitioners who may be working in healthcare settings, and with children or vulnerable adults. It is a necessary part of the professional registration process.

The statement requires the applicant to provide evidence to support the following:

**Declaration of good character**

Criminal convictions and/or police cautions

Disciplinary findings or outstanding complaints against applicants

**Personal cover**

Current DBS form

Valid Professional Indemnity Insurance

Evidence of your own client complaints pathway

Evidence for ongoing supervision and CPD

**Key definitions for this document**

**VHE**

Vocal Health Education Ltd, an education provider that issues the qualification of Voice Rehabilitation Specialist.

**VRS**

Fully qualified Voice Rehabilitation Specialist.

**Applicant:** An individual who has applied for Specialist Member of Vocal Health Education (VRSMVHE) but has not yet registered.

**DBS Disclosure:** A Disclosure and Barring Service Enhanced Disclosure

**Criminal Conviction(s)**

Any conviction, caution (including youth caution, verbal or written caution, conditional or unconditional caution), conditional discharge, youth rehabilitation order, warning, reprimand, bind over order, community order, community protection notice (CPN),

restraining order, sexual offences prevention order, penalty notices for disorder (PND), anti-social behaviour order (ASBO) or violent offender order (VOO), or similar in the UK or any other jurisdiction.

### **Regulated Profession**

Any workplace relating to and/or involving:

- Teaching
- Work with children and/or vulnerable adults
- Health care professions where these are subject to professional or regulatory oversight.

### **Relevant Criminal Conviction(s)**

The individual should not declare convictions, cautions, warnings or reprimands which are deemed “protected” under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013). A conviction or caution can become “protected” as a result of a filtering process. Guidance and criteria on the filtering of convictions and cautions can be found on the [\*\*Disclosure and Barring Service website\*\*](#). Any such “protected” convictions or cautions shall not be deemed Relevant Criminal Conviction(s) for the purposes of this policy. You will need to declare any Criminal Conviction(s), whether Spent or Unspent.

### **Spent**

Any Criminal Conviction(s) that has become spent after a rehabilitation period as provided for under the Rehabilitation of Offenders Act 1974. Please note that Criminal Conviction(s) in respect of whether there is or was a custodial sentence of more than four years can never become Spent.

### **Un-spent**

Any criminal conviction(s) that has not yet become Spent.

## **Introduction**

### **Purpose**

The purpose of this Policy is to clearly define VHE’s processes regarding the declaration of criminal convictions by the qualified VRS. This Policy applies to all Applicants for VRSMVHE.

### **Scope**

1. The reasons why VHE requests criminal conviction declarations.

2. How VHE reviews the information required from those making a criminal convictions declaration.
3. The possible outcomes of such review.
4. The appeals procedures.
5. How VHE stores the information given during this process.

### **The reasons why VHE requests criminal conviction declarations.**

- 1.1 A failure to disclose any Relevant Criminal Conviction(s) is taken seriously and could result in the termination of any registration as VRSMVHE in accordance with the *Disciplinary Regulations*.
- 1.2 VHE has an obligation to ensure, as far as possible, that practitioners who undertake professional preparation programmes are of good health and good character.
- 1.3 Qualified VRS practitioners may be working with children or vulnerable adults and will need to provide an up to date DBS Disclosure.
- 1.4 Applicants will be asked to declare any Relevant Criminal Conviction(s) on this form. Further details are available on the programme pages of the University website.
- 1.5 If an Applicant discloses any Relevant Criminal Conviction(s) further information will usually be requested. VHE will require the information detailed at section 2.1. relating to the Applicant's Relevant Criminal Conviction(s) to enable VHE to give full consideration to the Applicant's disclosure.

### **How VHE reviews the information required from those making a criminal convictions declaration.**

2.1 If an Applicant has disclosed a Relevant Criminal Conviction(s), VHE will formally request the following information from the Applicant in order to review their disclosure:

- a) written details of the nature and date of the offence and Relevant Criminal Conviction(s), name of the court, date of conviction and sentence/fine;
- b) the name and contact details of any Probation Officer and/or Social Worker and written consent that the University may contact them and use any information they provide for the purposes of reaching a decision;
- c) where a probation report is unavailable, a reference from an employer which includes confirmation that they are aware of a Relevant Criminal Conviction(s) (if available ), work history, confirmation that the Applicant has informed their current employer of a Relevant Criminal Conviction(s) (all requested on a case-by-case basis); and
- d) any other information that the Applicant wishes to be taken into account.

If an Applicant has a Relevant Criminal Conviction(s) from a court outside the UK, additional checks may be carried out depending on the records available in respect of the applicable jurisdiction.

2.2 VHE is not a professional or regulatory body but registration with regulatory bodies relies on statements and declarations made by the VHE when admitting applicants to the Register which they maintain.

