

## Procedures for Handling Applications from Students with Previous Criminal Convictions

### 1. Aims

- 1.1 The aim of the admissions process is to select students who have the ability and motivation to benefit from the courses they intend to follow, and who will make a contribution to the life of the University.
- 1.2 The process takes place within the context of the University's Equal Opportunities policy and should be read in conjunction with the Admissions to Degree Programme regulations and the Admissions Policy.
- 1.3 It is important that these aims are achieved having taken into account the interests of the applicant, the interests of the members of the University community or society in general, legislative requirements and, where appropriate, the particular requirements of relevant professional bodies.
- 1.4 These procedures are intended as a mechanism to ensure that decisions regarding the admission of an applicant with criminal convictions are taken only after the implications have been fully explored.

### 2. Scope of Guidelines

- 2.1 These guidelines should be followed in relation to applications from any student declaring (or discovered to have) a criminal conviction which has not been spent under the terms of the Rehabilitation of Offenders Act 1974. (Under the terms of this Act, sentences of 30 months imprisonment or more are never spent while those of lesser duration do not have to be declared once spent. In practice, this means that the more serious offences must always be declared). Additionally, some health-related courses have special course-specific procedures which should also be applied.

### 3. Declaration of Criminal Convictions

- 3.1 Applicants applying through UCAS are asked, as part of the UCAS application, to read a statement relating to previous criminal convictions and tick a box if they have a relevant criminal conviction.
- 3.2 Applicants applying directly to the University are asked, as part of their application, to declare if they have a criminal conviction.

### 4. Scope of Disclosure and Barring Service Checks

- 4.1 The University is required to undertake Criminal Records checks on potential and/or enrolled students via the Disclosure and Barring Service in the following circumstances:
  - Students working with children and vulnerable adults, alone and unsupervised, for significant periods of time as part of the programme of study. This could be during placements, as part of the practical work or as part of a research project.
  - Students involved in voluntary (unpaid) activities, that do not form part of the programme of study, which bring them into contact with children and vulnerable adults.
  - Students undertaking a programme of study that leads towards professional registration where the professional body requires a check as a pre-condition to entry and practice (eg: Medicine, Nursing, Education courses leading to Qualified Teacher Status).
- 4.2 In these circumstances, the University is required to seek an enhanced criminal record disclosure in respect of all applicants/students regardless of whether any criminal record has been

declared. The University is registered with the Disclosure and Barring Service (DBS) for this purpose. Further details of our responsibilities in respect of disclosure applications are contained in paragraph 8.

- 4.3 If an applicant discloses criminal cautions or convictions for programmes requiring a Disclosure and Barring Service check, relevant staff within the faculty with knowledge of the Professional Body and programme requirements will decide if the applicant is suitable to be admitted. Additional information may be requested from the applicant to enable a decision to be made.

## **5. Action to be taken on receipt of an Application which includes a Declaration of a Criminal Conviction for a course not requiring a Disclosure and Barring Service check**

- 5.1 Initially the Faculty should assess applications on academic and motivational merit in accordance with their standard selection criteria alone. If there are no academic grounds for making an offer to the applicant, the application can be rejected in the normal way.
- 5.2 If, from an academic viewpoint, the applicant is felt to merit an offer of a place, the Faculty should refer the application to the Head of University Admissions.

The Head of University Admissions (or their nominee) will then obtain as much information as possible about the nature of the criminal conviction. In particular, where the applicant has been convicted, the Head of University Admissions (or their nominee) should ask the applicant to provide references from his/her Probation Officer and/or prison authorities; (applicants who are serving prisoners at the time of application will be required by UCAS to submit their application via the prison authorities who are expected to indicate the suitability of the applicant to undertake a course of study, and whether the applicant would be available to commence a course if an offer was made and accepted). In the case of undergraduate applicants, further information may also be available from the UCAS Verification Unit who will be approached through the Head of University Admissions.

- 5.3 In the case of convictions which have resulted in a sentence of imprisonment (including a suspended sentence), the Head of University Admissions will convene a meeting of a Panel to be chaired by the Vice-President (Education) and consisting of the Admissions Controller (for the relevant faculty), the relevant Programme Admissions Tutor, the Head of University Admissions, and the Director of Student Services (or nominee). A representative of the University's Legal Services may additionally be invited to join the Panel. The purpose of the Panel will be to consider whether the applicant can be made of an offer or not on grounds relating to their criminal record.

