

Policy Statement on processing applications from applicants declaring a criminal conviction

Version: Final

Approval: Approved by the Admissions Policy Group (APG)

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Review: Annual review cycle coordinated by Admissions Policy Officer

(This policy does not apply to applicants whose programme of study is offered at a Partner Institution or to applicants whose programme is wholly delivered by a partner FE or HE Institution.)

Scope

This policy applies to all applicants (including international applicants) other than those excluded above.

Assessment Criteria

The University's main concerns when considering applicants with criminal convictions are to:

- ensure that the University admissions process is fair and reasonable
- minimise risk to the safety and well-being of staff, students, visitors and others using our services or facilities
- protect the University's property
- protect the University's reputation

Any admissions decision relating to the disclosure of criminal convictions will be taken in the light of a risk assessment (see Appendix 3e) against these criteria.¹

In addition, the University of Exeter will comply with current and future legislation and aims to promote good practice in all aspects of the University.

This assessment is separate to and will not influence the decision as to whether an applicant is academically suitable for a programme.

Process

Applicants for places on undergraduate or postgraduate programmes will be asked to declare any relevant criminal convictions on their UCAS or University of Exeter application form.

You are also required to declare any criminal proceedings in respect of relevant offences that have been initiated, but as at the date of application have not been concluded. Proceedings will have been initiated where charges have been laid against you (or police investigations into alleged criminal conduct have begun) and will be regarded as concluded once a verdict has been issued.

¹ Supporting Professionalism in Admissions provide further background and guidance via <https://www.spa.ac.uk/resources/criminal-convictions?section=151>

Applicants for programmes with Fitness to Practise considerations will need to consult the Admissions Fitness to Practise Policy. <http://www.exeter.ac.uk/dbs/>

Convictions that are spent (as defined by the Rehabilitation of Offenders Act 1974) are not considered to be relevant and should not be revealed.²

Applicants sometimes voluntarily bring additional information about convictions or ongoing investigations to our notice. Under these circumstances the University of Exeter reserves the right to consider whether admission carries any risks relating to the criteria set out above.

If an offer of a place is recommended, we will then ask the applicant to provide further details of the nature of the offence(s) in order to assess whether an offer can be made (e.g. a pre-sentencing report and/or references). Failure to provide this information by the requested deadlines may mean we do not make an offer of a place.

The panel reserves the right to invite applicants with a declared criminal conviction to interview, particularly if further information relating to the offence(s) is not forthcoming. This interview will comprise a sub-set of the Admissions Criminal Conviction Group and be led by the Chair of the Group or his/her designate.

Third Parties

We may also need to contact third parties (for example, probation officers) regarding the offence(s). We will only contact third parties when we have gained the applicant's written consent to do so. However, if we do not gain consent it may mean we are unable to make an offer of a place.

If information is received from a third party (anonymous or otherwise) indicating that an applicant has an undeclared criminal conviction, the University will seek verification as appropriate. This may involve contacting the referees provided by the applicant and/or statutory bodies as appropriate. The applicant will also be notified that an allegation has been made against them, although we will protect the identity of the third party if known. If the information is proved to be correct and relevant, standard procedures for dealing with the cited offence(s) will be followed.

Failure to Disclose

Failure to answer questions on application forms or questions subsequently asked by the University accurately could lead to the withdrawal of any subsequent offer of a place, or to the termination of any subsequent registration.

Ongoing Disclosure

An applicant is also required to disclose details if he/she is convicted of an offence after an application has been submitted, but prior to registration with

² Applicants may be required to declare convictions that are not 'spent' if required to do so as part of a programme's Fitness to Practise Policy. <http://www.exeter.ac.uk/dbs/>.

the University. If an applicant is convicted of an offence after registration with the University he/she should act in accordance with the University of Exeter Statutes and Ordinances <http://www.exeter.ac.uk/staff/policies/calendar/part1/>

Confidentiality

Any information relating to criminal convictions will only be seen by those who need to consider it as part of our admissions process or other University staff concerned with the initial and ongoing risk assessment in line with the criteria listed above. We will preserve the anonymity of applicants during these processes wherever possible, and will comply with Data Protection legislation at all times.

