

Procedure for Assessment of Criminal Records

Procedure for RTPI members to declare their criminal record and how this information will be assessed.

.....
As adopted in principle by the Board of Trustees on 6 February 2019. The Board have postpone adopting clause 2 of this procedure until further notice.

Terms for declaration

1. Members of the following classes must declare relevant unspent criminal convictions to the RTPI when applying to join, upgrade or reinstate membership: Chartered Fellow, Chartered Member, Associate, Legal Associate, Legal Member or Honorary.
2. Members of the following classes must declare relevant unspent criminal convictions to the RTPI during the course of their membership: Chartered Fellow, Chartered Member, Associate, Legal Associate, Legal Member, or Honorary.
3. Student, Affiliate, Licentiate and Retired members are not required to declare criminal convictions to the RTPI.
4. Members are not required to declare:
 - a. any ongoing disciplinary investigation and/or pending disciplinary proceedings that they have been subject to by another regulatory body;
 - b. if they are undischarged bankrupt or subject to any insolvency proceedings or other arrangement with creditors in respect of their debts.
5. Members, of any class, who are based outside of the UK and Republic of Ireland are not subject to this procedure and do not need to notify the RTPI of convictions they hold.
6. If an unspent criminal conviction is declared when applying to join, upgrade or reinstate membership, the application will be sent to the assessors in line with normal procedure. The assessors of the application are not notified that a criminal record has been declared and will not be sent the Criminal Record Declaration Form completed by the applicant. If the assessor is aware of the criminal record, they will step down from the assessment of the membership application and declare a conflict of interest.



Initial assessment of declaration

7. RTPI officers will undertake an initial assessment of the Criminal Record Declaration and refer it to the Criminal Conviction Assessment Panel for determination if any of the following apply:
 - a. it arises directly out of their professional activities;
 - b. it results in a sentence of imprisonment, whether suspended or not;
 - c. it constitutes an offence of serious dishonesty;
 - d. it is otherwise of a nature which calls into question the member's integrity;
 - e. it may otherwise undermine the reputation of the profession.

8. This list is not exhaustive of the offences materially relevant to a member's ability to comply with the RTPI Code of Professional Conduct and criteria will be reviewed over time to ensure the greatest transparency for existing and prospective members. RTPI officers may request further details from the individual before referring the case to the Panel.

Criminal Conviction Assessment Panel

9. If RTPI officers refer a conviction for determination, four members will be required to make a decision regarding the conviction, with two members being drawn from the Membership and Ethics Committee and two from the Conduct and Discipline Panel. This body will be known as the Criminal Conviction Assessment Panel.

10. If the conviction is referred to the Criminal Conviction Assessment Panel, the candidate is notified and advised that their Criminal Record Declaration will be determined within two months from the membership application deadline date (in the event of joining, upgrading or reinstating) or the date the Criminal Record Declaration was submitted (if during the course of membership). Membership application results will be withheld by the RTPI until a determination has been made.

11. If the conviction is not referred to Criminal Conviction Assessment Panel, the individual will be notified.

12. Prior to making their determination, the Criminal Conviction Assessment Panel will be given access to:
 - a. the Criminal Conviction Declaration and any other relevant information provided by the individual, which may include their application for membership (if applicable);
 - b. the RTPI Procedure for Assessment of Criminal Records; and
 - c. the relevant legislation in the jurisdiction in which the individual is based (England, Wales, Scotland, Northern Ireland or Republic of Ireland).

13. The Criminal Conviction Assessment Panel must consider the Policy Statement for Members with Criminal Records and the Criminal Conviction Assessment Framework when making their decision.



14. The Criminal Conviction Assessment Panel shall make determinations based on the grounds of the Criminal Record Declaration stating at least one of the following:
 - a. allow the individual to continue their membership and/or membership application (if applicable).
 - b. refuse the individual access to membership, if it is determined that the conviction warrants it, until such a time as the conviction becomes spent unless exceptional circumstances apply. The individual may be offered another membership grade if appropriate.
 - c. The individual will be notified of the outcome in writing.

15. Information regarding the criminal conviction will be kept on file in line with the relevant data protection regulations and will be recorded for monitoring purposes.

Criminal Conviction Appeal Panel

16. The decision of the Criminal Conviction Assessment Panel can be appealed.

17. The grounds on which an appeal may be made are that:
 - a. the defined process for considering the conviction was not followed;
 - b. that the determination was wrong in that insufficient weight was given to, or incorrect conclusions were made from the evidence provided;
 - c. that the individual has acquired new information, which could not have been submitted previously which would have been likely to have influenced the decision of the Criminal Conviction Assessment Panel;
 - d. that the sanction imposed was excessive in the light of the determination.

18. Any such notice of appeal must be made in writing to the RTPI Head of Membership within 21 days of the date of the outcome letter, and must state the grounds for the appeal and state the facts of matter relied on in support of the appeal. An appeal can take up to three months to process and will be considered by the Criminal Conviction Appeal Panel in accordance with the relevant procedures.

19. Existing members will not have their membership revoked until any appeal is determined or the time period for submitting an appeal has lapsed.

20. Prospective members will not be able to proceed with their membership application until the appeal is determined.

21. The Criminal Conviction Appeal Panel will hear the case anew and will be provided with all the documentation that was available to the Criminal Conviction Assessment Panel as well as the additional appeal documents. No further documentation may be submitted unless it falls under clause 16(c).

22. The decision of the Appeal Panel shall be final and notice of the decision and the reasons therefore will be sent to the appellants in writing.



RTPI

Royal Town Planning Institute

Declaration of criminal conviction by third party

23. If the RTPI are notified of a criminal conviction by a third party, either via a complaint or through general correspondence, the individual will be contacted for a response. RTPI officers would then complete the initial assessment conviction in clause 7 and refer the case to Criminal Conviction Assessment Panel if deemed appropriate.