



**UNLOCK**  
The National Association  
of Reformed Offenders

# Vetting & Barring Scheme: Issues raised by reformed offenders

UNLOCKing Employment

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UNLOCK is an independent charity and membership organisation, set up to achieve equality for people with previous convictions. We believe in a society in which reformed offenders are able to fulfil their positive potential through equal opportunities, rights and responsibilities.

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## Glossary

<b>VBS</b>	Vetting and Barring Scheme
<b>ISA</b>	Independent Safeguarding Authority
<b>DMP</b>	Decision Making Process
<b>SJP</b>	Structured Judgement Procedure
<b>PNC</b>	Police National Computer
<b>CRB</b>	Criminal Records Bureau
<b>ROA</b>	Rehabilitation of Offenders Act 1974
<b>SVGA</b>	Safeguarding Vulnerable Groups Act 2006

## 1. Statement of Purpose

- 1.1 This document aims to raise those issues that have been identified by both UNLOCK and its members concerning the Vetting & Barring Scheme (VBS) and the Independent Safeguarding Authority (ISA), and seeks clarification of how the VBS/ISA will affect people with criminal convictions. It is not intended to serve as UNLOCK's final policy position on the VBS or ISA.
- 1.2 This document is part of the UNLOCKing Employment series and can be read in conjunction with the following documents:
- Briefing Paper for the Second Reading of the Rehabilitation of Offenders (Amendment) Bill 2009 (December 2009)
  - Recommendations to the Independent Review of Police on Retaining and Disclosing Records held on the PNC (February 2010)
  - Briefing Paper on the Criminal Records Bureau (February 2010)
- See UNLOCKing Employment at [www.unlock.org.uk/campaign.aspx](http://www.unlock.org.uk/campaign.aspx)

## 2. Policy Context

- 2.1 The VBS exists within a broader policy context relating to the disclosure of convictions. The Rehabilitation of Offenders Act 1974 (ROA) is designed to encourage reintegration into society by enabling individuals with less serious convictions to refrain from disclosing them if they go a significant period of time (typically between five and ten years) without committing further crimes. After this period, convictions are deemed to be 'spent'. However, there are an increasing number of exceptions to the ROA which allow employers to ask questions relating to spent convictions and undertake CRB checks to discover them. These checks can not only reveal all criminal convictions, but cautions, unproven allegations, and even further 'soft' information such as findings of innocence. Once in possession of such information, an employer may lawfully withdraw an offer of employment based on that information.
- 2.2 The Safeguarding Vulnerable Groups Act 2006 (SVGA) creates a further exception to the ROA, which means that as from October 2009, 11.3 million people in England and Wales (an estimate recently revised to 9 million as a result of a review by Sir Roger Singleton) are no longer protected by the ROA in the context of their work. If the position that they apply for, or currently hold, involves 'regulated activity', the employer is eligible to undertake a CRB check and, from November 2010, require ISA registration.

### 3. Objectives

#### 3.1 Introduction

UNLOCK agrees with the principle of providing an effective system to safeguard children and vulnerable adults. However, there are areas where attention and clarification is needed to ensure that the VBS operates as intended and does not suffer from ‘mission creep’. UNLOCK’s specific concern is the impact that the VBS will have on people with convictions, predominantly how they may be unfairly or unnecessarily discouraged or prevented from working in their chosen occupation due to the way that the VBS will operate. This paper sets out four main objectives which should be met in order to address the issues raised:

#### 3.2 The Remit of the ISA:

- a) ***Ensure that the definition of ‘regulated activity’ is clearly defined and that both employees and employers are clear about what constitutes regulated activity.***

If there is confusion in defining regulated activity, many organisations will simply require ISA registration for all roles that they offer, through fear of breaking the law.

- b) ***Ensure that steps are taken to prevent individuals being required by employers to register with the ISA (or having their ISA registration status checked) for roles that are not regulated activity under the SVGA.***

An individual barred from working with children and/or vulnerable adults may legitimately seek employment in an area not covered by ISA-registration. However, if employers are able to require ISA registration or conduct ISA checks irrespective of whether the role is defined as regulated activity, individuals who are barred by the ISA may be barred from a wider range of employment - effectively all positions where ISA-registration is requested.