The Panel will consider the risk to other members of the Faculty (and the wider university community). Where possible this assessment should be supported by documentary evidence. Consideration should also be given, in the case, to the need to alert other parties (e.g. Student Services, placement providers) to the circumstances, and/or set up appropriate supervision arrangements prior to the applicant's registration as a student.

- 5.4 In the case of convictions which have resulted in a sentence not involving imprisonment, the Head of University Admissions will convene and Chair a meeting of a Panel consisting of the Admissions Controller (for the relevant faculty), the relevant Programme Admissions Tutor, the Head of University Admissions, and the Director of Student Services (or nominee). A representative of the University's Legal Services may additionally be invited to join the Panel. The purpose of the Panel will be to consider whether the applicant can be made of an offer or not on grounds relating to their criminal record. If the Panel is concerned that the nature of the offence in question warrants a more extensive investigation, they may choose to do so, referring the matter to the Panel described in paragraph 5.3.
- 5.5 Written confirmation of all decisions to proceed with an offer or a rejection must be kept on file before such a decision is processed.

## 6. Action to be taken where there is reason to suspect that an applicant has a Criminal Conviction which has not been declared

- 6.1 This is most likely to occur where a referee refers to criminal convictions or other evidence of a criminal record (such as cautions, warnings and bind-overs, entries on the Sex Offenders Register without charges, or ongoing enquiries and suspicions) within a confidential reference. The University is also occasionally alerted to undeclared criminal convictions or records by the UCAS Verification Unit.
- 6.2 Admissions Tutors or other staff should notify the Head of University Admissions of their suspicions.
- 6.3 In the case of undergraduate applications made through UCAS, the Head of University Admissions will seek the advice of the UCAS Verification Unit. The Verification Unit should be able to ascertain whether or not the suspicions are well-founded. In the event of an applicant having failed to disclose a very serious conviction, UCAS may decide to cancel the application. If the application is not cancelled, the University will follow the procedures detailed in section 5. **However, they should bear in mind the need to obtain the permission of the referee before discussing with an applicant any information for which the sole source is a confidential reference.** Any cases submitted to the panel should include reference to the applicant's failure to declare the conviction concerned.
- 6.4 In the case of direct (non-UCAS) applications, the Head of University Admissions will need to obtain as much information as possible about any criminal conviction from the referee. They may also wish to approach the applicant but should bear in mind the need to obtain the referee's permission before discussing with an applicant any information for which the sole source is the confidential reference. Bearing in mind the constraints which the confidentiality of the reference may impose, they should then follow the procedures detailed in section 5 above. Any cases submitted to the panel should include reference to the applicant's failure to declare the conviction concerned.
- 6.5 Should information concerning criminal convictions/records come to light after an offer has been made but before the student has enrolled, the above procedures should still be followed. Both the UCAS regulations and University's own procedures make provision for an offer to be withdrawn if it is subsequently felt to be inappropriate in the light of information not available when it was first made.
- 6.6 If the information on criminal convictions of a serious nature (i.e. involving a custodial sentence) comes to light after the student has enrolled, the matter should be referred to the Committee of Discipline and dealt with under the disciplinary procedures.

## 7. Clearing and Adjustment Applicants with Criminal Convictions

- 7.1 All Clearing and Adjustment applications must be made via UCAS and checked by Faculty Admissions staff for evidence of criminal convictions.
- 7.2 The time available during Clearing and Adjustment may not be sufficient for the full procedures described above to be implemented, particularly where consideration by a panel is required. In such cases it may be necessary to ask the applicant to defer their application for a year to ensure that their criminal record can be fully investigated. However, a decision on this should only be taken after discussion with the Head of University Admissions and the Pro Vice-Chancellor responsible for admissions.
- 7.3 If selectors are aware of criminal convictions or records when a Clearing or Adjustment enquiry is first made, they should avoid making any firm commitment to an applicant until discussion with the Head of University Admissions and the Pro Vice-Chancellor has taken place. If a firm commitment has been made to an applicant whose UCAS Clearing Application subsequently reveals a criminal conviction, it may be necessary to go back on the any commitment made.

Again, this should only be done following a discussion with the Head of University Admissions and the Pro Vice-Chancellor.