Decision Making

Decisions as to whether to offer a place following the declaration of a relevant criminal conviction will be overseen and monitored by the University of Exeter Admissions Criminal Conviction Group. Decisions may be made by Chair's Action where appropriate. The Group may also delegate executive authority to nominated Admissions Staff to deal with straightforward cases.

We ensure that all those at the University of Exeter who are involved in the admissions process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance and training relating to the relevant legislation. Anonymised records of decisions made will be kept to act as case studies and facilitate consistent decisions making.

If the University of Exeter Admissions Criminal Conviction Group decides that an applicant should be offered a place the applicant will be made the offer using same methods as all applicants (i.e. via UCAS or directly by the University). Please note that offers will still be conditional on satisfying any Fitness to Practise policy that applies to a given programme (further details regarding Fitness to Practise policies including details of the programmes affected are available via <http://www.exeter.ac.uk/dbs/>).

If the Chair of the panel agrees that an offer should be made, he/she will seek guidance from the rest of the panel members as to whether additional support from the University may be beneficial to the applicant (for example from the Student Support or Accommodation teams).

If the decision is made not to offer a place then the applicant will be informed in writing (see Appendix 2f).

The Criminal Convictions Group may also request that police checks and/or other background checks are obtained before deciding whether an offer should be made to an applicant.

Appeals

If the University of Exeter Admissions Criminal Conviction Group decides not to offer a place, the applicant has the right to appeal to the Head of Student Recruitment Appeals must be registered in writing to the Head of Student Recruitment within 14 days of receiving written notice of the decision not to

offer a place. The decision reached by the Head of Student Recruitment is final, and there is no further right of appeal.

Further detailed information regarding the University of Exeter Admissions Criminal Conviction Group is available in Appendix 3.

Appendices

1. Related Policies
2. Useful External Agencies
3. University of Exeter Admissions Criminal Convictions Group
 - a. Terms of reference
 - b. Group composition
 - c. Dates of meetings
 - d. Request for further information letter and pro forma
 - e. Risk Assessment form
 - f. Standard Letters
 - i) Decision not to offer a place

Appendix 1

Related Policies

Policy on the Recruitment of Ex-Offenders

<http://www.exeter.ac.uk/staff/employment/dbs/introduction/ex-offenders/>
<http://www.exeter.ac.uk/staff/wellbeing/safety/guidance/childrenyoungpeopleandvulnerableadultsoncampus/>

Policy Statement on the secure storage, handling, use, retention and disposal of Disclosures and Disclosure Information

<http://www.exeter.ac.uk/dbs/>

University of Exeter Statutes and Ordinances

<http://www.exeter.ac.uk/staff/policies/calendar/part1/>

Fitness to Practise Policy

<http://www.exeter.ac.uk/dbs/>

Data Protection information

<http://www.exeter.ac.uk/dataprotection/summary/>

Appendix 2

Useful External Agencies that can provide additional information

www.unlock.org.uk

www.nacro.org.uk

www.gov.uk/dbs

Appendix 3

University of Exeter Admissions Criminal Convictions Group

a Terms of reference

- To apply the criteria in the Policy Statement on processing applications from applicants declaring a criminal conviction to establish whether an offer should be made to an applicant.
- To propose changes to the Policy Statement on processing applications from applicants declaring a criminal conviction and/or processes (any changes to be approved by the Admissions Policy Group (APG))

b Group composition

The group consists of:

- The Academic Dean for Students – Chair
- Head of Admissions
- Head of Student Services
- Representative from Legal Services
- Representative from Residences
- Representative from the relevant academic College

The Chair of the Group may nominate others to join the group or attend meetings if necessary.

c Frequency of meetings

Convened as required .

d Request for further information from applicant letter and pro forma

CONFIDENTIAL

Dear [INSERT NAME]

Thank you for your application to study at the University of Exeter.

We note that you have indicated as part of your application that you have a 'relevant' criminal conviction.