#### 3.3 The ISA Decision Making Process:

- c) ***Ensure that people with convictions are clear about what impact their convictions will have on their ability to register with the ISA.***

The current guidance on the Decision Making Process does not make clear what impact convictions will have on ISA registration.

- d) ***Ensure that people with convictions are not barred by the ISA unfairly or unnecessarily.***

Given the severe measure that is imposed by the ISA (a lifetime ban), the system the ISA administers must be fair, transparent, and accountable via effective representation and right of appeal processes.

## 5. The Remit of ISA Registration

In this section:

- Compulsory versus optional ISA registration
- Definition of regulated activity
- Official clarification
- ISA status checks
- Registered/Umbrella bodies
- Legal CRB checks
- Illegal CRB checks

### 5.1 Compulsory versus optional ISA registration

Under the SVGA, those undertaking regulated activity have a legal duty to be ISA registered. Furthermore, employers have a legal duty to ensure that those undertaking regulated activity are registered with the ISA.

However, while some individuals *must* register with the ISA to meet their legal obligations, others may simply *opt* to register. Similarly there are some circumstances in which employers *must* make an ISA check and some in which they *may*. Under the SVGA, only those undertaking regulated activity *must* register with the ISA.

**Action needed: Clear guidance for individuals on the types of roles which will require, and those that may require, ISA registration.**

**Action needed: Clear guidance for employers on what types of roles compel them to require ISA registration and what types permit them to require it.**

### 5.2 Definition of regulated activity

Since there is a strict legal obligation to conduct ISA checks for positions involving regulated activity, that which constitutes regulated activity needs to be defined very clearly. Responsibility for interpreting the legislative definition of regulated activity has been divided between three government departments; the Department for Children, Schools and Families, the Home Office and the Department of Health.

The definition of regulated activity under the SVGA currently requires individual interpretation by employers. Whilst employers may be in the best position to assess what a role involves, clear guidance is required for both individuals and employers to ensure that only those roles which genuinely involve regulated activity require ISA-registration.

Examples of areas of such confusion include:

- The extent of the 'peer' exemption under the SVGA
- People working in prison but who are not prison staff

**Action needed: A clear definition of regulated activity**

### 5.3 Official clarification

It is currently unclear how an individual or employer can reliably ascertain whether a particular position constitutes regulated activity. There appears to be no effective route by which official clarification can be obtained. While a VBS helpline does exist (via telephone and email), UNLOCK has found it to provide inaccurate and conflicting advice and in some cases fail entirely to respond to requests for advice.

Thus far, ISA guidance has been that if an individual is in doubt as to whether an activity is a regulated activity, and therefore whether they need to be ISA registered, they should discuss the nature of the work with the employer and be guided by them. However, any individual that raises such a question will inevitably be ‘raising their head above the parapet’ and will disadvantage themselves in the recruitment process leading to, at best, a pyrrhic victory.

**Action needed: Establishment of an effective process by which individuals and employers may seek official clarification as to whether a specific position constitutes regulated activity without recourse to specialist legal advice.**

### 5.4 ISA status checks

Under s.30 of the SVGA, if an employer wants to check the status of an individual’s ISA-registration, they have to make an ‘appropriate declaration’ consisting of two elements:

1. The employer has the consent of the individual concerned, and
2. The position falls within column 1 of Schedule 7 (essentially regulated activities)

Under s.34 of the SVGA, it is illegal for an employer to knowingly or recklessly make a false declaration when making a check of an individual’s ISA status. In this regard the legislation is quite clear as to who can make an ISA status check. However, in practice, checks of ISA status may be made for positions that are not regulated activity without enforcement of the criminal penalties stated in the SVGA which are designed to prevent it. ISA status checks are to be conducted online and there are no safeguards in place to *prevent* employers from asking for an individual’s ISA registration number where the position is not one of regulated activity.

As with registration, if a prospective or current employee is asked for their ISA registration number but the role does not involve regulated activity, they cannot challenge the request. Any challenge will raise suspicions that the person has something to hide. Therefore, employers are unlikely to be challenged by employees and those who are barred by the ISA will effectively be barred from employment which is entirely legitimate under the SVGA.

