



PROCEDURES FOR CONSIDERATION OF DISCLOSED CRIMINAL RECORDS

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Review

These procedures will be reviewed in summer 2017 or sooner in the event of further changes to legal requirements or DBS procedures

PROCEDURES FOR CONSIDERATION OF DISCLOSED CRIMINAL RECORDS

Introduction

- 1 These Procedures and the University's Policy Statement on the Recruitment, Placement and Engagement in Other Activities of Students with Criminal Convictions aim to ensure that the University fulfils its responsibilities and obligations for the safety of the University community and the safeguarding of children, young people and adults with whom University students are in contact as part of their studies and work and also for the assurance of the individual, external agencies and the University itself.
- 2 The University is registered with the Disclosure and Barring Services (DBS) and this series of procedures is designed to assess students and prospective students with criminal records, and make appropriate decisions as to their suitability to study at the University, to remain as students of the University, to go on placement, and to undertake certain work or volunteering activities.
- 3 The Procedures for the Consideration of Disclosed Criminal Records are in four sections:
 - I Applicants for programmes which do not require enhanced DBS checks
 - II Applicants for programmes or research studies which do require an enhanced DBS check, i.e. programmes that involve working/volunteering in regulated activity¹ with children and/or adults.
 - III Existing students on programmes requiring enhanced DBS checks.
 - IV Existing students on other programmes undertaking programme-based or other activities requiring a DBS check.

This document should be read in conjunction with the University's Policy Statement on the Recruitment, Placement and Engagement in Other Activities of Students with Criminal Convictions.

- 4 Throughout the operation of these procedures due care will be taken to maintain confidentiality and to respect the privacy of the applicant or student.

Section 1

Applicants for programmes which do not require an enhanced DBS check

- 5 Undergraduate applicants are required to declare any "relevant"² criminal convictions that are unspent on the UCAS or direct application form. Postgraduate applicants are also asked on

¹ Regulated activity relates to safeguarding vulnerable groups and the work that a barred person must not do. The scope of regulated activity was redefined in the Protection of Freedoms Act 2012 and other secondary legislation, and guidance is available on the DBS website: <https://www.gov.uk/government/publications/dbs-check-eligible-positions-guidance>

the paper and online application form if they have any unspent “relevant” criminal convictions, with “relevant” as defined for UCAS applicants.

- 6 Applications are first processed as usual by the Admissions Office and Department where appropriate, to ensure that they meet the entry requirements and other basic expectations for the programme. If they do not, the application is rejected.
- 7 If the applicant does meet the basic academic and any other requirements for the programme but a criminal conviction has been declared, then the applicant is asked by the University to provide written details of any unspent³ and not ‘protected’⁴ offence(s), including: dates, the sentence imposed and the name of the court, with a copy of any conviction notices. The applicant may also be asked to give details of their Probation Officer where relevant and to give their consent for the Head of Admissions to contact him/her in order to obtain information to help with the University’s risk assessment. This may be requested before any interview necessary for an offer to be made takes place but will be considered separately from the interview process.
- 8 When this information is received, the Head of Admissions will consider the information provided in accordance with the University’s Admissions Policy and the Policy Statement on the Recruitment, Placement and Engagement in Other Activities of Students with Criminal Convictions, and will complete the University’s “Risk Assessment for use in the Recruitment of Students with Criminal Convictions” form. The risk assessment covers the nature of risk both in terms of the potential student’s studies and, more broadly, as a member of the University community. The Head of Admissions will consider whether to offer a place or whether the conviction is of sufficient seriousness to warrant arranging a panel to consider the matter further.
- 9 A panel will normally be arranged to consider the following convictions:
 - 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, trafficking, possession with intent to supply.
 - Offences involving firearms, knives and weapons.
 - Offences involving arson.
 - Offences listed in the Terrorism Act 2006.

This list is not exhaustive and the Head of Admissions will have discretion to arrange a panel for reasons not covered where s/he determines that there are possible grounds for withholding the offer of a place.

