



Admissions Policy for Applicants with a Criminal Conviction

Effective September 2020 to Present

Student Regulations and Policies

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UNIVERSITY OF CENTRAL LANCASHIRE
ADMISSIONS POLICY FOR APPLICANTS WITH A CRIMINAL
RECORD

1. Principles

- 1.1. The University of Central Lancashire's policies and procedures ensure that recruitment, selection and admission of students is operated in a fair and transparent way. This is central to the mission to encourage and enable individuals to develop their full potential. The University actively promotes equality of opportunity for all and welcomes applications from a wide range of people. Having a criminal conviction will not necessarily prevent someone from studying at the University, this will depend on the nature of the course and the circumstances and background of offences. The assessment of whether an applicant meets the entry requirements for the course is conducted prior to, and separately from, any assessment of risk related to an applicant's criminal convictions.

2. Background

- 2.1. The University complies fully with the Disclosure and Barring Service (DBS) Code of Practice and undertakes to treat all applicants fairly. Any information about an applicant's criminal convictions will be disclosed only to those people who need to see it as part of the admissions process.
- 2.2. This policy applies to applicants for all University courses where the admissions process is administered within the University. This policy sets out two distinct processes for the declaration and consideration of information about criminal matters. The extent of disclosure required to be made by the applicant will depend on the course applied for, as set out in paragraphs 4 and 5 below.
- 2.3. Where you have been offered a place, we will ask you to declare whether or not you have certain types of criminal convictions, including cautions (regardless of whether or not you are applying for a course which leads to a career in a regulated profession), and may make additional checks in the event you do have a criminal conviction.
- 2.4. We use this information to consider whether it is appropriate to admit you to the University, in the context of helping to provide a safe community in which staff and students can teach and learn, and in which we can safeguard children (those under 18) and vulnerable adults. All offers of places to home and international applicants are therefore subject to the relevant disclosure being made by the applicant (and, where relevant, by the DBS) and to the University being satisfied following a risk assessment that the applicant is suitable for admission.

3. Data Protection

- 3.1. During the admissions process we will collect and use a variety of personal information about you, including any information you provide about your convictions or cautions. We comply with the General Data Protection (GDPR) and the Data Protection Act 2018 (DPA) whenever we process your personal data. To find out how we use your information during the admissions process, the

lawful bases which allows us to use your information for these purposes, and the rights you have under the GDPR and DPA, you should read our Applicant Privacy Notice.

4. Process of declaration request - Courses leading to membership of a regulated profession or involving activities relating to children and/or vulnerable adults

4.1.1. The first process is a requirement for courses where the final award also confers a licence to practise in a regulated profession where certain types of convictions, or any criminal record, could prevent a licence being granted, or where a DBS check is required because the course involves close working with either children or vulnerable adults.

4.1.2. If an applicant applies through UCAS for these courses, they will be asked to declare any spent and/or unspent convictions at this stage of the application. However, the University will continue to consider the application regardless of the declaration because the assessment of whether the applicant meets the academic eligibility requirements is a separate process. Once an offer has been made and the applicant accepts that offer, a DBS check will be conducted prior to enrolment. This is undertaken locally in the academic school that the course belongs to.

4.1.3. Administration of these activities is undertaken by the School. It is the Head of School's responsibility to ensure that procedures are in place for the consideration of convictions in line with professional body requirements, and for notifying applicants of the outcome.

5. Courses not leading to membership of a regulated profession or not involving activities relating to children and/or vulnerable adults

5.1.1. The second process is in relation to applications for all other courses other than regulated professions courses. Applicants are subject to a separate declaration requirement. Applicants are only asked to declare specific unspent convictions once they have accepted an offer to study with the University. The relevant unspent convictions required for declaration fall into the categories below:

- Offences concerned with violent or threatening behaviour, or the causing of physical or mental harm to others, and whether or not such harm was intended or actually caused
- Sexual offences, including those listed in the Sexual Offences Act 2003 or equivalent in other jurisdictions
- Offences concerned with harassment, stalking or malicious communications
- Unlawful supply of controlled drugs or substances, including trafficking offences
- Offences involving firearms
- Offences relating to religious or racial hatred or on grounds of sexual orientation under the Public Order Act 1986 and/or racially or religiously aggravated offences under the Crime and Disorder Act 1998

and/or racially or religiously aggravated offences under the Crime and Disorder Act 1998 and equivalent offences or findings in other jurisdictions

- Arson
- Offences involving terrorism
- An offence under section 76 of the Serious Crime Act 2015 (controlling or coercive behaviour), or any equivalent offence in another jurisdiction

5.1.4. As previously indicated, we ask for information only relating to relevant convictions (as listed above) that are 'unspent' under the terms of the UK Rehabilitation of Offenders Act 1974 (or the equivalent law from a country outside of the UK). This allows some convictions to be disregarded after a certain period has passed, and subject to some exceptions, the person is considered to be rehabilitated, and therefore treated as if the offence was not committed. The rehabilitation period varies depending on the nature of the conviction, and some very serious offences can never become 'spent'. However, apart from conditional cautions, a caution (including a youth caution or a reprimand or warning given to a youth offender) becomes spent immediately after it is given.

Further guidance on how to identify whether a conviction is 'spent' can be found here: <https://hub.unlock.org.uk/wp-content/uploads/ROA-Unlock-A5-8pp.pdf>

6. Declaration requirements

6.1.1. All applications will be considered on the basis of the application submitted, the entry criteria being met, and the potential to succeed. Decisions on making offers are based on the application material and/or attendance at a relevant selection event or portfolio requirements. No declaration of criminal matters made at this stage will be taken into consideration and offers are based on the standard admissions criteria for the course applied for.

