

## **Criminal Convictions Policy and Procedure for Undergraduate and Postgraduate Admissions**

### **1. Background**

1.1 This Policy covers all scenarios where the University may receive criminal convictions declarations from applicants, setting out the procedure the University will follow for each:

- a) For courses leading to professions and occupations which are exempt from the Rehabilitation of Offenders Act (1974) ([Section 2](#)).
- b) For courses which do not require a Disclosure and Barring Service (DBS) check, but the applicant is currently on licence or under probation conditions ([Section 3](#)).
- c) Where the university requires registered students to agree to submit to criminal record checks by the Disclosure and Barring Service (DBS) prior to working with children and vulnerable adults ([Section 4](#)).
- d) Where Disclosure and Barring Service checks are not a requirement of the course of study but are a requirement when a student seeks to join a professional body during or at the end of their degree ([Section 5](#)).
- e) Any other applicant with a criminal conviction ([Section 6](#)).

1.2 The procedure the University will follow upon receipt of a criminal conviction declaration ([Section 7](#)).

1.3 The criminal convictions procedure appeals process ([Section 8](#)).

### **2. Courses leading to professions and occupations which are exempt from the Rehabilitation of Offenders Act (1974)**

2.1 Certain courses leading to professional occupations which involve working with children or vulnerable adults have particular requirements to disclose warnings, reprimands, cautions and criminal convictions regardless of whether it is spent or unspent. Individual course entry requirements for undergraduate and postgraduate programmes will set out where applicants will be asked to complete a DBS check, and if they will be asked to self-declare in advance of a DBS check (e.g. via UCAS).

2.2 For these courses, the failure to disclose any warnings, reprimands, cautions and criminal convictions may have serious consequences including the withdrawal of an offer of a place and the termination of studies. Applicants/students are reminded that it is their duty to disclose all information in relation to these matters at the earliest opportunity.

### **3. Applicants currently on licence or under probation conditions (who are not applying for courses which require a DBS check).**

3.1 These applicants are not required to declare a conviction as part of their initial application but are required to make the University aware of any licence conditions which may prevent them from fully engaging with the course and broader University community.

3.2 This is particularly relevant when considering applying for a place in student accommodation. Where possible the University will undertake to make reasonable adjustments and will suggest alternative programmes of study where available if the applicant's licence conditions make their first choice of course impractical.

3.3 Applicants should discuss their application with their supervising officer and take their advice on whether to inform the University of any licence conditions. The disclosure of licence conditions should be directed to the Head of Admissions.

3.4 Upon receipt of this declaration the University will follow the procedure set out below (Section 7).

**4. Where the University requires registered students to agree to submit to criminal record checks by the Disclosure and Barring Service (DBS) prior to working with children and vulnerable adults.**

4.1 Students may be required to complete a DBS check **before working with children and vulnerable adults**, alone and unsupervised, for significant periods of time as a non-compulsory part of the programme of study. For example, during placements, or as part of a research project or an optional module.

4.2 Where a conviction, warning or reprimand is declared or identified the above process will be undertaken (Section 3 excluding option 4 d) relating to decisions available to the Panel).

4.3 If it is agreed that an applicant is unable to follow the particular element of study coming under this policy, the student will be advised of the alternative study options available.

**5. Where Disclosure and Barring Service checks are not a requirement of the course of study but are a requirement when a student seeks to join a professional body during or at the end of their degree.**

5.1 Applicants will need to be aware that any previous criminal conviction may impact upon joining a professional body during or at the end of their degree. Whilst this may not prevent a student undertaking a course, an applicant can seek advice on whether they will be able to progress to their chosen profession. The charities [NACRO](#) or [Unlock](#) can provide information and advice about applying to university.

**6. Any other applicant with a criminal conviction**

6.1 The University will request information about relevant, unspent, criminal convictions when we make you an offer on a course and you accept the offer, so that appropriate steps can be taken to facilitate effective support and to ensure our duty of care to students and staff. You will be asked to provide details, where appropriate, including the name and contact details of your Probation Officer or other responsible officer. You should only declare relevant, unspent criminal convictions if you decide to accept our offer.