- 10 Where a panel is arranged it will be coordinated by the Admissions Office. The panel will consist of the Head of Admissions (Chair), the Director of Student Engagement and Success, the Admissions Tutor for the programme applied for, and the Head of the Department where the course is taught. The role of the panel is to consider the risk assessment and all other

² As defined by UCAS: Relevant criminal offences include convictions, cautions, admonitions, reprimands or similar involving, for instance: any kind of violence; offences listed in the Sex Offences Act 2003; unlawful supply of controlled drugs or substances involving commercial drug dealing or trafficking; offences involving firearms; offences involving arson; offences listed in the Terrorism Act 2006. See UCAS guidance for further information.

³ Depending on the nature of the offence, once a rehabilitation period has expired and no further offending has taken place, a conviction may be considered ‘spent’. For further guidance see:

<https://www.gov.uk/government/collections/dbs-filtering-guidance>

⁴ Certain specified old and minor offences are ‘protected’ and are not subject to disclosure by the DBS and cannot be taken into account. Guidance and criteria on what constitutes ‘protected’ cautions and convictions can be found on the DBS website as in note 3 above.

information available from the applicant and others, and to determine: whether or not the applicant poses a risk; if so, the nature of the risk and any measures that could be taken to remove or reduce the risk; and, whether an offer of a place to study at the University shall be made, with or without conditions. The panel will usually meet in person but may decide to conduct its business electronically or in writing, in which case appropriate steps will be taken to protect any sensitive personal data that is shared amongst the panel. The panel may consult such other departments or persons as it may require (e.g. Accommodation Services, Student Policy Manager). The applicant should be given the opportunity to make a written submission for consideration by the panel. The panel may at its absolute discretion request the applicant to meet with the panel to make representations in person and present any further evidence (e.g. references). The panel will take a reasonable view as to the risk which the applicant could pose to the institution, its members and visitors.

- 11 The University's decision whether to offer a place or not, whether made by the Head of Admissions or by a panel, will be communicated to the applicant in writing by the Head of Admissions.
- 12 If the decision is not to make an offer to the applicant on the basis of the convictions disclosed, then the applicant may seek a review of the decision by writing to the Head of Complaints and Appeals.
- 13 For applicants for research degrees, the above procedure will be followed but will be managed by the Graduate School Manager instead of the Head of Admissions. A panel will be composed of the Graduate School Manager (in the Chair), the Director of Student Engagement and Success, the proposed academic supervisor and the relevant Head of Department.
- 14 If an applicant is found to have a relevant offence as defined above which was not declared at the point of application or at any stage throughout the application process, a panel will consider the matter and this could give grounds for rejecting the application. Undergraduate applicants in this position may be reported to UCAS and have all applications withdrawn for the remainder of the academic year. If the individual has registered as a student of the University, the matter will be considered under Section H30 of the Academic Regulations and Procedures.
- 15 Admission of an applicant with a conviction or convictions to a programme at the University does not guarantee that the applicant will be able to progress with their chosen profession upon graduating. It is the applicant's responsibility to seek advice and clarify their position with any relevant professional or statutory bodies.



Section 2

Applicants for programmes which do require an enhanced DBS check i.e. programmes that relate to regulated activity with children or adults as defined by the DBS (<https://www.gov.uk/government/publications/dbs-check-eligible-positions-guidance>).

- 16 Applicants for courses which require the completion of a satisfactory DBS disclosure are required to declare any convictions, cautions, reprimands or final warnings recorded on a police central record, that are not protected as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013). Guidance on the filtering of these cautions and convictions can be found on the DBS website: <https://www.gov.uk/government/collections/dbs-filtering-guidance>
- 17 Undergraduate applicants are required to declare any “relevant” criminal convictions that are unspent on the UCAS or direct application form (see paragraph 5 and footnotes above). Postgraduate applicants are also asked on the paper and online application form if they have any unspent “relevant” criminal convictions, with “relevant” as defined for UCAS applicants.
- 18 Applications are first processed as usual by the Admissions Office and the Department, to ensure that they meet entry requirements and other basic expectations for the programme. If they do not, the application is rejected.

