

# **University of Exeter Admissions Criminal Convictions Policy, Procedure and Guidance.**

Version: Final

Approval: Approved by the Admissions Policy Group (APG)

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Review: Annual review cycle coordinated by Admissions Policy Officer

## **Scope**

This policy applies to all applicants and covers the admissions stage only. Separate policies are in place for other aspects of student life and study at Exeter University.

## **Aim**

We believe everyone with the potential and ambition to go to university should have the opportunity to do so, regardless of background. People with criminal convictions face obstacles and barriers to accessing university, yet higher education has the power to transform their lives by helping them move forward and make a positive contribution to society. Therefore, our aim to ensure a supportive and accessible admissions policy for those with a criminal record. We will;

- Ask applicants about criminal records only if – and when – it is necessary
- Ask targeted and proportionate questions during the admissions process
- Make our policy transparent and accessible to all applicants
- If necessary, offer applicants a chance to discuss their case in person before a decision is made
- Consider flexible adjustments and alternatives for applicants
- Ensure staff are trained to make fair and impartial judgements about applicants
- Support students with criminal records to help them achieve academic success
- Communicate positively about the benefits of a fair admissions process

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

## **Process**

As part of the admissions process, we will only require information on criminal convictions as follows:

## **Regulated Programmes**

Regulated programmes are those leading to professions or occupations exempt from the Rehabilitation of Offenders Act 1974. These programmes require an applicant to self-disclose all convictions at the point of application on the application form and require an applicant to undertake a fitness to practise assessment and enhanced Disclosure and Barring Service (DBS) check at the point of accepting an offer of a place as detailed in the [Admissions Fitness to Practise Policy, Procedure and Guidance](#).

## **Non-regulated Programmes**

Non-regulated programmes are those programmes that do not lead directly to an exempt profession.

Applicants who are subject to restrictions or conditions as a result of their criminal record and who are applying for a non-regulated programme should consider whether their restrictions and conditions will affect their ability to successfully complete their programme. We invite those applicants to disclose those restrictions so we can make reasonable adjustments where possible, or suggest alternative pathways. We want to support applicants to make the best decision and we therefore encourage early disclosure. This also means that we can provide confidential advice to prospective applicants. Applicants should contact the Admissions Policy Officer to discuss their circumstances in confidence. Detailed information disclosed pre-offer will not be shared with those making a decision about admissions

In all cases where information is disclosed a risk assessment will be undertaken. This will firstly be reviewed by the Head of Admissions who will make a decision either to accept the applicant or pass the case to the Exeter Admissions Review Panel. The role of the Panel is to determine whether the applicant would (on the basis of information provided) be able to successfully complete their studies at the University. It may also consider and make recommendation in relation to other aspects of joining the University, such as whether an applicant would be permitted to reside in University accommodation (where appropriate) and what, if any additional support would be required. The Panel comprises the Academic Dean for Students who will act as Chair, the Head of Admissions, a College representative and/or a Professional Representative, in the case of regulated programmes. Representatives from University Residences, Legal Services, and Student Services. The Panel may request additional legal or specialist advice. The panel will be serviced by the Admissions Policy Officer.

The Panel will convene as required and will take into account:

- the nature of the offence and its relevance to the proposed programme of study
- the date of the offence(s) and any pattern of re-offending
- whether the applicant's circumstances have changed since the offence(s)
- any extenuating/mitigating circumstances.

We may need to contact third parties (for example, probation officers and social workers) regarding the restrictions or conditions and their impact on the applicant's ability to participate in their chosen programme. The Chair of the Panel may nominate others to join the panel or attend meetings if necessary. 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 proceed with the application or confirm an offer of a place.

An application will only be referred to the Panel if an applicant meets the academic requirements to be offered a place on the programme.

If an applicant discloses late in the process and it is not possible to make necessary adjustments or offer an alternative, we reserve the right to defer or withdraw an offer or terminate the place.

### **Third Parties**

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.

### **Decision Making**

We ensure that all those at the University of Exeter who are involved in the decision making following disclosure of any restrictions or conditions 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 facilitate consistent decisions making.

If the decision is made not to offer a place then the applicant will be informed in writing.

### **Data protection and privacy information**

Any information relating to criminal record related disclosure will only be seen by those who need to consider it as part of our admissions process. We will preserve the anonymity of applicants during these processes wherever possible.

If adjustments are made to enable applicants to participate in their programme, information may need to be shared with academic/departmental staff. Information will not be shared without an applicant's consent.

University of Exeter complies with the GDPR and Data Protection Act 2018. We process data related to criminal records on the basis of consent, as required by our Article 6 and 10 obligations under the GDPR. This means that you do not have to share information if you do not wish to.

## **Appeals**

If the University of Exeter Admissions Review Panel decides not to offer a place, the applicant has the right to appeal to the Assistant Director (SARA). Appeals must be registered in writing to the Assistant Director (SARA) within 14 days of receiving written notice of the decision not to offer a place. The Assistant Director will review the process through which the Panel decision was reached but the applicant cannot offer new information or evidence not presented or available to the Panel at the Appeal stage. The decision reached by the Assistant Director (SARA) is final, and there is no further right of appeal.

## **Appendices**

1. Related Policies
2. Useful External Agencies

## **Appendix 1**

### **Related Policies**

University of Exeter Statutes and Ordinances

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

Applicant privacy policy

<http://www.exeter.ac.uk/privacy/applicants/>

## Appendix 2

### Useful External Agencies that can provide additional information

[www.nacro.org.uk](http://www.nacro.org.uk)

<https://www.gov.uk/government/organisations/disclosure-and-barring-service>

<https://www.unlock.org.uk/>