6.2 This disclosure will be reviewed as described in Section 7. If an applicant declares a serious offence, a panel may be convened to consider whether any amendments should be made to the offer or conditions put in place (e.g. access to facilities or accommodation).

**7. Procedure followed where an applicant declares a criminal conviction**

7.1 Applications declaring warnings, reprimands, cautions and/or criminal convictions will be forwarded to admissions selectors in the usual way for an academic decision. The conviction will have no bearing on the academic decision.

7.2 If an admissions selector decides to reject an applicant on academic grounds, no further action in respect of the disclosure shall be taken and the reject decision shall be processed in the usual way.

7.3 If an admissions selector decides that an offer should be made on academic grounds or wishes to interview an applicant in order to make the academic decision, the following steps will be taken:

a) The Admissions Service will write to the applicant asking for details of the warnings, reprimands, cautions and/or criminal convictions including the date and penalty imposed. The applicant will be invited to include a letter from a Probation Officer or other relevant person as applicable.

- b) The Admissions Officer will review the information sent and decide if there is a need for further consideration. If there is no requirement for any further action the applicant will be informed by email.
- c) If further action is required details will be forwarded to the Head of School (or nominee) to which the applicant has applied and invite comment. All details will be provided anonymously.
- d) The response from the applicant and any comments received from the Head of School (or nominee) will be considered by a Panel convened by the Head of Admissions (or nominee).
- e) The Panel will consist of the following representatives:
  - i) Academic Registrar (or nominee)
  - ii) Academic member of staff with knowledge of the course (nominated by the Education Dean in the relevant faculty)
  - iii) Head of Admissions
  - iv) Director of Student Health and Wellbeing (or nominee)

7.4 The Panel may:

- a) decide that there is no reason to stop the offer being made to the applicant or an academic interview from going ahead (or that there is no reason to withdraw an offer already made) or;
- b) decide that the offer may be made to the applicant but subject to the satisfaction of conditions, for example concerning scope of access to facilities, accommodation or support or;
- c) decide that the applicant should not be made an offer for the course applied for because of professional constraints but may be considered for other courses at the institution or;
- d) decide that the applicant should not receive an offer (or that an offer already made should be withdrawn) on the ground of the disclosure.
- e) The Panel may request further information and/or interview the applicant if it is felt appropriate in order to inform the final decision.

7.5 The Admissions Officer will inform the applicant in writing of the decision and reason(s) for the decision.

7.6 If the outcome is that the offer to the applicant or an academic interview should go ahead, the application shall be processed in the usual way. If the Panel wishes to attach any non- academic conditions to the offer, the Admissions Officer shall explain these in writing to the applicant. If the outcome is that the applicant should be rejected on the ground of the disclosure, the Admissions Officer shall inform the applicant of the decision and give a brief explanation of the reason(s) for it.

7.7 The Admissions Officer shall inform the relevant admissions selector and Head of School of the outcome. If the applicant is to be made an offer, the Head of School will be asked to decide whether anyone else within the School needs to be informed about the conviction. The University Wellbeing Team will also be informed in order to provide support to the applicant if required, and any other University service where this is considered to be necessary to support the applicant and

the University.

7.8 The Admissions Officer will let the applicant know who else is to be informed. The notification shall be kept securely by the Admissions Service, for one year after the end of the current academic year in the case of an unsuccessful application and for six years after the end of the student relationship with the University in the case of successful applications. The Admissions Service will put a note on the applicant's record to state where documents relating to the disclosure are being kept.

## **8. Appeals process**

8.1 An appeal against the decision of a Panel may be made only on the following grounds:

- a) That the decision was perverse in that no reasonable person could have reached it on the available evidence or;
- b) there is material new evidence which, for valid reasons, was not available at the time the Panel made its decision and which would have significantly affected the outcome or;
- c) procedural irregularity under Paragraph 16 or;
- d) bias or prejudice on the part of the Panel.

8.2 Appeals shall be made in writing to the Admissions Officer within fifteen working days of the date of the letter informing the applicant of the decision.

