

B4. APPLICANTS DECLARING A CRIMINAL CONVICTION

For prospective students on programmes and awards validated by Plymouth University this section of the consolidated Academic Policies and Regulations (CAPR) has been agreed by the University (as the awarding institution) as meeting its admission policy and regulatory requirements. The shaded sections below form GSM London regulatory and policy framework as applied to Plymouth University and GSM London (The College) awards.

Related guidance and codes of practice can be found at the QAA Code of Practice, Admissions in Higher Education, Chapter B2 Recruitment, Selection and Admissions to HE.

Purpose and scope

- 4.1. This section of the Consolidated Academic Policies and Regulations (CAPR) explains how an applicant may declare a previous criminal conviction, which convictions are relevant, and how the College deals with these applicants (prospective students).
- 4.2. This policy applies to all prospective students to the College.
- 4.3. This policy applies to any applicant who declares (or at the time of entry is found to have) a relevant criminal conviction that has not become 'spent' (time-expired) under the Rehabilitation of Offenders Act 1974.
- 4.4. This policy applies to all programmes at the College. However, programmes involving work with children or vulnerable adults, or leading to recognition by a professional body may have additional requirements on the disclosure of warnings, reprimands, cautions and criminal convictions. Prospective students to 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.

NOTE: If an applicant does not disclose relevant – or for particular programmes additional convictions –this may have serious consequences including termination of their registration with the College. Prospective students must disclose all information on these matters at the earliest opportunity.

Definitions

- 4.5. '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.

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- 4.6. 'Relevant criminal conviction' means any non-spent conviction or a conviction for:
- (a) offences listed in the Sex Offenders Act 2003, as amended;
 - (b) offences listed in the Terrorism Act 2006, as amended;
 - (c) offences involving violence including threatening behaviour, the intention to harm or actual bodily harm;
 - (d) offences involving deceit including fraud or money laundering; and
 - (e) offences involving firearms, arson, human-trafficking or the unlawful supply of controlled drugs or substances.
- 4.7. 'Additional conviction' means for some programmes, Disclosure and Barring Service (DBS) checks may not be needed but professional requirements may demand disclosure of criminal offences that do not come under the above definition of 'relevant criminal conviction'. If so, prospective students for such programmes may have to give additional information on convictions beyond those seen as relevant.

NOTE: 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

- 4.8. 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 from the risk of harm or injury caused by the criminal behaviour of any students.
- 4.9. For this purpose, all offers are conditional on applicants disclosing to the College any relevant, and if required additional convictions. Such applicants will be treated with respect and fairness, regardless of the type of conviction. The College does not automatically reject any prospective student or applicant because they declare a criminal conviction.

Principles

- 4.10. The College recognises that students may feel they should withhold criminal convictions out of fear of harassment or victimisation. Therefore, this policy aims to support student's to disclose their relevant or additional convictions with the expectation of being treated fairly, while balancing the need to protect other

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students, staff members, and the College against the risk of harm or injury caused by the criminal behaviour of any students.

4.11. 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 consideration of the case as is reasonably practicable.

4.12. However, the College may reject an applicant because of a relevant criminal conviction, regardless of their academic merit. This will happen if the outcome of the procedure below is that the College regards rejection as necessary to fulfil its duty to protect the security or reputation of its academic community.

4.13. Whenever an applicant discloses a relevant criminal conviction during the application process, the College will rigorously apply the procedure described below. If the issue is identified after an offer is made and before registration, the College will apply the same procedure from the time the issue is identified. Registration will be delayed until the procedure is completed.

Procedures

Overview

4.14. The procedure for applicants disclosing a criminal conviction has three (3) stages:

- (a) Stage 1 – Declaring a criminal conviction.
- (b) Stage 2 – Considering an application that includes the declaration of a criminal conviction.
- (c) Stage 3 – Decision on the case for admission.

Stage 1 – Declaring a criminal conviction

4.15. An applicant who is being prosecuted or has a relevant or additional criminal conviction must notify the College as soon as possible in the application process. It must be detailed on the application form.

4.16. An applicant who intentionally fails to disclose a criminal conviction during the application process may be investigated under the Student Conduct and Behaviour policy. This investigation will usually result in the student's registration with the College being discontinued.

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4.17. Prospective students who are serving prisoners when they apply must submit their application via UCAS. UCAS will require them to submit their application via the prison authorities, who are expected to indicate whether the applicant is suitable to take a programme, and whether he or she would be able to begin the programme if an offer was made and accepted.

