

## Procedure for the consideration of all applications from applicants declaring a criminal conviction

### INTRODUCTION

The majority of UK Higher Education providers believe they have a moral and ethical 'duty' towards all members of the University. In the area of criminal convictions, the majority of Higher Education providers take the view that this 'duty' includes ensuring that they do not admit students who may pose a substantial risk to members of the University or that suitable conditions are considered where deemed appropriate to protect the interests of the student concerned or the wider University membership.

The UCAS application form used to require all applicants to declare whether they have any relevant, unspent criminal convictions. Following the introduction of General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA18) and following advice from the Information Commissioner's Office (ICO), UCAS removed this question from the application form from the 2019 cycle for all courses except those that involve work with children or vulnerable adults (as identified by providers, that require a DBS check).

The University therefore decided that the question should be removed from all direct and postgraduate applications.

It was felt that to maintain its responsibility for staff, visitors and students, the University would ask applicants **at offer acceptance stage** to declare whether they have an unspent criminal conviction. This will be made clear to applicants pre and post application stage on the Admissions Policies and Procedures webpages and the contract (CMA) email.

#### 1.1 Purpose

The purpose of this procedure is to provide guidance to all Admissions staff regarding what needs to be considered when dealing with applications where a criminal declaration is disclosed for i) DBS (regulated) courses ii) for all other (non-regulated) courses.

The use of the guidelines is to ensure that **all applicants** are given equal and fair consideration and that the safety and well-being of the wider University community is not jeopardised by any individual admitted.

#### 1.2 Scope

This procedure applies to all applications that come through UCAS or directly and is separate to any Disclosure and Barring Service (DBS) checks required for study on a particular course or placement. For those courses please see separate DBS process.

The process has two functions:

- i) To carry out a risk assessment of whether an applicant poses a significant risk to the University's community
- ii) To consider courses which have specific professional or statutory requirements including 'fitness to practise'

## 2. PROCEDURE

### 2.1 The declaration

For courses **requiring a DBS check (regulated courses)**, applicants will be asked to declare whether they have any criminal convictions, including spent convictions on their UCAS application. Applicants are advised that if the declaration box is marked, then the University may wish to consider the application further or ask for more information before making a decision. Furthermore, any relevant convictions after completing the application form must also be declared to UCAS and to institutions the applicant has applied to.

For all other courses, applicants will be sent an email after an offer acceptance<sup>1</sup> is made asking them to declare if they have any criminal convictions. They will be required to reply Yes or No. If an applicant does not reply, an automated chase up email will be sent until a response is received. Applicants that fail to respond by the final chase deadline will be notified that their place has been withdrawn. Admissions staff should bear in mind that it is possible that the application form may indicate a criminal offence (e.g. in the reference or personal statement). Where there are clear grounds to believe an offence indicated elsewhere is classified as a relevant conviction, Admissions staff should contact the Associate Director of Admissions and Enquiries.

### 2.2 Actions to be taken

#### **Regulated courses**

In cases where the box has been marked to indicate a relevant criminal conviction, an automated email will be sent to request the applicant complete a task on the Applicant Portal in e:Vision. This will be sent prior to any formal suitability assessment of the application. Therefore, it should be noted that receipt of this email does not guarantee an offer on the course.

Where more information is required, the applicant will receive an email requesting further details (Annex 1). If an applicant discloses a criminal conviction, then the application will be referred to the Deputy Director of GSRA, relevant Admissions Tutor and normally the School's Health and Conduct committee.

#### **Non-regulated courses**

For all other courses, an automated email will be sent to all applicants after an acceptance<sup>2</sup> has been entered onto SCIMS. The applicant will be given a link to complete a task via the Applicant Portal in e:Vision asking them to complete the declaration. The applicant will be provided with guidance regarding why we ask for this information and what information is required. If an applicant responds "Yes" then an email requesting further information will be sent (Annex 1).