## 8. Requesting Criminal Records Disclosures from the Disclosure and Barring Service

- 8.1 The University is registered with the Disclosure and Barring Service (DBS) for the purposes of obtaining criminal records disclosures in specific circumstances. Disclosures may only be requested by individuals who are registered with the Disclosure and Barring Service as counter-signatories. Any Faculty wishing to make use of the service should contact the University's lead signatory to make arrangements for nominated Faculty staff to be registered as counter-signatories.
- 8.2 Guidelines on using the DBS disclosure service are available from the [DBS website](https://www.gov.uk/disclosure-barring-service-check/overview). (<https://www.gov.uk/disclosure-barring-service-check/overview>)
- 8.3 The University is required to comply fully with the DBS Code of Practice: a copy of this Code of Practice can be accessed via the [DBS website](#). In particular, this Code of Practice requires us to:
- Ensure that student recruitment material and offer letters relating to programmes of study that require a Disclosure contain reference to the requirement for the DBS check, and make a copy of the DBS Code of Practice available.
  - Include in student recruitment material and offer letters a statement to the effect that having a criminal record will not necessarily be a bar to obtaining a place in order to reassure applicants that Disclosure information will not be used unfairly.
  - Ensure that, in the exceptional circumstances where the police release "additional information" to the University in a separate letter, the additional information is not released, revealed or discussed with the applicant/student.
  - Take into account a range of factors when considering what is revealed in a Disclosure before deciding whether to admit the student/permit the student to participate in the activity, including the seriousness of the offence, the length of time elapsed since the offence, whether there is a pattern of offending behaviour, the circumstances surrounding the offence and the explanation offered by the applicant/student.
  - Have a security policy covering the correct handling of Disclosure information (covering storage, handling, retention and disposal) - see sections 9 and 10 below.

## 9. Storage, Handling, Retention and Disposal of Information relating to Criminal Records

- 9.1 Correspondence relating to the declaration of criminal records by an applicant (including any DBS Disclosure information) should always be kept separately and securely in lockable, non-portable storage containers, or within a secured area of the University's document retention system, with access strictly controlled and limited to those who are entitled to see it as part of their duties.
- 9.2 The same restrictions should apply in relation to the student file once an applicant registers as a student.

## 10. Specific Restrictions in Relation to Storage, Handling, Retention and Disposal of DBS Disclosures

### *Retention*

- 10.1 Once a decision has been made (whether in relation to admission to a programme of study or participation in an activity), the University must not retain the Disclosure or any associated correspondence for longer than necessary for the particular purpose. Where the Disclosure is

entirely satisfactory, the document should be destroyed at the earliest opportunity (typically within 48 hours of receipt), during which time the fact of the positive outcome of the check is recorded. Where the Disclosure reveals information that must be considered carefully, and a positive decision is reached (to admit or permit participation), the document should be destroyed once that decision has been made (typically 2 - 6 weeks after receipt). Only in the rare cases where the Disclosure leads to a negative decision (ie: to reject the applicant or to deny participation) is it necessary to retain a Disclosure for a longer period in case of dispute, complaint or appeal relating to that decision. The University is permitted to retain Disclosures up to a maximum of 6 months. Should the University believe it necessary to retain a Disclosure for longer than 6 months, the prior approval of the DBS is required.

#### *Storage and Handling*

- 10.2 Paragraphs 9.1 and 9.2 above refer. Counter-signatories are advised that, where Disclosures are retained, they should be filed in months of receipt order, then alphabetically, so that out-of-time Disclosures can be systematically disposed of each month.
- 10.3 In accordance with Section 124 of the Police Act 1997, Disclosure information should only be passed to those who are authorised to receive it in the course of their duties. Faculties are required to maintain a record of all those to whom Disclosures or Disclosure information has been revealed, and should be aware that it is a criminal offence to pass this information to anyone who is not entitled to receive it.
- 10.4 Disclosure information may only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

#### *Record-keeping*

10.5 Counter-signatories need to keep a record to confirm the existence of a DBS check and the decision that followed consideration of the Disclosure documentation. The record should contain the following information:

- Applicant/student name and ID
- DBS Disclosure reference number
- Type of Disclosure requested (Standard or Enhanced)
- Progress record of movements of DBS application (date sent to DBS, date Disclosure documentation received)
- Date Disclosure documentation was disposed of
- Activity in relation to which the Disclosure was sought (eg: admission to specified programme of study, participation in specified voluntary activity)
- Decision outcome (ie: admit/reject, participate/reject)
- Who has had access to the Disclosure information (members of any review panel including anyone external to the University such as a placement provider)

The record must **not** contain any information about the content of the Disclosure documentation.

#### *Disposal*

10.6 Once the period of retention has elapsed, DBS Disclosure information must be immediately destroyed by secure means (ie: by shredding, pulping or burning). While awaiting destruction, Disclosure information must not be kept in any insecure receptacle (eg: confidential waste sack). Counter-signatories should not keep any copy or representation of the contents of a Disclosure.

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