**Action needed: Clear communication of the criminal penalties for making a false declaration with regard to a position being one of regulated activity.**

**Action needed: Develop and implement effective processes to ensure that ISA checks are only available where a role genuinely involves regulated activity.**

**Action needed: Establishment of an effective process by which individuals may raise concerns about an employer requiring ISA registration or status checks for positions that do not involve regulated activity.**

## 5.5 Registered / Umbrella bodies

Whether an individual seeks ISA registration independently or as part of applying for a job, the registration process is part of the existing CRB application process. Most applications will be made as part of an employer's request for a CRB check and ISA registration is to be built into the current CRB application form.

Since a 'Registered Body' or 'Umbrella Body' must authorise a CRB check, theoretically they should ensure that the position involves regulated activity if an ISA check is being requested. However, given the lack of clarity around the definition of regulated activity, many of these bodies lack understanding themselves. Given that CRB checks represent an important income stream for many of these organisations, there will always be pressure to err on the side of allowing checks to be processed. Therefore such bodies are unlikely to be able to provide an effective bulwark against inappropriate checks.

If the VBS does not ensure that only those positions that are defined in legislation as 'regulated activity' are able to require ISA registration, those who are barred by the ISA will effectively be barred from a far broader range of employment than intended by the SVGA.

**Action needed: Provision of training on the definition of regulated activity for all Registered / Umbrella bodies to improve their ability to identify illegal applications.**

**Action needed: Develop and implement effective processes to ensure that ISA registration applications are only processed where a role genuinely involves regulated activity.**

## 5.6 Legal CRB checks

UNLOCK's Briefing Paper on the Criminal Records Bureau (February 2010) discussed the growth of legal CRB checks which circumvent the protections of the Rehabilitation of Offenders Act 1974 (ROA), leading to negative consequences for the labour market.

In October 2009, regulated activity was introduced as a new exception to the ROA, therefore roles defined as involving regulated activity are not protected by the ROA. Roles that were not previously eligible for a CRB check will become so if they involve regulated activity. In practice this means even wider use of CRB checks, whereby additional conviction and non-conviction information, not considered relevant to the ISA, will become available to the employer with consequent effects on employment. For example, an employer could choose not to employ someone on the basis of a very old and very minor conviction, despite the individual successfully registering with the ISA.

**Action needed: Reconsider the assumption that where a position is subject to ISA registration an employer should have an automatic right to an Enhanced CRB check**



## 5.7 Illegal CRB checks

UNLOCK's Briefing Paper on the Criminal Records Bureau (February 2010) also discussed the growth of illegal CRB checks, which circumvent the protections of the ROA.

Any lack of clarity around the definition of regulated activity would encourage the conducting of illegal CRB checks. Without very clear guidance, and in an increasingly risk-averse environment, employers operating will tend towards a 'blanket' approach. Over-zealous interpretation of regulated activity, and therefore ISA registration, will lead to CRB checks being conducted where they are unnecessary and illegal. This will create unnecessary financial, administrative and legal problems for employers. People with spent convictions (which are older and less serious) will have those convictions disclosed to the employer in situations where they should be protected by the ROA. Failure to ensure that only those positions defined in legislation as 'regulated activity' are able to require ISA registration and status checks would introduce a *de facto* criminal record check on many more occupations than intended by the SVGA.

ISA registration will form part of an 'Enhanced' CRB check. Under the Police Act 1997, it is a criminal offence to obtain a CRB check for a position that does not come under the exceptions to the ROA. The maximum sentence is 6 months imprisonment and/or a £5,000 fine.

Any position that does not involve regulated activity must fall under a separate exception if a CRB check is to be carried out legally. However, there is evidence that many employers are carrying out CRB checks for jobs that do not fall under the ROA exceptions.

While this practice is allowed to continue, individuals undertaking roles that are not regulated activity may be required by employers to undergo an enhanced CRB check and register with the ISA. Therefore, in practice, ISA registration may be required by employers for positions that are not regulated activity.

**Action needed: Review of CRB process focusing on the need to prevent illegal checks.**

## 6. The ISA Decision Making Process (DMP)

In this section:

- Legislative basis for the DMP
- General DMP guidance
- Auto-bar conviction lists
- Relevance of non auto-bar convictions
- Interpretation of non auto-bar convictions
- Right to representations
- Right of appeal
- Right to review

### 6.1 Legislative basis for the DMP

There is no legislation which sets out in any detail the DMP used by the ISA to make barring decisions. Though it is supposed to be subject to regular review, it has been invented by the ISA with little external scrutiny.