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<sup>1</sup> Firm or Insurance Acceptance

<sup>2</sup> Firm or Insurance Acceptance

For all disclosures, the details provided by the applicant will be initially considered by the Deputy Director of Global Student Recruitment and Admissions and the Associate Director of Admissions and Enquiries to decide whether or not supplementary information is required (if not provided already by applicant). Such information may be in the form of a report from the applicant's Probation Officer or Prison Officer, for which the University must obtain the prior consent of the applicant before requesting.

Once all appropriate information has been gained, the Deputy Director of Global Student Recruitment and Admissions and the Associate Director of Admissions and Enquiries have discretion to make a decision on minor offences and permit the offer to be retained. If the conviction is of a more serious nature the Associate Director of Admissions and Enquiries will prepare a written report either proposing acceptance (possibly with conditions), or rejection of the applicant. The report should provide an assessment of the risks to members of the University community (copy of Risk Assessment Form Annex 2), particularly in relation to the wider implications of the applicant having access to the halls of residence and membership of the Student Union.

The application, disclosure and report should then be considered by a Criminal Declaration panel to consist of:

- Director of Student Support and Success (Chair)
- Deputy Director of Global Student Recruitment and Admissions or nominee
- Head of School or nominee
- Head of Security or nominee
- Selective and International Admissions Manager (administrative support)

The Chair of the panel may nominate others to join the group or attend meetings if necessary. The panel discussions can be completed electronically, depending on the nature of the conviction.

The panel may decide to:

1. To **reject** the applicant to study at the University
2. To **accept** the applicant to study at the University, but **not to stay in its accommodation**
3. To **accept** the applicant to study at the University, but **subject to certain other requirements and support arrangements**
4. To **reject** the application to study on the particular course requested, but to indicate that it would be acceptable for them to apply for alternative courses.
5. To request further information or interview the applicant (the applicant may bring representation to this meeting) before it makes a decision.

Guidance for the discussions can be found in Annex 3.

In all cases an official record of the decisions reached shall be kept and retained in Admissions electronically on a password protected file in line with the data retention policy.

Where it is decided that an applicant cannot proceed with their application or their offer needs to be rescinded, the applicant will be informed in writing. Any offer made must be removed and the application withdrawn from Keele University. This is covered in the Student Agreement.

### **2.3 Confidentiality**

In all cases, Admissions Staff in Directorate of Global Student Recruitment and Admissions and School offices should restrict the access of information regarding criminal convictions to only those staff directly involved.

### **2.4 Appeal**

If an applicant wishes to appeal against the decision made by the Criminal Declaration panel this appeal must be made in writing to the Director of Global Student Recruitment and Admissions.

An appeal must be received in writing within 14 days of the decision being communicated to the applicant.

The decision reached by the Director of Global Student Recruitment and Admissions is final and there is no further right of appeal.

## **3. ROLES AND RESPONSIBILITIES**

This procedure applies to all applications that come through UCAS or directly and are separate to any Disclosure and Barring Service (DBS) checks required for study on a particular course or placement.

The Deputy Director of Global Student Recruitment and Admissions has strategic oversight of the policy.

The University Executive Committee is responsible for reviewing and monitoring the policy.

Questions regarding the procedure should be addressed to the Selective and International Admissions Manager, at M.Litson@keele.ac.uk

## **4. RELATED POLICIES AND PROCEDURES**

- Admissions Policy
- Disclosure and Barring Service Policy
- Fitness to Practise Code of Practice
- Risk Management Policy
- Student Agreement
- UCAS Guidance on declaration of criminal convictions:  
<https://www.ucas.com/undergraduate/applying-university/criminal-convictions-what-you-need-know>

## **5. REVIEW, APPROVAL & PUBLICATION**

Deputy Director of Global Student Recruitment and Admissions and Associate Director of Admissions and Enquiries are responsible for the review of this procedure.

The University Executive Committee will formally review and approve this procedure.

This document will be located on the Keele Policy Zone webpage and will be linked to from the Undergraduate Admissions Policies and Procedures webpage and the Postgraduate Admissions Policies and Procedures webpage.

