

## **Admissions Policy - Applicants with Criminal Convictions**

Applications from candidates with criminal convictions will be carefully considered. The applicant must provide full details of any relevant unspent caution, reprimand or conviction upon request.

These details will be considered in accordance with the attached policy in Appendix E for the Admission of Applicants with Criminal Convictions. The University retains the right to refuse entry to any applicant with a criminal conviction, which may jeopardise the security, safety or reputation of the University or its community or where there are relevant professional criteria which apply.

DBS Enhanced Disclosures are required to be carried out for all programmes where the applicant will be in regular and / or sustained contact with minors or vulnerable adults. Applicants are required to have completed DBS Enhanced Disclosures prior to registration on their programme. Any student, who begins a programme whilst awaiting the processing of an application for Enhanced Disclosure from the DBS, will only be registered “provisionally” and may be excluded from some activities.

Checks of people barred from working in the relevant profession (formerly known as “List 99”) will be carried out on all students who have not received DBS clearance at the start of the programme or prior to placement.

### **Appendix E - Admission of Applicants with Criminal Convictions**

The University receives applications from a wide range of candidates and it actively promotes equality of opportunity for all with the right mix of academic achievement and potential, relevant experience and practical skills. However the University reserves the right to choose to admit, or not, an applicant to a place on any of its courses where, by reason of a criminal conviction, the applicant is considered:

Unable to enter a programme leading to professional qualification where the criminal conviction will prevent professional registration\*; and / or  
to pose a risk to the broader University community.

\*Please also see the University’s Professional Suitability and Fitness to Practise Policy.

The University complies fully with the Disclosure and Barring Service (DBS) Code of Practice and undertakes to treat all applicants fairly.

As part of our recruitment process we ask all applicants to declare if they have any previous relevant unspent conviction(s), caution(s) or reprimand(s)\* by asking the question on the application form, both direct and at UCAS / UCAS Teacher Training. Criminal records are taken into account for recruitment purposes only when the caution, reprimand or conviction is relevant to the programme to be undertaken by the person if admitted to the programme. Having a relevant “unspent” caution, reprimand or conviction will not necessarily bar an applicant from the programme or result in the applicant being considered to pose an unacceptable risk to the safety of the University community; this will depend on the circumstances and background of the offence with regard to the programme for which the application is made.

\* Applicants wishing to find a current definition of relevant unspent convictions which may be “filtered” from a DBS disclosure may wish to consult the [UNLOCK website](#) for further guidance.

For most offences, this means a caution or reprimand received when aged under 18 would be “filtered” after two years; a conviction received whilst aged under 18 would be filtered after 5.5 years; a caution or reprimand received when aged 18 or over would be “filtered” after 6 years; and, a conviction received when aged 18 or over would be “filtered” after 11 years. Applicants who have more than one conviction, or any conviction that resulted in a custodial sentence, or any conviction on the list of proscribed convictions issued by Parliament must declare all cautions, reprimands and convictions.

Applicants for any course that is exempted under the Rehabilitation of Offenders Act (Exceptions) Order 1975 (including initial teacher training, social work and others), or any other course which will bring students into regular, unsupervised contact with children or vulnerable adults, are required to disclose all previous relevant unspent convictions, including cautions and reprimands, which would appear on a DBS enhanced disclosure. Applicants to these courses will be required to register with the Disclosure and Barring Service so that their current status can be checked.

The University will only exceptionally admit an applicant who has served a custodial sentence within the last year. This allows for time to assess if rehabilitation outside of prison has been successful. Any such applicant would need to arrange for a probation report and be interviewed by the Pro Vice Chancellor (Student Experience) (or nominee).

The University reserves the right to decide if the applicant will or will not be allowed to reside in University owned or managed property.

Applicants with relevant, unspent previous convictions, cautions or reprimands are required to write to the Head of Admissions at an early stage of the application process, before a DBS disclosure is requested, to clarify the nature and context of their offence(s). If an applicant does not inform the University of a relevant, unspent caution, reprimand or conviction, and this becomes apparent (e.g. it is listed on the DBS disclosure) at a later stage, the applicant will not normally be admitted to the University and / or will have their registration terminated.

### **What would constitute “relevant”?**

In considering the relevance of criminal convictions, the University of Chichester will take account of the nature of the programme, for example:

- Does the programme involve one-to-one contact with children or other vulnerable groups such as students, clients, customers or other associated people?
- What level of supervision does/will the student receive?
- Does the programme involve direct responsibility for finance or items of value?
- Does the programme involve a placement or any other direct contact with the public?
- The recruitment of ex-offender policies of the organisations with which the applicant may be placed as part of the course
- The likelihood of the applicant meeting professional and statutory body “fitness to practise” criteria to undertake a placement or, ultimately, to join the profession they are planning to train for.

