

STUDENTS WHO ACQUIRE A CRIMINAL CONVICTION

Purpose and scope

- 1.1. This section of the Consolidated Academic Policies and Regulations (CAPR) explains how the College will deal with students who declare they have received a criminal conviction after they have registered, which convictions are relevant, and how the College deals with students who declare criminal convictions.
- 1.2. These regulations apply to all current students and any disclosure on or after 1 June 2016, regardless of the date of the event giving rise to the disclosure.
- 1.3. This section applies to any student who gets (or is discovered to have got) during their study a relevant criminal conviction that has not become 'spent' (time-expired) under the Rehabilitation of Offenders Act 1974 after 1 June 2016.
- 1.4. This policy applies to all programmes at the College including those involving work with children or vulnerable adults. However, these programmes may have additional requirements on the disclosure of warnings, reprimands, cautions and criminal convictions. Student on these programmes will receive information about this on a programme-by-programme basis and may be required to submit to criminal record checks by the Disclosure and Barring Service (DBS).

NOTE: If a student does not disclose relevant and – for particular programmes – additional convictions, this may have serious consequences including termination of their registration with the College. Students must disclose all information on these matters at the earliest opportunity.

Definitions

- 1.5. 'Spent conviction' means a criminal conviction that has become time-expired after a rehabilitation period in line with the Rehabilitation of Offenders Act 1974 as amended. The rehabilitation period depends on the sentence imposed by the court. Custodial sentences of more than four (4) years can never become 'spent'.
- 1.6. 'Relevant criminal conviction' means a conviction that is not spent for:
 - a) offences involving any kind of violence including threatening behaviour, the intention to harm or actual bodily harm;
 - b) offences listed in the Sex Offenders Act 2003;
 - c) the unlawful supply of controlled drugs or substances where the conviction concerns commercial drug dealing or trafficking;
 - d) human-trafficking offences;
 - e) offences involving firearms;
 - f) offences involving arson;
 - g) offences listed in the Terrorism Act 2006.
- 1.6. 'Additional conviction' means that, for some programmes, even if DBS checks are not needed, professional requirements may demand disclosure of criminal offences that do not come under the above definition of 'relevant criminal conviction'. If so, applicants for such programmes may have to give additional information on convictions beyond what this policy requires.

- 1.7. This additional information may prevent an applicant entering a programme. Students on some programmes may not have needed to give such information during the application process, but will have to do so when they seek to join a professional body during or at the end of their degree.

Introduction

Overview

- 1.8. The College seeks to fulfil its duty to protect, as far as it can, the personal security of all members of the College (staff and students), visitors and members of the wider community in which the College operates from the risk of harm or injury caused by a student's criminal behaviour.
- 1.9. For this purpose, as a term of their registration all students must disclose to the College any relevant and additional convictions they receive while studying at the College. They will be treated with respect and fairness, regardless of the type of conviction. The College does not automatically discontinue the registration of any student because they declare a criminal conviction.

Principles

- 1.10. The College recognises that students may feel they should withhold their previous criminal convictions for fear of victimisation or the termination of their registration. This policy aims to provide a way for students to disclose their relevant or additional convictions to the College with the expectation of being treated fairly, while balancing the need to protect other students, staff members, members of the Board of Directors, and the College against the risk of harm caused by criminal behaviour.
- 1.11. To ensure this, in dealing with any disclosure of a criminal conviction, College staff are expected to:
- a) treat anyone raising a concern with trust and respect;
 - b) treat the matter seriously, in good faith and with due confidentiality;
 - c) ensure that all stakeholders are fully informed on the consequences of any decision; and
 - d) seek as swift and as full a consideration of the case as is reasonably practicable.
- 1.12. However, the College may discontinue a student's registration because of a relevant criminal conviction, regardless of their academic merit. This will happen if the outcome of the procedure described below is that the College regards termination as necessary to fulfil its duty set out above, and thus protect the security or reputation of its academic community.

Procedures

Overview

- 1.13. The procedure for students disclosing a criminal conviction contains three (3) stages:
- Stage 1 – Declaring a criminal conviction.
- Stage 2 – Considering a student's declaration of a criminal conviction.
- Stage 3 – Decision on the student's registration

Stage 1 – Declaring a criminal conviction

- 1.14. A student who is being prosecuted or gets a criminal conviction during their period of study must notify the Office of Student Complaints, Appeals and Regulation as soon as possible. This may be by phone or email, and by their next of kin if the student cannot communicate with the College because they are in prison.

Stage 2: Considering a student's declaration of a criminal conviction

- 1.15. The College will obtain as much information as possible about the nature of the conviction. In particular, a member of staff in the Office of Student Complaints, Appeals and Regulations (OSCAR) must write to the student inviting them to provide:
- a) details of the conviction including the date and penalty;
 - b) references from their probation officer or prison authorities (or both);
 - c) a clear explanation of the circumstances surrounding the conviction; and
 - d) a clear statement about the student's ability and reasons for wishing to remain on the programme.
- 1.16. OSCAR must forward the student's response to the Head of Department and invite comment. The Head of Department will have five (5) working days to provide comments only on the impact of the criminal conviction on the student's ability to achieve the learning outcomes or professional accreditations of the intended programme.