## 6. DOCUMENT CONTROL INFORMATION

<b>Document Name</b>	<b>Procedure for the consideration of all applications from applicants declaring a criminal conviction</b>
<b>Owner</b>	Deputy Director - GSRA
<b>Version Number</b>	4.1
<b>Equality Analysis Decision and Date</b>	[Decision from Equality Analysis category and date]
<b>Approval Date</b>	9 February 2024
<b>Approved By</b>	Director (Minor edits)
<b>Date of Commencement</b>	9 February 2024
<b>Date of Last Review</b>	1 October 2022
<b>Date for Next Review</b>	9 February 2027
<b>Related University Policy Documents</b>	I) Admissions Policy II) Disclosure and Barring Service Policy III) Fitness to Practise Code of Practice IV) Code of Practice Risk Management Policy V) Student Agreement

**6. ANNEXES**

**Annex 1**

**Criminal Conviction Declaration Form**

Student number:

Please provide details of all convictions and the nature of each offence below, that are not spent under the Rehabilitation of Offenders Act 1974 (for these purposes a criminal offence excludes motoring offences for which a fine and/or up to three penalty points were imposed). Please also provide details of any cases pending (or where you have been reported for consideration of possible prosecution) concerning an alleged criminal offence.

**Previous Convictions**

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

Nature and date of the offence	Name of court	Date of conviction	Sentence/fine imposed	Evidence included*?

*\*Where possible please provide formal evidence of the sentence/caution/fine imposed with this form*

**Cases Pending (or for which you are under possible prosecution)**

State below:

Nature of alleged offence	Date(s) of offence	Expected date & place of trial (cases pending only)

(CONTINUE ONTO REVERSE OF PAGE IF NECESSARY)

In many cases, it is helpful for the HE provider 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 or college to obtain further information from another source such as a probation officer or social worker, please provide their name, contact details and your agreement that we may contact them and seek information on your offences and on their opinion of you.

Name:

Position:

Contact details:

**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.**

**I give permission for the University to contact the named above (if applicable).**

**Applicant's \_\_\_\_\_ Date \_\_\_\_\_**

**Signature**

Please return (marked as Private and Confidential) by XXX to:  
Megan Litson, Selective and International Admissions Manager, Global Student Recruitment and Admissions, m.litson@keele.ac.uk

## Annex 2

### Risk Assessment in relation to applicants who have declared a criminal conviction

<b>Name of Applicant:</b>		
<b>UCAS/Student Number:</b>		<b>Year of Entry:</b>
<b>Course Applied for:</b>	<b>DBS Required? Y/N</b>	<b>Level: UG/PGT/PGR/Other</b>
<b>Offer (for courses not requiring a DBS)</b>	<b>Response (for courses not requiring a DBS)</b>	

				Additional Notes	Risk Assessment
Did the applicant disclose past convictions/cautions in the application form?	Yes	No	N/a		<p>Applicants who apply for a course that does not require a DBS are not asked to declare on their application form.</p> <p>If course requires a DBS check and answer is NO, question applicant about why:</p> <ul style="list-style-type: none"> <li>▪ If mitigating circumstances, then complete assessment.</li> <li>▪ If no mitigating circumstances, end application process if appropriate.</li> </ul> <p>If YES, complete this assessment.</p>
What was the offence? (use additional forms if more than one offence and not sufficient space here)					
<b>Total Number of Offences:</b>					

<b>RISK LEVEL IN RELATION TO QUESTIONS:</b>	<b>HIGH</b>	<b>MEDIUM</b>	<b>LOW</b>
What was the sentence?		Custodial	Suspended, community, conditional discharge Warning, caution, reprimand, fine, absolute discharge
When was the latest offence committed?	Date:	High In the past 3 years	Medium Between 3 and 10 years Low More than 10 years before

			<b>Additional Notes</b>	<b>Risk Assessment</b>		
Is there a pattern of specific offences? If yes, state nature of pattern:	Yes	No		<b>High</b>  Yes	<b>Medium</b>  Some instances	<b>Low</b>  No pattern
Is the type/nature of the offence directly relevant to the course applied for? If yes, in what way?	Yes	No		<b>High</b>  Yes	<b>Medium</b>  Some link between offence and aspects of course of study	<b>Low</b>  No
Who else has been consulted about this disclosure (partner agencies/probation office/additional referee etc):				Name: Position: Date consulted: Reply:	Name: Position: Date consulted: Reply:	Name: Position: Date consulted: Reply:

How do the probation officer/referee(s) rate the applicant's suitability for attendance at the HE provider and participation in the life of the provider?	Yes	No		<b>High</b>  Referees declare applicant unsuitable	<b>Medium</b>  Referees share some reservations	<b>Low</b>  Referees declare applicant suitable
Does the applicant/referee offer any mitigating circumstances concerning past offence/s?	Yes	No		<b>High</b>  No	<b>Medium</b>  Some mitigating circumstances	<b>Low</b>  Yes
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?		

**If applicant admitted:**

Is there a potential risk to the community?	Yes	No		<b>High</b>  Yes	<b>Medium</b>  Some instances	<b>Low</b>  No
Is there a potential risk to the reputation of the Institution?	Yes	No		<b>High</b>  Yes	<b>Medium</b>  Some instances	<b>Low</b>  No

**Criminal Declaration Group – Declaration and Decision**

The Group understands the University's policy on the recruitment of applicants with criminal convictions and has recognised this in its deliberations.

On consideration of the risk assessment form and other materials submitted by the applicant and others the Group decision is:

Accept/Reject	Reasons for decision:					
<b>If Accept</b> , should applicant be offered University accommodation?	Y/N	Reason:				
<b>Date:</b>	Signed:		<table border="1"> <tr> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> </tr> </table>			

Date applicant informed:			
Copy of letter appended? Y/N			
Details of additional attachments/appendices/reports/letter from applicant or referee or probation officer or similar			
Form completed by:	(name)	(signed)	(date)

## Annex 3

### Guidance for a Criminal Declaration Group

#### Membership:

- Director of Student Support and Success (Chair)
- Deputy Director of Global Student Recruitment and Admissions or nominee
- Head of School or nominee
- Head of Security or nominee
- Head Of Academic Quality and Student Conduct or nominee
- A member of the Hospital Trust where the applicant has applied for an NHS professional course

Selective and International Admissions Manager - Secretary

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#### Guidance Notes

#### Risk Assessment

It falls to the Group to undertake a risk assessment of admission to the University and/or whether it is possible to admit the applicant to the particular course applied for.

The Group may find reference to the University's Risk Assessment Policy useful. This can be found at: <http://www.keele.ac.uk/dohs/a2z/riskmanagement/>

Further, the Group may find it useful to use the attached Risk Evaluation Form as a way to quantify the risk involved.

#### A. Questions and Discussion

During the Group's deliberations, the **questions** that should be asked and discussed are:

1. Based on the information we have, does the applicant's admission to the University pose a substantial risk to:
  - other students
  - staff
  - other members of the community
  - the course
  - the property of the HE provider
  - reputation of Institution
2. Is there a risk of re-offending?
3. Is there anything the University can do to mitigate against and manage any risk? (this may include a behavioural/conduct agreement – which Security/ Support Services/ Accommodation can comment on further).
4. Is it possible to admit them to the course they wish to follow bearing in mind the requirements of the relevant professional organisation/statutory body/placement provider.
5. Does the Group need to ask for further information to be able to make a decision on the risks involved?

## **B. Conclusions**

The Group may decide:

6. To reject the applicant to study at the University
7. To accept the applicant to study at the University, but not to stay in its accommodation
8. To accept the applicant to study at the University, but subject to certain other requirements and support arrangements
9. To reject the application to study on the particular course requested, but to indicate that it would be acceptable for them to apply for alternative courses.
10. To request further information before it makes a decision.

## **C. Further action**

The Group may also wish to discuss what action should be taken in relation to their behaviour at the University should it not be of an acceptable level. The action may include:

1. Disciplinary action
2. Exclusion from the University/College
3. Requirement to adhere to a support course
4. Other

The Group should also discuss and decide:

- who is responsible for monitoring behaviour.
- who in the University needs to be advised of the circumstances of the applicant's admission