A Self-Declaration

- 19 If the applicant does meet the basic academic and any other requirements for the programme but a criminal conviction has been declared, then the applicant is asked to complete a self-declaration form (<http://www1.uwe.ac.uk/students/practicesupportnet/policiesandprocedures.aspx>)⁵, providing written details of the offences (including ‘spent’ convictions) that are not ‘protected’⁶, including nature of the offence(s), dates, the sentence imposed and the name of the court, with a copy of any conviction notices. The applicant may also be asked to give details of their Probation Officer where relevant and to give their consent for the Head of Admissions to contact him/her in order to obtain information to help with the University’s risk assessment. This may be requested before any interview necessary for an offer to be made takes place but will be considered separately from the interview process.
- 20 The Admissions Manager with responsibility for DBS checks will send information about any conviction, caution, reprimand or warning declared on the self-declaration form, which has not previously been investigated, to the designated contact within the relevant Academic Department. The designated contact will complete the University’s “Risk Assessment for use in the Recruitment of Students with Criminal Convictions” form. The risk assessment covers the nature of risk both in terms of the potential student’s suitability for the professional programme and, more broadly, as a member of the University community. The designated contact will consider whether to offer a place at that stage or whether the conviction is of sufficient seriousness to warrant arranging a panel to consider the matter further. The designated contact may consult others within and outside the University and will take account of any relevant professional guidance in reaching such a decision. The decision will be submitted to the Admissions Manager so that it can be saved in the SITS applicant record.

⁵ For some programmes applicants are also required to declare other relevant matters that might affect them undertaking regulated activity, such as particular disciplinary offences in employment. Any declarations made about such matters will be considered under these procedures.

⁶ Certain specified old and minor offences are since May 2013 ‘protected’ and are not subject to disclosure by the DBS and cannot be taken into account. For further guidance see the DBS eligibility and filtering guidance: <https://www.gov.uk/government/publications/dbs-check-eligible-positions-guidance> and <https://www.gov.uk/government/collections/dbs-filtering-guidance>

- 21 A panel will normally be arranged to consider the following convictions:
- 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, trafficking, possession with intent to supply.
 - Offences involving firearm, knives and weapons
 - Offences involving arson.
 - Offences listed in the Terrorism Act 2006.
 - Theft and deception

This list is not exhaustive and the designated contact will have discretion to require a panel for reasons not covered by this list particularly where s/he determines that there are possible grounds for withholding the offer of a place.

- 22 Where a panel is required, it will be coordinated by the Admissions Office. The composition of the panel may vary according to the practice of the Department but will include at least the Head of Department (as Chair), the Head of Admissions, the Department's designated contact and the Admissions Tutor, and a representative of a relevant professional partner (e.g. NHS Trust, Local Education Authority, school). The role of the panel is to consider the risk assessment and all other information available from the applicant and others, and to determine: whether or not the applicant poses a risk; if so, the nature of the risk and any measures that could be taken to remove or reduce the risk; and whether an offer of a place to study at the University shall be made, with or without conditions. The panel will judge the seriousness of the offence(s) on the self-declaration form in the light of any relevant professional guidance. The panel will usually meet in person but may decide to conduct its business electronically or in writing, in which cases appropriate steps will be taken to protect any sensitive personal data that is shared amongst the panel. The panel may consult such other departments or persons as it may require (e.g. Accommodation Services, Student Policy Manager). The applicant should be given the opportunity to make a written submission for consideration by the panel. The panel may at its absolute discretion request the applicant to meet with the panel to make representations in person and present any further evidence (e.g. references). The panel will take a reasonable view as to the risk which the applicant could pose to the institution, its members, placement providers and visitors.
- 23 The University's decision whether or not to offer a place, whether made by the designated contact or by a panel, will be communicated to the applicant in writing by the Head of Admissions.

B. DBS Checks

- 24 All applicants for courses covered by this section of the procedure will be subject to a Disclosure & Barring Service check and a satisfactory check will form a condition of any offer of a place. Applicants who have been made an offer will be sent a DBS application form, along with detailed guidance, to complete and submit.
- 25 Applicants are required to submit their DBS disclosure certificate to the Admissions Office before their offer can be confirmed and they may undertake a placement involving regulated activity. Upon receipt of a disclosure certificate which reveals any warning, caution or conviction, the Admissions Manager with responsibility for DBS checks will cross check the disclosure against the self-declaration form previously completed. Any conviction, caution, reprimand or warning not declared previously will be sent to the designated contact within the relevant Academic Department. The contact will decide either to let the application proceed, or to refer it to a panel to consider the matter further under the procedure above. The designated contact may consult with others within and outside the University in reaching such

a decision and will take account of any relevant professional guidance. The decision will be submitted to the Admissions Manager so that it can be saved in the SITS applicant record.