Stage 3: Decision on the student's registration

- 1.17. The Fitness to Study Panel, acting on behalf of the Faculty Board, must consider the student's statement and any comments received from the Head of Department.
- 1.18. If special professional issues are at stake, the panel may be extended to include a member of staff with specialist professional knowledge, nominated by the relevant Dean of Faculty.
- 1.19. In reaching a decision, the panel may ask for more information or interview the student (or both) if appropriate.
- 1.20. In deciding whether or not a student may continue to be registered after declaring the criminal conviction, the panel will consider such things as:
- a) the potential risk of harm to College members, visitors and the wider community;
 - b) the potential risk to the College's reputation;
 - c) the potential risk to the student's own health and wellbeing; and
 - d) particular regulations about the programme applied for (including any requirements for membership of professional bodies associated with the programme).
- 1.21. Following consideration of the case, the panel may decide that:
- a) the student may continue studying as before, with their registration and enrolment unchanged;
 - b) the student may continue their current registration and enrolment but they must agree to, and satisfy, additional conditions;
 - c) the student will be granted an interruption of study and may continue with their current registration and enrolment following this interruption with or without additional conditions;

- d) the student must transfer from their programme because of professional constraints but may be considered for other programmes at the College with or without additional conditions; or
- e) the student must withdraw from the College.

1.22. The panel will be guided as follows if a student is:

- a) remanded to custody awaiting trial or convicted of a crime and sentenced to imprisonment of less than or equal to one (1) year – the panel will usually consider paragraphs (c) or (d) above to apply, unless compelling reasons require otherwise;
- b) convicted of a crime and sentenced to imprisonment for more than one (1) year – the panel will usually consider paragraph (e) above to apply, unless compelling reasons require otherwise.

1.23. If conditions are applied these will be explained in writing to the student. They must not, in the Senior Academic Officer's opinion, affect the student's chance of success or ability to fulfil the programme's academic requirements. The conditions may include:

- a) seeking and maintaining contact with specialist support services;
- b) signing and maintaining a good behaviour bond with the College;
- c) restricting the student's access to particular College facilities; and
- d) maintaining a particular housing situation.

1.24. If a student is released on licence with probation conditions, compliance with these will usually be included as a condition of continued registration.

1.25. The panel must normally complete its work and inform the student of the outcome within twenty (20) working days of the College receiving all the information requested from the student in Stage 2. If this is impossible, the student must be notified within this time of the delay and the reasons for it.

1.26. A student may appeal under the relevant regulations.

Advice and support

1.27. Advice for students on criminal convictions, and the associated lower-level College rules is available from the Student Hub or the GSM London Students' Union (gsmuadvicecentre@gsm london.ac.uk). More complex queries may be referred to appropriate individuals or the Office of Student Complaints, Appeals and Regulation (oscar@gsm london.ac.uk).

1.28. Advice for staff on criminal convictions is available from their nominated Academic Policy Partner or Head of Department.

1.29. If any staff development needs are identified, these may be discussed with members of the Staff and Educational Development Team.

Fees

1.30. No additional fees or charges are associated with this policy.

1.31. The College is not liable for financial or other consequences arising from action under this policy.

Legal and regulatory context

- 1.32. This policy has been informed by the “Statement for Good Practice - Criminal Convictions: Issues and recommendations for admission to higher education courses and programmes” developed by the Supporting for Professionalism in Admissions group.
- 1.33. The College may not be bound by the principles and this policy alone may not provide the procedure to meet all these principles. It uses the principles in these acts as guidance only, to help it deal soundly with these matters.

Enforcement, monitoring and review

- 1.34. If any person or body in the College refuses to comply with a request or decision made to enforce this policy, their refusal must be reported to the Academic Registrar, who will take such action to enforce this policy as they think necessary.
- 1.35. Each year, the College must receive a report that enables it to monitor, identify and act on any shortfalls in how this policy is interpreted and applied.
- 1.36. The annual report must include statistical data on the number of disclosures; the outcomes, Departments and programmes from which they originate; the length of the process; and the equality characteristics (including sex, disability and ethnicity) of those who disclose; and separately those whose registration is discontinued.
- 1.37. Every two (2) years, the College must review this policy to ensure that:
- a) it remains up to date and continues to meet the expectations of the UK Quality Code, applicable legislation or guidance;
 - b) areas of improvement, or any concerns, raised by students, external examiners, or professional bodies have been addressed; and
 - c) opportunities to reduce unnecessary bureaucracy have been taken.

Schedule (not part of the policies and regulations):

Responsible Officer: Academic Registrar and College Secretary

Approved by: Board of Directors and Academic Board

Version: 1.0

Date: 1 June 2017

Monitoring and Review Body: Faculty Board

Effective From: 1 June 2017

Next Scheduled Review: June 2019