Stage 2 – Considering an application that includes a declaration of a criminal conviction

4.18. Applications that declare relevant criminal convictions must be forwarded to Admissions Team in the usual way for an academic decision. Admissions officers will be reminded not to contact the applicant at this stage and that the conviction must have no bearing on their academic decision.

4.19. If an admissions officer decides to reject an applicant on academic grounds, the College will take no more action regarding the criminal conviction. It will process the rejection decision in the usual way.

4.20. If an admissions officer decides the College should make an offer on academic grounds or wishes to interview an applicant as part of the academic decision, the College will take the following steps.

4.21. The College will get as much information as possible about the nature of the criminal conviction. In particular, the Admissions Office must write to the applicant inviting them to provide:

- (a) details of the conviction including the date and penalty imposed;
- (b) references from their probation officer or prison authorities (or both); and
- (c) a clear explanation of the circumstances surrounding the conviction.

4.22. In the case of a UCAS application, the College will investigate whether further information may also be available from the UCAS Verification Unit.

4.23. The Admissions Office must forward the applicant's response to the Head of Department to which the applicant has applied 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: Deciding on the case for admission

4.24. 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.

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- 4.25. 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.
- 4.26. In reaching a decision about whether or not to reject an applicant on the grounds of a declared criminal conviction, the panel will, among other things, consider:
- (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).
- 4.27. Following consideration of the case for admission, the panel may decide that:
- (a) there is no reason to stop the offer being made to the applicant or an academic interview going ahead, or that there is no reason to withdraw an offer already made;
 - (b) the offer may be made to the applicant but subject to them satisfying or agreeing to additional non-academic conditions which may apply throughout their registration with the College;
 - (c) the applicant should not be made an offer for the programme applied for because of professional constraints but may be considered for other programmes at the College with or without additional non-academic conditions; or
 - (d) the application should be rejected (or that an offer already made should be withdrawn) because of the criminal conviction.
- 4.28. If non-academic conditions are applied, these must not in a Senior Academic Officer's opinion affect the student's chance of success or ability to fulfil the academic requirements of the programme and they must be explained in writing to the applicant. 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 students access to particular College facilities; or
 - (d) maintaining a particular housing situation.

If a student has been released on licence with probation conditions, compliance with these will usually be included as a condition of the offer.

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- 4.29. In reaching a decision, the panel may ask for more information or interview the applicant (or both) if appropriate.
- 4.30. The panel must normally complete its work and inform the applicant 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 timescale of the delay and the reasons for it.
- 4.31. In communicating its decision, the panel must inform the applicant that, within ten (10) working days of receiving the decision, if they disagree with a decision to reject the application or apply conditions they may appeal - if appropriate grounds are available - using the relevant policy for appealing an admissions decision.

Advice

- 4.32. If an applicant with a previous criminal conviction is thinking about applying, they may wish to discuss their situation with the Admissions Team before starting the formal process.
- 4.33. Advice for prospective students with previous criminal convictions, and the associated lower-level College rules, is available from the Admissions Team (admissions@gsmlondon.ac.uk). More complex queries may be referred to Admissions Management.
- 4.34. Advice for staff on prospective students with previous criminal convictions is available from the Admissions Team (admissions@gsmlondon.ac.uk).
- 4.35. If any staff development needs are identified, these may be discussed with members of the Staff and Educational Development Team.

Fees

- 4.36. No additional fees or charges are associated with this policy.
- 4.37. The College is not liable for financial or other consequences arising from action under this policy.

Legal and regulatory context

- 4.38. 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 Professionalism in Admissions group.
- 4.39. In addition, it has considered the relevant information and guidance from the UK Quality Code for Higher Education (UKQC), "Chapter B2: Recruitment, selection,

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and admission to higher education". The UKQC is the definitive reference point for all UK Higher Education institutions and sets out how academic standards are established and maintained and how the quality of learning opportunities is assured and enhanced.

- 4.40. The College is not bound by the statement or code and this policy alone may not provide the procedure to meet all of the principles outlined in these, some of which may be met by other College policies and procedures.. It uses the principles outlined as guidance only, to help it deal soundly with these matters.

Enforcement, monitoring and review

- 4.41. 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.
- 4.42. 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.
- 4.43. 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 that are successful and unsuccessful in their application.
- 4.44. 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 or regulations):

Schedule:

Responsible Officer:	Head of Admissions
Approved by:	Board of Directors and Academic Board
Version:	2.0
Date:	June 2017
Monitoring and Review Body:	Academic Board
Effective From:	July 2017
Next Scheduled Review:	June 2019