26 If a panel is required, it will operate under paragraphs 21 - 23 above.

C. General

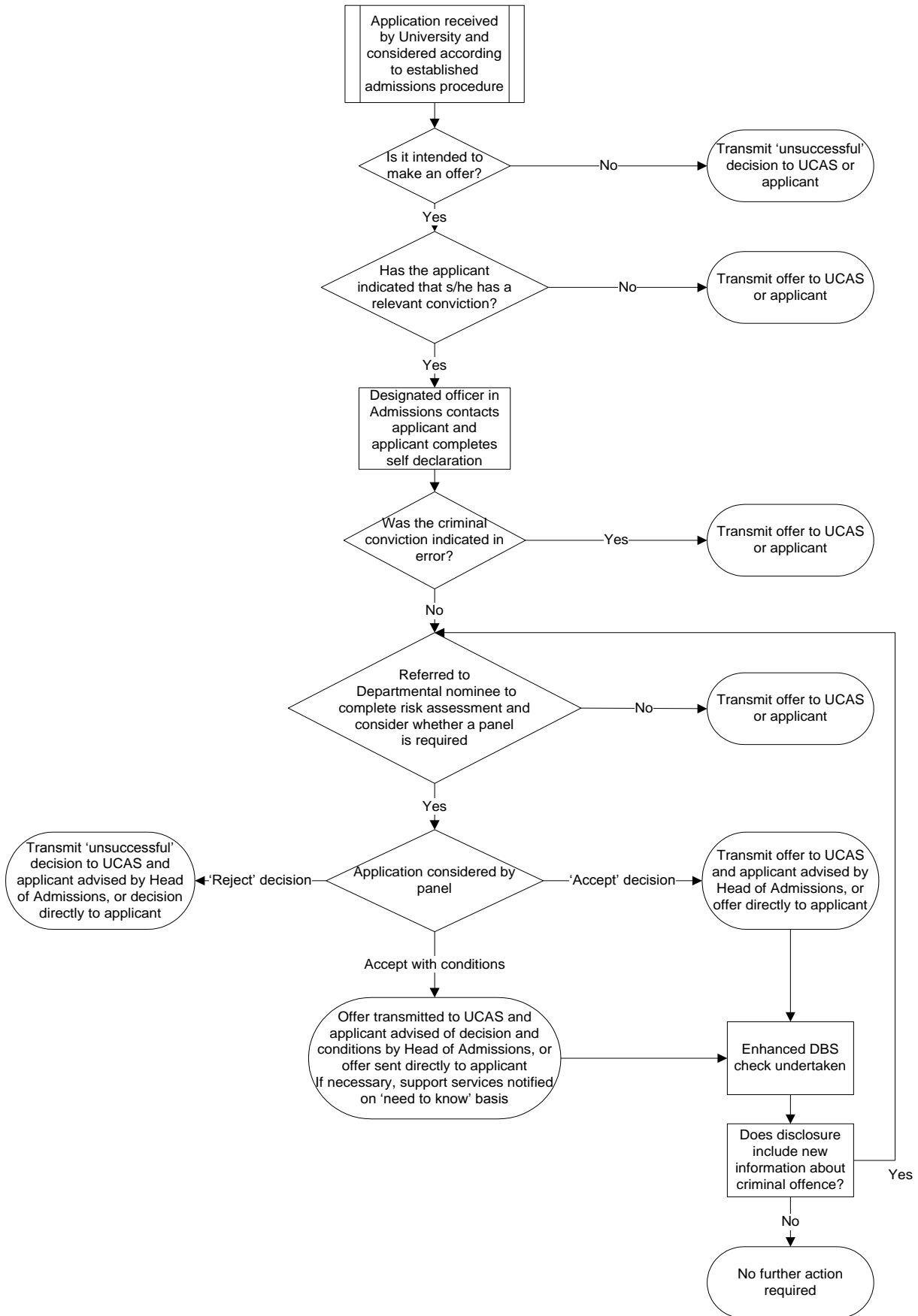
27 If the decision by the designated contact or a panel is to make an offer and the applicant registers as a student of the University, the University reserves the right to inform placement providers of the nature of the conviction, caution or warning. The University will make this clear to applicants/students whenever they are asked to declare any offence.