### **The possible outcomes of such review.**

3.1 A decision to refuse or to withdraw an offer because of a Relevant Criminal Conviction(s) can only be taken by the Criminal Convictions Group or Professionalism Group. The Professionalism Group will ensure that an open and measured discussion takes place on the subject of the Relevant Criminal Conviction(s) and on any other matters pertinent to the Relevant Criminal Conviction(s).

3.2 The Professionalism Group comprises the following members of staff:

- a) A representative from the VHE management staff who will undertake the role of Chair;
- b) At least one registrant from the relevant professional body; and
- c) An independent consultant

Decisions are made by a subgroup of two of any of the above members of staff on a majority basis.

A secretary will be present when the Professionalism Group meets.

3.3 The Professionalism Group will consider the matters detailed at sections 2.1. and may request additional information at their discretion. They will have regard to factors including but not limited to:

- a) the Applicant's age at the time of the offence;
- b) how long ago the offence took place;
- c) whether it was an isolated incident or a pattern of offending;
- d) what else is known about the Applicant's conduct before and since the offence (including whether the Applicant is currently working in health care and whether their current employer is aware);
- e) mitigating factors raised by the Applicant;
- f) any legal requirements placed on the Applicant (including but not limited to):
  - i. a requirement that they reside at a certain place;
  - ii. a requirement relating to their making or maintaining contact with a person;
  - iii. a restriction relating to their making or maintaining contact with a person;
  - iv. a restriction on their participation in, or undertaking of, an activity (this can include use of computers or other electronic devices, it can also include attendance at non-approved places of worship);

- v. a requirement that they participate in, or co-operate with, a programme or set of activities (this can include addressing addiction or behavioural issues);
- vi. a requirement that they comply with a curfew arrangement;
- vii. a restriction on their freedom of movement (which is not a curfew);
- viii. a requirement relating to their supervision in the community by a responsible officer; and
- xv. any conditions placed on the Applicant (for example, but not limited to, drug testing or electronic monitoring).

Applicants will not normally be invited to attend this meeting unless clarifications are required in relation to the information provided.

Applicants will be informed of the outcome of the consideration of their case within five working days of a decision being made. The Applicant will have the right to receive feedback on the deliberations. The outcome will be that the Applicant's membership is confirmed, that registration will be subject to conditions, or that the application is withdrawn.

### **The appeals procedures.**

4.1 If an Applicant has a Relevant Criminal Conviction(s) and the Professionalism Group, on behalf of VHE, does not offer the Applicant membership of Vocals Health Education (VRSMVHE), the Applicant has the right to appeal.

4.2 Appeals must be made in writing by email to the VHE Management within ten working days of an Applicant receiving written notice of the decision they wish to challenge.

4.3 An appeal may be made on the following grounds:

- a) that in making its decision VHE failed to follow its regulations and/or procedures or failed to follow them with due care;
- b) that VHE has shown bias or prejudice towards the Applicant in the way that it has made the decision;
- c) that the terms of any conditions are excessive;
- d) that the Applicant does not pose a risk to themselves and/or third parties; and/or
- e) that relevant new evidence has become available that should be considered and there are good reasons as to why this was not provided earlier.

4.4 Appeal decisions are made within ten working days by an Appeal Panel constituting:

- a) the Director of VHE who will undertake the role of Chair;
- b) At least one registrant from the relevant professional body; and
- c) An independent consultant

Decisions are made by a subgroup of two of any of the above members of staff on a majority basis.

A secretary will be present when an appeal decision is made.

Applicants do not normally attend this meeting (unless any clarifications regarding the information provided is required) but will have the right to receive feedback on the deliberations.

4.5 Possible outcomes arising from successful appeals are: that the matter is considered afresh by a newly constituted Professionalism Group; that the conditions are varied; that the original findings are substituted for that of the Appeal Panel; or, where the unfairness is extreme, the findings of the Professionalism Group (as applicable) are nullified.

### **How VHE stores the information given during this process.**

5.1 VHE will ensure that this information will only be seen by those who need to consider it as part of the University's criminal convictions review process and that it will not be retained for longer than is necessary for this purpose, proportionately managing any risks and dealing with any potential complaints. This will be in accordance with VHE's document retention policy and applicable privacy notice.

### **Exceptions to this Policy**

There are no exceptions to this Policy. This Policy shall apply to all applicants.

Once registered, all members are required to disclose any new Relevant Criminal Conviction(s) on an ongoing basis and as soon as a Relevant Criminal Conviction(s) is confirmed.

A failure to disclose any Relevant Criminal Conviction(s) (whether at application stage or once registered) is taken seriously and could result in the practitioner being removed from the register subject to a formal disciplinary process.

### **Legislative context**

This Policy has been drafted so as to meet the requirements of the following legislation:

1. Data Protection Act 2018;
2. General Data Protection Regulation (EU) 2016/679;
3. Rehabilitation of Offenders Act 1974;
4. Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975; and
5. Higher Education and Research Act 2017.