A risk assessment will be conducted, relevant to that programme. Such an assessment will consider:

- The seriousness of the offence or other matter and its relevance to the safety of other employees,
- students, customers, clients, minors under their supervision and property

- The length of time since the offence or other matter occurred
  - Any relevant information offered by the applicant about the circumstances which led to the offence being committed or other matter occurring (for example, the influence of domestic or financial difficulties)
  - Whether the offence or other matter was a one-off or part of a pattern of offending behaviour or other relevant matters.
  - Whether the nature of the programme presents any opportunities for the student to re-offend
  - Whether the applicant's circumstances have changed since the offence was committed, making re-offending less likely
  - The country in which the offence was committed or other matter occurred
  - Whether the offence has since been decriminalised by Parliament
- And, where applicable:
  - any information supplied by the Probation Service;

### **Process**

1. Individuals who are applying for programmes that require a DBS Disclosure will be notified through the offer letter that the programme requires the disclosure of all relevant unspent criminal convictions, and that admission to the University will be conditional on the receipt of a satisfactory Enhanced DBS Disclosure.

2. Details will be requested from every individual who accepts an offer for such a programme.

3. Applicants for programmes that do not require a DBS disclosure but who have relevant unspent convictions will be contacted to disclose further details of their conviction and the information will be considered as outlined below.

4. The Disclosure or conviction information should be sent to the Head of Admissions (who is also a University DBS Counter signatory) and will be kept confidential amongst relevant University staff (as detailed within this policy).

5. Academic admissions decisions will be based on an assessment of the applicant's relevant skills, experience, qualifications and abilities in the normal manner.

6. Where a conviction, caution or any additional information is disclosed, the Head of Admissions will consult with the Pro Vice Chancellor (Student Experience) (or nominated Head of Academic Department) to consider whether the applicant is still acceptable for admission, or if further information is required.

7. The Pro Vice Chancellor (Student Experience) (or nominee), in consultation with the Head of Admissions, will decide what action should be taken in the light of the information. If necessary, and with the consent of the individual, references regarding the offence, and subsequent rehabilitation, may be taken up, for example, from a probation officer.

8. Following receipt of all relevant information a decision regarding the admission / continued registration will be made by the Pro Vice Chancellor (Student Experience) (or nominee) in consultation with the Head of Academic Department.

9. Any decision that an applicant may be admitted to a programme of study does not, of itself, indicate that the applicant may be housed in University managed accommodation. This is a separate decision made by the Deputy Director of Estate Management, in consultation with the Deputy Vice-Chancellor on the facts of each case.

### **Appeals**

Where an applicant wishes to appeal against the admission decision of the Pro Vice Chancellor (Student Experience) (or nominee), the following procedure should be followed, within one month of the original decision:

a) initially seek feedback on the decision from the Head of Admissions; and,

b) if the situation is not resolved, make a formal written appeal, with any additional information, to the Deputy Vice-Chancellor .

c) In responding to such cases, the Deputy Vice-Chancellor may wish to seek advice, if necessary, from the Pro Vice Chancellor (Student Experience) and / or the Head of Academic Department who made the original decision, as well as the Head of Admissions.

The decision of the Deputy Vice-Chancellor will be final.

### **Following Admission**

Where details of a conviction or other matter (e.g. being charged with an offence) come to light during the programme of study and have not been revealed by the individual at the time of admission and / or it is found that a student deliberately withheld information, or misled the University to gain a place on the programme, this will be dealt with by the Deputy Vice-Chancellor through the disciplinary procedure. The fact that the conviction was not declared previously will be taken into consideration. The University will also consider whether the conviction or other matter is relevant, whether there is a significant risk, and whether this may be reduced through safeguards or a transfer to another programme.

Reference should also be made to the University's Professional Suitability and Fitness to Practise Policy.

### **Data Usage, Security, Retention and Disposal**

1. No information regarding disclosed criminal convictions or Disclosure will be released to any individual or organisation, unless they are authorised to receive it in the course of their duties under Section 122 of the Police Act Part V 1997. It is a criminal offence to pass this information to anyone who is not entitled to receive it.

2. The counter-signatories will ensure that Disclosures and the information they contain will only be released to those who need access in the course of their duties (e.g. Deputy Vice-Chancellor , Pro Vice Chancellor (Student Experience), Head of Academic Department, Admissions Tutor, Head of Admissions, or other Counter-signatories). After discussions have been made, all Disclosure information which has been released will be returned to the Head of Admissions.

3. All Disclosure information will be stored in secure, locked filing cabinets. Keys to such cabinets will only be held by responsible persons nominated by the lead-signatory (the Head of Admissions or Admissions Manager) with access strictly controlled and limited to those who are entitled to see it as part of their duties.

4. Disclosure information may be held for a period of up to six months after the commencement of the programme, or after the resolution of a dispute regarding the application or disclosure

information. In exceptional circumstances information may need to be retained for longer, but this will not be considered without consultation with the DBS.

5. After this time Disclosure information will be shredded under the direct supervision of the Head of Admissions or Admissions Manager. While awaiting destruction, Disclosure information must be kept in a secure receptacle.

6. As evidence of a Disclosure having been received by the University, a record of the date of disclosure, the name of the subject, the type of disclosure, and the unique number issued by the DBS will be retained in accordance with DBS advice.

### **Complaints**

The University of Chichester undertakes to comply with the DBS Code of Practice. A copy of the Code is available from the DBS website (<https://www.gov.uk/government/publications/dbs-code-of-practice>). If an applicant or student believes this Code has not been complied with they should contact the DBS directly at:

Disclosure and Barring Service, PO Box 110, Liverpool, L69 3EF

Tel: 0870 90 90 811