The scope of the ISA is likely to increase inexorably, as the types of people barred are influenced by the news story of the day. In a highly charged risk-averse environment, each media-driven ‘public outcry’ over a registered person with a particular conviction that committed abuse will lead to severe pressure to include those convictions in future barring decisions. The ISA itself envisages that the DMP, and in particular the risk assessment element, will change over time. In fact, they are already in the process of revising caseworker guidance notes. The need to continually learn and refine processes is obvious. However, convictions may be unfairly seized upon as causal factors due to their relative visibility versus other, more complex, factors. In this sense they are an ‘easy target’.

**Action needed: The DMP should be detailed in legislation so that the way that the ISA make their decisions can subject to Parliamentary scrutiny.**

### 6.2 General DMP guidance

Who the ISA intend to bar remains unclear. On its website, the ISA has ‘guidance notes’ intended to detail the DMP applied to each individual case. The current guidance is not sufficient to allow an individual to make a reasonable assessment as to the likelihood that the ISA would register them.

Guidance issued in October 2009 gave only an *indication* of the process and had been available from the ISA website since February 2009.

**Action needed: Production of ‘user-friendly’ information on the DMP to allow members of the public to make an assessment as to whether they are likely to register them.**

### 6.3 Auto-Bar Conviction Lists

Some offences lead to either an automatic bar or an automatic bar with the right to make representations. However, it is not clear which offences are in these categories or whether they are justified in being included in *all* circumstances.

A full list of such offences can actually be found within the “Prescribed Criteria and Miscellaneous Provisions” schedule of the Safeguarding Vulnerable Groups Act 2006 Regulations 2009. However, it is often impossible, even for legal experts, to establish the detail of an offence from the section of legislation under which it is charged. For example, an automatic bar applies to those convicted under sections 30-41 of the Sexual Offences Act 2003 but this does not make clear what that offence actually was.

Furthermore, when charging an individual suspected of an offence, the Crown Prosecution Service can often choose from a range of ‘sections’ under which to make that charge. The same offence, committed by people from different, at different times, in different places, may be charged under different sections of legislation. The existence of the list must not factor in, nor influence, CPS decisions in order to ensure an automatic bar if convicted.

**Action needed: The ISA to make clear, using plain language, which offences are subject to auto-barring.**

**Action needed: Consideration of the potential for variations in CPS decision making to create unfair disparities and the need to mitigate against this via guidance for the CPS.**

**Action needed: Amendment to the SVGA to remove auto-bar without representation.**

### 6.4 Relevance of Non Auto-Bar Convictions

For convictions which are not on the auto-bar lists there is a lack of information concerning how those convictions will be considered by the ISA. Questions remain around the level of importance/relevancy/risk attached to different convictions. Therefore the vast majority of people with convictions are unable to evaluate the likelihood of being able to register with the ISA. The impact of this is that many people who could be registered will avoid applying, creating an unnecessary barrier to work. Given that ISA registration is not role-specific, general guidance on the impact of specific convictions should be possible.

The ISA’s only published document on the DMP<sup>1</sup> does state that “the list of all offences on the PNC [Police National Computer] have been considered and, by building on past experience, judicial judgements and behaviours that underlie potential risk, divided into two categories”.

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<sup>1</sup> ISA, *Guidance Notes for the Barring Decision Making Process*, February 2009

These two categories are ‘relevant’ and ‘not initially relevant’. Relevant convictions are those which:

- are directed towards children and/or vulnerable adults
- involve sexual behaviour
- involve violence/potential for violence
- involve acquisitive behaviour and fraud
- involve a position of authority and breached a trust
- relate to addictive behaviour or persistent offending

The ISA document states that all other convictions will be regarded as ‘not initially relevant’, meaning that in isolation, they will not lead to a decision to bar. However, the ‘relevant’ list is extremely comprehensive and would seem to have the potential to capture the vast majority of people with convictions, from the most minor to the most serious. Given that comprehensiveness, it ought to be relatively easy to state the convictions that *would not* be relevant in their initial screening of an application.

**Action needed: The ISA to publish a list of convictions which will be regarded as ‘not initially relevant’.**

## 6.5 Interpretation of Non Auto-Bar Convictions

Once a conviction is decided to be relevant, it is important to understand how that conviction will be treated within the Structured Judgement Procedure (SJP) section of the DMP. The SJP includes the assessment of ‘aggravating’ and ‘mitigating’ factors.