We appreciate that you may have indicated you had a 'relevant' criminal conviction in error and if that is the case then please confirm that you do not have a relevant criminal conviction as soon as possible.

If, however, you do have a relevant criminal conviction then please complete the enclosed form giving details noting the deadline stated below.

At this stage of the application process 'relevant' criminal offences include convictions, cautions, reprimands/youth cautions, final warnings, bind over orders or similar involving one or more of those listed below:

- Any kind of violence including (but not limited to) threatening behaviour, offences concerning the intention to harm, or offences which resulted in actual bodily harm.
- Offences listed in the Sex Offences Act 2003.
- The unlawful supply of controlled drugs or substances where the convictions concerns commercial drug dealing or trafficking.
- Offences involving firearms.
- Offences involving arson.
- Offences listed in the Terrorism Act 2006.

Warnings, penalty notices for disorder (PNDs), anti-social behaviour orders (ASBOs) or violent offender orders (VOOs) are not classed as convictions for the purpose of this section, unless you have contested a PND or breached the terms of an ASBO or VOO and this has resulted in a criminal conviction.

If your conviction was made by a court outside of Great Britain you should also complete the enclosed form.

[Section added for programmes where further disclosure relating to criminal convictions will be requested following an offer]

This programme also has entry requirements which will require you to disclose further information regarding any spent or unspent convictions or any past criminal activities where these would be disclosed on an Enhanced Disclosure and Barring Service (DBS) Disclosure. You are not required to disclose these now as you will be asked to complete further disclosures and obtain an Enhanced DBS disclosure as part of the 'Fitness to Practise' considerations relating to this programme should you be made an offer. However, if you wish to disclose information relating to spent convictions or any past criminal activities at this stage to obtain an early decision as to your suitability for this programme you are free to do so.

If you wish to provide the details of a referee who can support your case (for example, a probation officer) whom you authorise the University to contact, then please give their name and contact details when returning the form.

You should address the information for my attention and mark it as Confidential.

The information you provide will be confidential to those involved in the University's risk assessment process. Following our consideration of the information you may be asked to provide further police checks if it is deemed appropriate.

This assessment is separate to and will not influence the decision as to whether you are academically suitable for this programme.

Please note that the risk assessment process considers only those convictions that are not deemed to be spent (as defined by the Rehabilitation of Offenders Act 1974). Our full policy for considering applications from applicants declaring criminal convictions can be found at <http://www.exeter.ac.uk/dbs/>.

As your application cannot be considered further until we have received the necessary details please ensure that your response is received by [INSERT DATE]. If we do not receive a reply by this date we shall assume that you no longer wish to proceed with your application and it will be deemed withdrawn.

Thank you for your attention to this matter and please do not hesitate to contact me if you wish to discuss any aspect of this letter.

Yours sincerely

PRO FORMA FOR THE APPLICANT TO RETURN

APPLICANT NAME:

EXETER REFERENCE NUMBER:

I ticked the box in error and confirm I have no relevant criminal convictions:

YES/NO [please ensure you sign the declaration below before returning this form]

I have a relevant criminal record:

YES/NO

Please give full particulars below of any previous convictions for relevant criminal offences that are not spent under the Rehabilitation of Offenders Act 1974. Please also give details of any cases pending (or where you have been reported for consideration of possible prosecution) concerning an alleged relevant criminal offence.

In many cases, it is helpful for the University to have any understanding of the circumstances of an offence. If you would like to offer information of that nature at this stage, please provide a separate letter or statement on the reverse of this form.

If you feel it would be helpful for the University to obtain further information from another source such as a probation officer or social worker, please give their name, contact details and your agreement that we may contact them and seek information on your offences and on their opinion of you.

State below in respect of each offence for which you have been convicted:

The nature and date of the offence(s):

Name of court, date of conviction and sentence imposed:

Expected date and place of trial (cases pending only):

Declaration

I confirm that the information given on this form is true, complete and accurate and that no information requested or other material information has been omitted.

Applicant's signature.....