28 If the decision by a panel is not to make an offer to the applicant on the basis of the convictions disclosed, then the applicant may seek a review of the decision by writing to the Head of Complaints and Appeals.

29 For applicants for research degrees where regulated activity with vulnerable groups will be required, the above procedure will usually be followed but will be managed by the Graduate School Manager. It may not, however, be necessary to request a self-declaration in addition to requiring a DBS check. A panel will be composed of the Graduate School Manager (in the Chair), the Director of Student Engagement and Success, the proposed academic supervisor and the relevant Head of Department.

30 If an applicant is found to have a relevant offence as defined above which was not declared at the point of application or at any stage throughout the application process, a panel will consider the matter and this could give grounds for rejecting the application. Undergraduate applicants in this position may be reported to UCAS and have all applications withdrawn for the remainder of the academic year. If the individual has registered as a student of the University, the matter will be considered under Section H30 of the Academic Regulations and Procedures and may be referred to the Professional Suitability and Professional Conduct Policy.

31 Admission of an applicant with a conviction or convictions to a programme at the University does not guarantee that the applicant will be able to progress with their chosen profession upon graduating. It is the individual's responsibility to seek advice from and clarify their position with any relevant professional or statutory bodies.



Section 3

Existing Students on Programmes requiring an enhanced DBS check

- 32 Students on programmes of study or research that require the completion of a satisfactory DBS disclosure (i.e. programmes involving regulated activity as defined by the DBS) are required to complete an annual declaration informing the University if they have a police reprimand, warning, caution or conviction since the last DBS check or declaration. Declarations for undergraduate students will normally be managed through the ARC system and it is the responsibility of Programme Leaders to ensure that all students have completed a satisfactory declaration. For research students this requirement will be managed by the Graduate School.
- 33 If students on these programmes receive a police reprimand, warning, caution or conviction, they are required to declare this immediately to the Programme Leader or Graduate School Manager (research students) and complete a self-declaration form (<http://www1.uwe.ac.uk/students/practicesupportnet/policiesandprocedures.aspx>). In these circumstances students must not wait until the annual declaration process is invoked.
- 34 Any annual declaration including new information about criminal offences and all self-declaration forms should be submitted to the Student Policy Manager to be considered under the University's Professional Suitability and Professional Conduct Policy.
- 35 Any student on a relevant taught programme who fails to complete the annual declaration will subsequently not be allowed access to placement information or be permitted to attend a placement, may be considered under the Professional Suitability and Professional Conduct Policy, and in some circumstances may be unable to continue with their course.
- 36 Students who temporarily withdraw from a programme involving regulated activity will be required to complete a self-declaration on return. Where the period of temporary withdrawal has been for a year or more a full DBS check will be required. The relevant Student Administration Team will be responsible for arranging for the student to complete a self-declaration and/or a DBS application form, for checking the form and/or DBS certificate, and for notifying the Programme Leader and the Student Policy Manager of any offences reported. Offences that have not previously been considered by the University will be considered under the Professional Suitability and Professional Conduct Policy.
- 37 Students who transfer onto a programme involving regulated activity will be required to undertake a DBS check unless one was completed and they were cleared on admission to the University. Either the Admissions team for first-year students or the Student Administration team for those in later years will arrange for the student to complete a DBS application form, check the DBS certificate, and for notifying the Head of Admissions or the Student Policy Manager of any offences reported. Offences will be considered under the procedures in Section 2 above or the Professional Suitability and Professional Conduct Policy as appropriate.
- 38 A false declaration or withholding information that is subsequently discovered, in itself may lead to the Professional Suitability and Professional Conduct Policy being invoked. This could, in turn, lead to discontinuation from the relevant programme.