It is not currently clear to what extent conviction information (specific convictions, types of conviction, time since conviction) will weigh as aggravating factors. It is not clear whether convictions that are deemed initially irrelevant, but are ‘carried through’ by virtue of other information, will be given the same weight as convictions that are considered relevant from the outset. It is not clear how deeply conviction information will be mined (e.g. early pleadings of guilt may weigh less heavily than consistent denial).

**Action needed: The ISA to produce clear guidance on the relevance/impact of convictions, aimed at the estimated 8 million people who have previous convictions in the UK.**

**Action needed: The ISA to indicate likely barring decisions for key case studies (See Annex) to provide greater clarity on the treatment of convictions.**

## 6.6 Right to Representations

When the ISA is ‘minded to bar’, an individual has the right to make ‘representations’. Convictions cannot be challenged as they are treated as matters of fact by the ISA. However, an individual may make reference to mitigating factors or observations relating to events and personal circumstances. The content and quality of these representations is critical as the burden of proof resides with the individual to prove that they should not be barred and where no representations are received, the individual is automatically barred.

Although the ISA is already making barring decisions, there is no information or support for individuals preparing representations. Many people will not fully understand how to make use of the process, rendering the process unfair. For example, like the ISA, individuals use expert evidence in mitigation. However, it is unlikely that most individuals would be aware of this, the types of expert evidence available, how and where to get them, costs etc.

Representations can only be made in writing, instantly disadvantaging those with poor literacy. There is no legal aid provision to assist in the preparation of representations.

**Action needed: The fairness of the representation process to be reviewed including:**

- **the publication of a “representation pack” providing guidance on submissions**
- **the funding of an advocacy service to support people making representations**
- **the potential for face-to-face representations before barring decisions**

## **6.7 Right of Appeal**

During the case assessment, an individual’s only opportunity to defend themselves is by way of a written submission. Once a decision is made by the ISA, there is no right of appeal on anything other than on a point of law. Appeals can be made to the Upper Tribunal Administrative Appeals Chamber only on the basis that the facts used within the DMP were incorrect or that there was an abuse of the process itself.

Appeals are not allowed to hear evidence on the process itself. For example, if a decision is made on the basis of unproven allegations made about an individual, that individual may appeal if those allegations did not occur (e.g. were made about someone else with the same name) but may not appeal against the use of unproven allegations in the decision to bar.

The lack of a proper appeals process may lead to unnecessary and costly legal challenges. Challenges to the DMP can only be made via judicial review. UNISON has raised concerns over the fact that the ‘paper exercise’ does not “give an individual a proper opportunity to defend themselves and cross examine the evidence”. The union points out that the ISA is operating in a manner “at odds with other government requirements which seek...engagement, openness, transparency and adherence to human rights legislation.”

In addition, much has been made of the recent decision by the Court of Appeal which confirmed that legal representation should have been allowed to a teaching assistant who was dismissed for sexual misconduct. The High Court had said that the decision of the disciplinary committee should be set aside because it was reached in breach of Article 6 of the Human Rights Convention (the right to a fair trial), entitling him to legal representation both at the disciplinary hearing and at any appeal. Article 6 was found to be relevant because the allegations were “career threatening” by virtue of the tribunal’s “profound influence” on whether the Independent Safeguarding Authority (ISA) subsequently decided to bar him. Given the life-changing impact of an ISA decision, there must be a robust appeal process.

**Action needed: Establish a full right to appeal consistent with the spirit of Article 6 of the Human Rights Act, including legal representation funded by legal aid.**

## 6.8 Right to Review

When the ISA bars an individual, they have a right to review after a certain period. These periods have been set differently by the ISA according to age. Those under 18 are entitled to a review of the decision after 1 year, 18-24 years olds after 5 years and over 25s after 10 years.

The rationale behind these time periods is not clear. Where they came from, on what logical basis they were founded, and who agreed to them, remains a mystery. They do not have any logical consistency with the periods set out in the Rehabilitation of Offenders Act 1974 or the data on re-offending published in *Breaking the Circle* (Home Office, 2003).

