

Policy and Procedures for Applicants and Students Declaring a Criminal Conviction

1 Introduction/ Purpose

1.1 The University seeks to attract and retain students of high calibre and potential from a broad and diverse community. This includes those who have varying experiences of education and who may have followed non-traditional paths to Higher Education and wish to benefit from the positive experience offered by the University. The University is committed to the promotion of equal opportunities for all including those who may have criminal convictions. In this context, a criminal record will not automatically prevent admission to the University.

1.2 If a criminal conviction is declared, then the details will be considered on a case by case basis. Information on spent convictions will only be sought if the course involves contact with children or vulnerable adults, which is in line with the Rehabilitation of Offenders Act 1974. In considering previous convictions we will be conscious of the need to balance the desire of the applicant to study with our safeguarding responsibilities to the wider university community.

1.3 To ensure that no applicant is unfairly disadvantaged, applicants will not be asked to declare any previous criminal conviction until after an offer has been made, and that the applicant has accepted that offer, either firmly or an insurance choice. At this point applicants will be contacted to disclose any **relevant** and **unspent** convictions. A criminal record will not automatically prohibit admission to the University. The specific details of each case will be considered on an individual basis.

2 Scope/definitions

2.1 Rehabilitation of Offenders Act 1974

[The Rehabilitation of Offenders Act 1974](#) aims to help those convicted of certain criminal offences to 'put their past behind them'. People who have not re-offended since their conviction, and people with few or minor convictions, will therefore be treated as everyone else with regard to study, employment and equal opportunity.

2.2 Relevant Criminal Convictions

Based on the Rehabilitation of Offenders Act 1974, Bath Spa University considers offences committed in the following categories to be considered 'relevant', as they have implications for the University's duty of care towards the safety of their students, staff and visitors. Any convictions, cautions, warnings or reprimands that fall outside of these categories do not need to be declared:

- violence or threatening behaviour; offences concerning the intention to harm or offences which resulted in actual bodily harm;
- offences listed in the [Sex Offences Act 2003](#) or any previous or future equivalents of this Act;
- the unlawful supply or use of controlled drugs or substances;
- offences involving firearms, and other weapons;
- offences involving arson;
- offences listed in the [Terrorism Act 2006](#) or any previous or future equivalents of this Act;
- offences under [Protection from Harassment Act 1997](#)

2.3 Unspent / Spent Convictions

Applicants to study at Bath Spa University will be asked, on firmly accepting an offer to study, whether they have any 'Unspent and Relevant Criminal Convictions'. 'Spent' convictions, as defined by the Rehabilitation of Offenders Act 1974, are not 'relevant' and do not need to be disclosed. 'Spent' convictions are considered 'forgotten' after a certain period of time, depending on the offence. Independent advice on whether a conviction is spent can be found through organisations such as Unlock - <http://www.unlock.org.uk/>

3. Declaration of Relevant Unspent Convictions - Process

3.1 Consideration of any relevant and unspent conviction will be kept separate from the academic selection used for offering a place on our courses. Only once applicants have firmly accepted an offer of a place will they be asked if they have any unspent and relevant convictions.

3.2 Applicants who declare unspent and relevant convictions will be asked to complete a questionnaire setting out the circumstances of the conviction, the sentence and any conditions of release/licence. The questionnaire should be supported by information from the probation services, officially confirming the offence and sentence.

3.3 The Admissions Manager will conduct an initial assessment of the offence. If it is for a minor criminal offence (eg. an offence which would have little impact upon the University's staff and students) then the application may be allowed to proceed. However, if the conviction is of a more serious nature, the case will be escalated to the University's Criminal Conviction Panel.

3.4 The Criminal Conviction Panel (CCP) consists of the Pro-Vice Chancellor Academic Planning, the Head of the relevant school of study (covering the course applied for) and the Head of Student Support. The CCP will be supported by the Admissions Manager. Membership of this panel may vary depending on staff availability.