8.3 The Admissions Officer shall present the appeal to the Disciplinary Convenor who may dismiss an appeal which does not provide a *prima facie* case under the specified grounds. If the Disciplinary Convenor decides that there is a *prima facie* case, the appeal shall be considered by a Disciplinary Panel member, appointed by the Convenor in accordance with the Student Disciplinary Procedures.

8.4 The Disciplinary Panel member may, in determining the appeal, confirm, vary or quash the original decision. On any variation, the same range of options available to the Panel (see 16(d) above) will be available to the Disciplinary Panel member.

8.5 Where the Disciplinary Convenor dismisses an appeal or the nominated Disciplinary Panel member confirms the decision appealed against, there shall be no further appeal within the University. Where the Disciplinary Panel member quashes the original decision, the application shall be processed in the normal way.

8.6 The Admissions Service shall inform the applicant, the relevant Head of School and the relevant admissions selector of the outcome of a successful appeal.

## **9. Third Party Disclosure of an unspent, relevant conviction**

9.1 If the University receives information that an applicant to a relevant course has warnings, reprimands, cautions and/or criminal convictions which the applicant has not declared, the information will be investigated.

9.2 If the information is found to be incorrect, no further action will be taken.

9.3 If the information is found to be correct, the applicant will be asked to explain why the conviction was not declared.

- a) If the applicant has accepted an offer the omission of a declaration will be considered by the Admissions Officer, and if considered to have been a genuine error, the application will be dealt with in the usual way under this procedure.
- b) If the Admissions Officer believes that the applicant deliberately sought to mislead the University, the application may be treated as being fraudulent on the basis of relevant information being withheld. The University reserves the right to cancel the offer and acceptance and UCAS will be informed if the application came through that route.
- c) If the applicant has not yet received an offer, the applicant will be contacted to make them aware that the information has been disclosed to the University and inform them that they will need to make a self-disclosure should they decide to accept the offer. Such information as the applicant discloses will then be assessed as above and in accordance with this policy

## **10. How Newcastle University will handle your personal data**

- 10.1 If you declare a criminal conviction, we will keep any information you or relevant third parties supply to us confidential and will give access only to members of staff who need this in order to make a decision about your application. Once evaluation of the information supplied is complete a summary will be produced and supporting documents will be disposed of confidentially as far as possible. The summary will be retained for a period of five years for applicants who are not permitted to enrol and for a period of up to six years from the date of leaving the university for students who are permitted to enrol to meet the University's legal obligations and sector best practice. Further information is detailed in the [University's Privacy Notices for prospective and current students](#).

## **11. Overall Principles to the Criminal Convictions Policy and Procedures**

- 11.1 All applicants who disclose warnings, reprimands, cautions, criminal convictions and licence conditions will be treated with respect and fairness, regardless of the type of conviction they disclose. No applicant will be automatically excluded from the application process.
- 11.2 This procedure will be followed in every case where an applicant discloses any warnings, reprimands, cautions and criminal convictions during the application process.
- 11.3 Undergraduate and Postgraduate admissions selectors are required to comply with any decision made under this policy and procedure, whatever their academic decision in a particular case.
- 11.4 Offers of admission to study at the University are subject to satisfying this policy. The University may withdraw an offer to study or exclude from the University any student where either there is a failure by an applicant to disclose a warnings, reprimands, cautions and/or criminal convictions during the application process or an offer has been made or a place taken up despite disclosure but when the procedure described below has not been applied to the issue of the disclosure requirements of the course.
- 11.5 Information relating to any warnings, reprimands, cautions and/or criminal convictions of an applicant will be treated confidentially. Where it is decided that staff other than those referred to in this procedure need to be given information about an applicant's disclosure, the applicant will be informed that information is being passed on and to whom.

## **12. Queries about Policy and Procedures**

- 12.1 Any queries about this policy and procedure should be directed to the Head of Admissions, Newcastle University – [dawn.bell@newcastle.ac.uk](mailto:dawn.bell@newcastle.ac.uk)