6.1.2. Once an offer has been made and communicated to the applicant, they are informed as part of that offer, that should they accept the offer, they will then be subject to an information follow-up request in relation to criminal convictions.

6.1.3 When an offer holder accepts an offer, an automated communication is sent. This includes all the relevant information needed and links to external sources to allow the applicant to make the relevant declaration.

6.1.4. If a declaration is made, this will not automatically bar an applicant from being admitted to the University. The declaration will be taken forward by the Chair of the Disclosure panel (see paragraph 8 below) and further information may be requested from relevant authorities (e.g. Police and Probation service, pre-sentencing report) in relevant cases. A failure to provide the information or to consent to the University obtaining it from third parties may mean that there is insufficient information to assess risk, and hence eligibility for admission to the relevant course/University.

6.1.5. The requirement to disclose convictions at the relevant level will continue to apply in relation to any new convictions (including cautions) obtained after the time for disclosure as part of the admissions process as set out in this policy.

7. Initial Assessment

7.1.1. The Head of Admissions will gather the declaration and if necessary, liaise with the relevant authorities to collect information to undertake an initial risk assessment. This initial assessment will be based on the conviction type, sentence type, time since the sentence, re-offences, or patterns of similar offence [and where relevant, the requirements of any placement provider/regulatory body.

7.1.2. If the outcome is a low risk the application will proceed as normal through to enrolment and the applicant will be notified.

7.1.3. If medium or high risk is determined from the initial risk assessment, then the information will be shared with the Disclosure Panel.

8. Disclosure Panel

Membership of the Disclosure Panel is as follows;

- Head of Admissions
- Director of Student Services
- University safeguarding lead
- Head of School (or nominee)

8.1.2. The function of the Disclosure Panel is to identify any risks which may arise from an applicant with a declared conviction within the University environment (including in University accommodation), with respect to the applicant themselves and/or others, and whether such risks can be mitigated/managed. Where the course leads to membership of a regulated profession or involves activities relating to children and/or vulnerable adults, the Disclosure Panel will also take into account the requirements of the regulated profession and/or the risks, if any, posed to others (e.g. colleagues, including those on any placement to vulnerable adults/children), and to the management/mitigation of such risks.

9. Panel Process

9.1.1. The Disclosure Panel will usually meet to discuss all applicants who have made a declaration in relation to having a relevant criminal conviction deemed medium or high risk.

The Disclosure Panel will reach one of the following outcomes based on the evidence provided to it;

- The place confirmed without any restrictions or risk management arrangements in place
- The place is confirmed subject to certain restrictions or risk management arrangements being attached to the offer
- The place on the course is cancelled on the basis that the conviction presents or is likely to present one or more risks that

cannot appropriately be managed within the University environment or, where relevant, on placement, or where the conviction would present a barrier to completing the course.

- 9.1.2. The Head of Admissions will liaise with the offer-holder, authorities, referees or other parties on behalf of the Disclosure Panel in order to gather information relevant to the Panel's decision-making. As part of this process the applicants will be given an appropriate opportunity to provide written representations to the Disclosure Panel, and to identify any third parties who may be willing and able to provide additional information.
- 9.1.3. The Head of Admissions will share with the Disclosure Panel the relevant information gathered.
- 9.1.4. Any restrictions put in place by the Disclosure Panel may, depending on the conviction data and additional information, include restrictions on entering University accommodation, accessing the internet on University computers or engaging with Student Ambassador Schemes. In these cases, a discussion will take place with the applicant to explain that their admission would be subject to complying with those conditions, failing which they may be excluded from the University.
- 9.1.5. Once the Disclosure Panel has reached a decision the Head of Admissions will communicate the decision to the applicant, supported by reasons.
- 9.1.6. If any risk management arrangements are put in place, the Head of Admissions may also need to communicate with relevant colleagues in the University and accommodation providers, only as necessary, in order to manage the risks identified. The University will ensure that any information shared is proportionate to the relevant risks identified in these cases.

10. Right to Appeal

- 10.1.1. Following the panel decision any applicant who is dissatisfied with the outcome and considers the decision reached by the Disclosure Panel to be unreasonable, may appeal the decision.

Such an appeal must be made in writing and within seven working days of receipt of the decision letter. An appeal will only be considered under the following grounds;

 - Procedural irregularity at any stage in the process
 - The emergence of new and relevant information which was not made available to the Disclosure Panel at the stage the decision was made, and could not reasonably have been made available to it
 - That evidence is available to show that the outcome reached by the panel was manifestly unreasonable. In this context, unreasonable shall be taken to mean perverse, (i.e. that the outcome was so unreasonable that no reasonable panel apprised of the information made available to the Disclosure Panel would have reached it).
- 10.1.2. Complaints should be addressed to Complaints liaison CLiaison@uclan.ac.uk

11. Policy Enforcement

12.1.1 Failure of an applicant to comply with this policy in terms of providing information to the University for the Disclosure Panel to arrive at a decision, will be a breach of the conditions of offer and will be treated seriously. It may lead to cancellation of the individual's place on the course.

11.1.1. If it is discovered after a student has enrolled at the University that relevant facts or information in connection with their application have been omitted or falsified, this would be investigated under the Students Disciplinary policy and could result in a withdrawal of study.