3.5 The CCP will consider the information provided (including a formal risk assessment) to assess any risks to students staff and visitors the applicant may come into contact with. The CCP will take into account:

- The type of conviction and whether it is relevant to the course;
- The age of the conviction and whether there are any conditions or restrictions placed upon the applicant;
- The period of time that has passed since the conviction and whether there has been any re-offending;
- Any mitigating circumstances and the views of any referees; and
- The University's [Safeguarding Policy and Procedure](#)

3.6 Having considered, the CCP will decide a relevant course of action. Decisions will be delivered to the applicant in writing and will normally be one of the following:

- The existing offer will be unaffected and no further non-academic conditions will be attached. The applicant will be free to join the course, as long as any outstanding conditions are met;
- The academic offer will be unaffected but additional non-academic conditions will be attached (eg. a student contract specifying any limitations to be imposed);
- Withdrawal of offer, or change of course - if the conviction is not compatible with the course originally applied for.

3.7 If the CCP has reason to believe that an applicant has deliberately failed to disclose relevant and unspent criminal convictions, or has failed to provide an accurate or candid representation of the conviction, then they will be asked to provide further information. This may be considered under Section 10.2 of the [Admissions Policy](#) for dealing with Fraudulent, Inaccurate or Plagiarised Applications.

3.8 The applicant has the right to appeal against the decision of the CCP, as long as the appeal falls within the scope of the University's [Appeals Procedure for Applicants](#).

4. Disclosure and Barring Service (DBS)

4.1 Certain courses, such as a PGCE programme, are exempt from the Rehabilitation of Offenders Act 1974, and applicants must declare any convictions, cautions, warning and reprimands, even if they are spent. As part of the admissions process all applicants for Teacher Training courses will be expected to complete an enhanced criminal records check via the DBS.

4.2 Certain placement modules on a number of undergraduate courses also require students to complete an enhanced criminal records check prior to beginning the placement. The relevant placements are usually with institutions where the student would come into contact with children or vulnerable adults.

4.3 If the DBS enhanced check disclosure shows a criminal conviction or caution, the applicant/student's case would be referred to the University's Criminal Conviction Panel for consideration (see Section 3).

4.4 An applicant for Teacher Training will not be able to enrol for the programme requiring a DBS until the process has been completed. Applicants may be allowed to begin the course of study with 'provisional' status, but will not be allowed to begin a placement until the enhanced check has been completed. If, during the provisional enrolment information comes to light of a criminal conviction, the University reserves the right to require the student to withdraw.

5. Processing and Storage of Information

5.1 Records and information relating to convictions will be processed in line with the University's Data Protection Policy and associated privacy notices. The only information that will be attached to the student record is the initial declaration (yes/no) as detailed information related to a conviction and subsequent processing of such information is restricted to that which is necessary and

proportionate for the completion of the relevant procedure outlined in part 3 of this document.

5.2 Storage of the records is dependant on the outcome of the CCP panel, where an academic offer is issued, with or without conditons, the information relevent to the conviction and any applicible conditions of enrolment will be retained securely and separate to the student record on the University systems, and in line with the student record retention schedules, subject to restricted access by the authorised CCP and Admissions Manager. Should an academic offer be withdrawn, the relevent data will be destroyed securely following the appeal period and no information relating to the conviction will be retained. Under the terms of the relevant legislation, documentation relating to Criminal Records Bureau disclosures should be disposed of after six months.

5.3 Should an applicible third party need to contacted, such as the Probation Service or Offender Management Unit, this processing will only ever be undertaken with applicants explicit consent.

6. Convictions Prior to Registration

6.1 If an applicant receives a relevant conviction after accepting the offer, but before Registration for the course, then they are required to inform the Admissions team immediately.

7. Convictions after Registration

7.1 Students have an ongoing obligation to notify the University of any Criminal Charges or convictions. If an enrolled student receives a relevant conviction during the course of their enrolment, they must inform the University by emailing CCdeclaration@bathspa.ac.uk. This also applies to students who receive a conviction whilst intercalated.

7.2 If that conviction is deemed of a serious nature, then it will be referred to the Criminal Conviction Panel for consideration. If referred to the CCP the possible outcomes are:

- No action, if the offence was minor. The student is free to return or continue
- The student is free to return, but with conditions (eg. A student contract agreed or compulsory additional contact with Student Support
- The student's enrolment is terminated.

8. Further Information

8.1 If applicants or prospective students have any questions regarding this policy, they should contact the Admissions Manager via email using CCdeclaration@bathspa.ac.uk