Section 4

Existing Students Undertaking Programme-based or Other Activities requiring a DBS check

- 39 Students in other settings which require DBS checks might include:

- students undertaking a placement or other work experience as part of a programme not covered in Section 2 above, which involves unsupervised regulated activity with children or adults
- students undertaking research as part of an undergraduate or postgraduate programme of study, whose work involves unsupervised regulated activity with children or vulnerable adults
- Student Ambassadors, Mentors, Tutors, volunteers and students participating in other activities which require regulated activity⁷.

40 Where DBS checks are required for such students they will be carried out as follows.

The individual usually responsible for deciding whether a DBS check is required is:

- for students undertaking a placement or other work experience as part of a programme not covered in Section 2 above, the Work-based Learning Development Manager, Employer Partnership Services
- for students undertaking research as part of a taught programme of study, their supervisor
- for students undertaking postgraduate research, the Graduate School Manager
- for student ambassadors, mentors, tutors, the Head of Recruitment and Outreach
- for student volunteers, the Head of Student Enrichment.

The DBS application process will be managed by the team identified above. In the case of students undertaking research as part of a taught programme, the supervisor should refer the student to the relevant Student Administration team who will manage the process.

41 The senior manager of each team will ensure that a process is in place and agreed with the Student Policy Manager, for processing DBS applications, considering DBS certificates and any cautions, convictions or other offences about which information is obtained, and the appropriateness of permitting the student concerned to undertake the regulated activity proposed. The procedures should be in line with the principles set out in Sections 1 and 2 of these procedures and the related Policy. The procedures must include:

- the information that will be provided to students about the requirement for DBS checks
- who is responsible for the operation of the procedures and communicating with the student
- the composition of any panel to consider information on a DBS certificate, which must be chaired by the senior manager concerned and include at least one member from outside the team
- the role and terms of reference of the panel
- the right of a student to make, at least written, representations to the panel
- the right of the panel to consult others within and outside the University as appropriate
- that due care will be taken to ensure confidentiality of the process and to respect the privacy of the student.

General

42 Students who work as staff at the University and require a DBS check for that work, will be considered under the [Human Resources Disclosure and Barring Checks Policy for staff](#).

43 All references within these procedures to particular post holders shall be taken to include references to their deputies or nominees who may take action within these procedures on the authority of the post holder, for instance where he/she is unavailable or his/her prior involvement in a matter might be seen to affect his/her impartiality.

44 Where, exceptionally, variations to these procedures are required to meet particular professional requirements or guidance, they will be agreed with the Student Policy Manager.

⁷ Where students are involved only in activities such as guiding tours around the University a check is not normally required, though a limited risk assessment should be undertaken by the department.

45 Advice on these procedures and the related Policy is available from the Student Policy Manager.

Relevant Policies and Procedures

This document draws on information provided elsewhere and should be read in conjunction with the following associated papers and links:

- Policy Statement on the Recruitment, Placement and Engagement in Other Activities of Students with Criminal Convictions: <http://www1.uwe.ac.uk/aboutus/policies>
- Admissions Policy: <http://www1.uwe.ac.uk/aboutus/policies>
- DBS Code of Practice: <https://www.gov.uk/government/publications/dbs-code-of-practice>
- Guidance Notes on Disclosure and Barring Service (DBS) and on Completing the Disclosure and Barring Service Application Form: (<https://www.gov.uk/government/publications/dbs-application-forms-guide-for-applicants>)
- Policy Statement on the Handling of DBS Disclosures Information: <http://www1.uwe.ac.uk/aboutus/policies>
- Professional Suitability and Professional Conduct Policy: <http://www1.uwe.ac.uk/aboutus/policies>
- Safeguarding Policy and Procedure: <http://www1.uwe.ac.uk/aboutus/policies>
- Student Conduct Policy: <http://www1.uwe.ac.uk/aboutus/policies>

Other useful links:

Disclosure and Barring Service:

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

Nacro: <http://www.nacro.org.uk/>

Unlock: <http://www.unlock.org.uk/>