

## Guidance Notes

It is important that you read these in conjunction with your application form.

### Criminal convictions

To help reduce the risk of harm or injury to our students and staff caused by the criminal behaviour of other students, we must know about any relevant criminal convictions that an applicant has. Please read the following carefully.

If you tick the box declaring that you have a criminal conviction you will not be automatically excluded from the application process.

#### What does 'spent' mean?

If a person does not re-offend during their rehabilitation period, their conviction becomes 'spent' (as defined by The Rehabilitation of Offenders Act 1974). Convictions that are spent are not considered to be relevant and you should not reveal them. You should note that certain offences are never spent.

Also, for certain courses, you are required to declare all convictions whether spent or unspent. These do not have to be declared in answer to this question which relates only to relevant, unspent criminal convictions but you must reveal them if a course has been denoted as requiring a criminal records check. You will be asked this question when you choose a relevant course.

For more information on offences and rehabilitation periods, visit [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/299916/rehabilitation-of-offenders-guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/299916/rehabilitation-of-offenders-guidance.pdf)

#### What is the Rehabilitation of Offenders Act 1974?

The Rehabilitation of Offenders Act 1974 aims to help people who have been convicted of certain criminal offences and have not re-offended since being convicted. People with few or minor convictions will therefore be able to 'put their past behind them' and be treated as everyone else with regard to employment and equal opportunity.

#### What is a relevant criminal conviction?

Relevant criminal offences include convictions, cautions, admonitions, reprimands, 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 conviction concerns commercial drug dealing or trafficking.
- Offences involving firearms.
- Offences involving arson.
- Offences listed in the Terrorism Act 2006.

If your conviction involved an offence similar to those set out above, but was made by a court outside of Great Britain, and that conviction would not be considered as spent under the Rehabilitation of Offenders Act 1974, you must declare it.

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.

#### How will you handle my application if I declare a relevant criminal conviction?

If you tick the box you will not be automatically excluded from the application process.

The information concerning criminal convictions will be passed to appointed persons at the University. In line with best admissions practice, they will consider your application separately from your academic and achievement merits. During this consideration, they may ask you to provide further information about your conviction. If they are satisfied, your application will proceed in the normal way although they may add certain conditions to any offer they may make. Otherwise they will notify you of their decision.

Failure to declare a relevant criminal conviction may result in expulsion from the University of Exeter.

All information concerning criminal convictions must be treated sensitively, confidentially and managed in accordance with the Data Protection Act 1998.

Further details are also available via [www.exeter.ac.uk/dbs/](http://www.exeter.ac.uk/dbs/)

**What if I receive a relevant criminal conviction after I have applied?**

If you are convicted of a relevant criminal offence after you have applied, you must tell us. Do not send details of the offence; simply tell us that you now have a relevant criminal conviction. We may then ask you for more details.

## Criminal conviction declaration where further checks may also be required if the course requires regular contact with children or vulnerable adults.

Further checks may also be required if a programme requires regular contact with children or vulnerable adults.

If a course has entry requirements which may require you to disclose further information regarding spent or unspent convictions or any past criminal activities, and may also require a criminal records (DBS) check.

If you have spent or unspent convictions from a court outside Great Britain, additional checks may be carried out depending on the records available in respect of the applicable country.

A criminal records check may show all spent and unspent criminal convictions including (but not limited to) cautions, reprimands, final warnings, bind over orders or similar and, to the extent relevant to this course, may also show details of any minor offences, fixed penalty notices, penalty notices for disorder, ASBOs or VOOs.

Please note that recent changes mean that some convictions will now not be listed on a criminal records check. Please refer to the general 'filtering' rules via <https://www.gov.uk/government/publications/filtering-rules-for-criminal-record-check-certificates> and the list of offences that will never be filtered via <https://www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check>.

Certain professions or occupations such as (but not limited to) teaching, medicine, dentistry, law, accountancy, actuarial, insolvency, healthcare, social work, veterinary medicine, veterinary science, pharmacy, osteopathy, chiropractic, optometry and professions or occupations involving work with children or vulnerable adults, including the elderly or sick people, are exempt from the Rehabilitation of Offenders Act (1974).

Different rules apply to such professions or occupations with regard to disclosure of information about criminal convictions. You may be required to disclose information regarding any convictions even if they are spent.

Some courses in respect of such professions or occupations involve an integral work placement and you may not be able to undertake such placement and complete your studies if you have criminal convictions.

Further, while you may be permitted to study for one of the above professions or occupations, you may not be able to register and practice upon completion of your course.

You should be aware that in respect of these courses:

1. We may ask you to provide further information regarding any convictions (including spent convictions), and/or may ask you to agree to a criminal records check. If we do so, you must comply with our request.
2. Where required, we will send you instructions regarding how to provide the information we require. We may send you documents to fill in.
3. Depending on the type of check, different levels of information will be revealed. The information revealed may include unspent convictions and spent convictions (including cautions, reprimands and final warnings or similar). Information about minor offences, penalty notices for disorder (PNDs), anti-social behaviour orders (ASBOs) or violent offender orders (VOOs) and other locally held police information may be revealed where it is appropriate to the course for a particular occupation or profession. The information will be disclosed irrespective of when it occurred.
4. This means that if you have a criminal conviction (spent or unspent) or, in certain circumstances, any minor offence, this information may be made known to us as part of the check.
5. If the check reveals that you have had a conviction, (including any caution, reprimand, final warning, bind over order or similar) or any other relevant information including (in certain circumstances) any minor offence, PND, ASBO or VOO, we will need to assess your fitness to practise in the profession or occupation to which your course relates. Applicants to medicine, for instance, should be aware that the General Medical Council will not permit students deemed unfit to practice to be entered on the medical register and so they will not be able to practice as doctors. Similar restrictions may be

imposed by other professional bodies including (but not limited to) those connected with law, teaching, accountancy, social work, healthcare, veterinary services, pharmacy, financial and insurance services and the armed forces.

6. You may also be subject to further checks (before and/or after you complete your course) by prospective employers who will make their own assessments regarding your fitness to practise in the relevant profession or undertake the relevant occupation.

7. If these issues are in any way relevant to you, you should obtain further advice from appropriate bodies.

#### **How will the University or College handle my application if I declare a criminal conviction?**

If you tick the box you will not be automatically excluded from the application process.

The information concerning criminal convictions will be passed to our appointed persons. In line with best admissions practice, we will consider your application separately from your academic and achievement merits. During this consideration, we may ask you to provide further information about your conviction. If they are satisfied, your application will proceed in the normal way although we may add certain conditions to any offer they may make. Otherwise we will notify you of their decision.

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# Care

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If you have spent any time in local authority care, even for one day, (this includes if you have been in public care and had lived in one or more of foster care, semi-independent living or residential care homes), please indicate 'yes' on the application form.

Universities and Colleges will treat this information in confidence and may use this information to contact you to discuss whether or not you may need any extra resources or support to undertake your chosen course. Selecting 'yes' may also enable you to access additional financial support universities provide to young people who have been in care. If you have not spent time in care, please select 'no'.

Universities and Colleges may have different policies as to if, when and/or how the information may be used. For example, it could be for statistical monitoring purposes after decisions have been made, or it could be used at the application stage. If you have any concern as to how a university or college may use this data, if indeed they do use it, please see the university or college website or contact the institution for further details.

## Duration in care

If you have spent any time in care, please indicate the total length of time by completing the relevant section on the form.

Universities and Colleges will treat this information in confidence and may use this information to contact you to discuss whether or not you may need any extra resources or support to undertake your chosen course.

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