**Action needed: Review periods to be rationalised in line with existing data and legislation**

## 7. Recommended Actions

### The Remit of ISA Registration

*Ensure that the definition of 'regulated activity' is clearly defined and that both employees and employers are clear about what constitutes regulated activity.*

1. Clear guidance for individuals on the types of roles which will require, and those that may require ISA registration.
2. Clear guidance for employers on what types of roles compel them to require ISA registration and what types permit them to require it.
3. A clear definition of regulated activity
4. Establishment of an effective process by which individuals and employers may seek official clarification as to whether a specific position constitutes regulated activity without recourse to specialist legal advice.

*Ensure that steps are taken to prevent individuals being required by employers to register with the ISA (or having their ISA registration status checked) for roles that are not regulated activity under the SVGA.*

5. Clear communication of the criminal penalties for making a false declaration with regard to a position being one of regulated activity.
6. Develop and implement effective processes to ensure that ISA checks are only available where a role genuinely involves regulated activity.
7. Establishment of an effective process by which individuals may raise concerns about an employer requiring ISA registration or status checks for positions that do not involve regulated activity.
8. Provision of training on the definition of regulated activity for all Registered / Umbrella bodies to improve their ability to identify illegal applications.
9. Develop and implement effective processes to ensure that ISA registration applications are only processed where a role genuinely involves regulated activity.
10. Reconsider the assumption that where a position is subject to ISA registration an employer should have an automatic right to an Enhanced CRB check
11. Review of CRB process focusing on the need to prevent illegal checks.

## The ISA Decision Making Process (DMP)

*Ensure that people with convictions are clear about what impact their convictions will have on their ability to register with the ISA.*

12. The DMP should be detailed in legislation so that the way that the ISA make their decisions can subject to Parliamentary scrutiny.
13. Production of 'user-friendly' information on the DMP to allow members of the public to make an assessment as to whether they are likely to register them.
14. The ISA to publish a list of convictions which will be regarded as 'not initially relevant'.
15. The ISA to produce clear guidance on the relevance/impact of convictions, aimed at the estimated 8 million people who have previous convictions in the UK.
16. The ISA to indicate likely barring decisions for key case studies (See Annex) to provide greater clarity on the treatment of convictions.
17. The ISA to make clear, using plain language, which offences are subject to auto-barring.

*Ensure that people with convictions are not barred by the ISA unfairly or unnecessarily.*

18. Amendment to the SVGA to remove auto-bar without representation.
19. Consideration of the potential for variations in CPS decision making to create unfair disparities and the need to mitigate against this via guidance for the CPS
20. The fairness of the representation process to be reviewed including:
  - a. publication of a "representation pack" providing guidance on submissions
  - b. funding of an advocacy service to support people making representations
  - c. the potential for face-to-face representations before barring decisions
21. Establish a full right to appeal consistent with the spirit of Article 6 of the Human Rights Act, including legal representation funded by legal aid.
22. Review periods to be rationalised in line with existing data and legislation



## 8. Annex

In the absence of guidance so far, UNLOCK has provided 4 case studies. Using the processes that the ISA currently follow, it would be useful to people with past convictions if an indication could be given as to whether the ISA would look to bar an individual in similar circumstances.

It is accepted that the case studies would not provide enough detail to enable the ISA to make a barring decision. The ISA has already stated that there is no place for precedent in terms of directing the ultimate decision of the ISA. and it is not UNLOCK's intention to set any form of precedent with these examples.

**Case Study 1** - A was employed in a position of responsibility at a financial firm when he stole over £100,000 by transferring money into his personal account. He was found guilty of theft by employer and converting criminal property and was sentenced to a 12 month prison sentence suspended for two years, as well as 200 hours community service. This is the only information on his CRB check.

**Case Study 2** - B was found guilty of grievous bodily harm after attacking a friend on a night out. He was sentenced to 2 years imprisonment. He also has previous convictions for assault on his girlfriend (where he was sentenced to a fine) and a warning for harassment against an ex-partner.

**Case Study 3** - C was a secondary school teacher when he was found guilty of assaulting a 14 year old girl. The offence involved grabbing her in class after she was misbehaving. C was dismissed by the school as a result.

**Case Study 4** - D, a practising dentist, has had numerous accusations made against him for making inappropriate advances towards his patients. Whilst never convicted of an offence, a number of patients are becoming increasingly concerned at what they feel is unacceptable behaviour. Furthermore, a member of staff recently made a similar accusation. D denies any wrongdoing.