Date.....

e) Form for assessing risk in relation to applicants who have relevant criminal convictions.

The University’s main concerns when considering applicants with criminal convictions are to:

- Ensure that the University’s admissions process is fair and reasonable

- Minimise risk to the safety and well-being of staff, students, visitors and others using our services or facilities
- Protect the University’s property
- Protect the University’s reputation

This document is to help the panel to make decisions. The legal comment section provides specific information about the nature of the offence and other legal considerations which might be relevant.

Panel members: Interim Dean of Students, Head of Admissions, Head of Student Services, College Representatives, Residential Services, Legal Services

Panel Reference Number:
Course Applied for: Proposed Year of Entry:

			Additional Notes		Risk Assessment
Did the applicant disclose past convictions/cautions on the application form?	Yes	No			If NO, question applicant about why: <ul style="list-style-type: none"> ▪ If mitigating circumstances then complete assessment. ▪ If no mitigating circumstances, end application process if appropriate. If YES, complete this assessment.
What was the offence? Legal comment- <i>This section provides specific information about the nature of the offence and other legal considerations which might be relevant. Seek further legal guidance on the offence if required.</i>					

RISK LEVEL IN RELATION TO QUESTIONS:			HIGH	MEDIUM	LOW
What was the sentence?			Custodial	Suspended, community, conditional discharge	Warning, caution, reprimand, fine, absolute discharge
<p><u>The age of the offence</u></p> <p>When was the offence committed?</p> <p>Is the offence recent enough to give cause for concern, or serious enough for the age of the offence to be relevant?</p> <p><i>Offences which took place many years in the past, may often have less relevance than recent offences. However, convictions for serious violent or sexual offences, or offences involving substance abuse are more likely to give cause for continuing concern than, say an isolated case of dishonesty committed when the person was young. The prospect of rehabilitation must be weighed against the need to minimise risk</i></p>			<p>High</p> <p>In the past 3 years</p>	<p>Medium</p> <p>Between 3 and 10 years</p>	<p>Low</p> <p>More than 10 years before</p>

			Additional Notes	Risk Assessment		
<p><u>The nature of the offence.</u></p> <p><i>Is the type/nature of the offence directly relevant to the programme applied for? If yes, in what way?</i></p>	Yes	No		High	Medium	Low
<p><u>The frequency of the offence</u></p> <p>If yes, state nature of pattern</p> <p><i>A series of offences over a period of time is more likely to give cause for concern than an isolated minor offence.</i></p>	Yes	No		High	Medium	Low
Has the applicant supplied additional references?	Yes	No		High Referees declare applicant unsuitable	Medium Referees share some reservations	Low Referees declare applicant suitable
How do the referees rate the applicant's suitability for attendance at the institution and participation in the life of the institution?	Yes	No				
Does the applicant/referee offer any mitigating circumstances concerning past offence/s?	Yes	No		High	Medium	Low
Any aggravating factors to take into account (e.g. intent/harm/exploitation/breach of trust):				What has changed since offence occurred? (e.g. treatment etc) Applicant's attitude towards offence/s?		
Who else has been consulted about this disclosure (partner agencies/probation officer etc):				Name: Position: Date consulted: Reply:	Name: Position: Date consulted: Reply:	Name: Position: Date consulted: Reply:

f. Standard Letters

i. Notice of University of Exeter Admissions Criminal Convictions Group decision not to offer a place – Standard Letter

CONFIDENTIAL

Dear [insert applicant's name]

Re: [insert details of programme applied to]

Following your application for the above programme the University of Exeter Criminal Convictions Group has considered the additional information you provided in line with the criteria laid out in our Criminal Convictions Policy (available via www.exeter.ac.uk/dbs).

The decision reached was that we are unable to make you an offer and have updated our records to record this application as being unsuccessful.

If you wish to appeal against the decision you must do so in writing by contacting Dr Katherine Lloyd Clark, Head of Student Recruitment, Streatham Campus within 14 days of your receipt of this email.

Yours sincerely,

(on behalf of the University of Exeter Criminal Convictions Group)