

## **Admission of Students with Criminal Conviction Policy**

This policy is of relevance to staff / applicants

Approved by	Academic Board
Written by	Registry
Last Reviewed	April 2021
Last Reviewed by	SB
Last Amendment	editorial
Date of last amendment	June 2020

# 1. Background

The School is committed to extending the opportunities of higher education to students who meet the entrance requirements specified by the School and who are able to benefit from it. The School welcomes applications from diverse candidates. However, to reduce the risk of harm or injury to students and staff, criminal records will be taken into account only where the conviction is relevant; and this will be before a place at the School is confirmed.

Relevant criminal convictions are only those convictions for offences against the person, whether of a violent or sexual nature, and convictions for offences involving unlawfully supplying controlled drugs or substances where the conviction concerns commercial drug dealing or trafficking. Convictions that are spent (as defined by the Rehabilitation of Offenders Act 1974) are not considered to be relevant except where the nature of the programme of study involves work with children or vulnerable adults (e.g. Music Therapy).

Offer holders for School programmes of study are asked to disclose criminal convictions upon receiving their offer letter. This will not normally apply to those convictions which are 'spent' under the Rehabilitation of Offenders Act 1974. Applicants for programmes of study which require a greater level of disclosure of conviction under the DBS scheme will be notified. This will only be:

- a) where the nature of the programme of study has special requirements relating to professional registration i.e. music therapy;
- b) where a criminal conviction might raise particular concerns in the context of activities associated with the programme;
- c) the prospect of employment at the end of a professionally or vocationally related programme would be substantively compromised by a criminal conviction;
- d) it is judged that the safety of the School community and/or property will be at risk.

Note: Students on other programmes may have to have complete a disclosure process to complete optional projects or modules but this will not be requested prior to commencement of study

# 2. Process

1. When applicants are made a programme offer, several conditions have to be met which will include a criminal convictions check for Music Therapy. Where an applicant declares a criminal conviction at offer stage, the Assistant Registrar (Admissions & Enrolment) or deputy will write to the offer holder and will invite them to supply information about the record which will be kept strictly confidential and only

shared on a need to know basis. The information supplied will be considered in confidence by the Academic Registrar, the Principal, the Director of the area in which the applicant wishes to study and the Head of Department in the case of Music. A previous conviction will not normally remove the offer of a place unless issues relating to the nature of the programme or the security of the School community apply.

2. In making the assessment, the above team will consider

- The seriousness of the offence and its relevance to the safety of the School community and property
- The length of time since the offence occurred
- Any relevant information offered by the applicant about the circumstances which led to the offence
- The country in which the offence took place
- Whether the offence has been de-criminalised by Parliament
- Whether there is any history of repeat offending
- Whether the offence will effectively debar the applicant from employment opportunities associated with a programme leading to professional registration or with direct vocational links
- Whether the offence raises difficulties associated with the nature of the programme where professional registration is not an issue.

3. Where a programme of study is subject to the requirement for disclosure of all criminal record information through the disclosure process, this will be notified to potential applicants in programme publicity and at the time that a programme offer is made (see below).

4. Applicants will be invited to embark on the DBS Disclosure once the offer of a place has been accepted. The fee associated with Disclosure will be paid by the School.

5. Should additional information emerge from the disclosure process which appears to contradict earlier information, the School will contact the applicant who will be given the opportunity to comment on the situation. This discussion will be with the Assistant Registrar (Admissions) or deputy. The information offered under the disclosure process will be shared with the Principal, Director for the relevant area of study and the Head of Department in the case of music who will, along with the Head of Registry Services, determine whether a place on the programme of study can be confirmed (subject to academic conditions also being met).

6. The School makes admissions decisions in good faith based on the information supplied on application forms and at offer stage which are signed off as accurate and truthful by an applicant. The School reserves the right to terminate a student's

programme of study without notice (under Admission, Enrolment and Registration Regulation 7) if it is discovered that while they are on the programme they have deliberately with-held or falsified information on criminal convictions requested in the offer process.

### **3. Data security**

No information regarding criminal convictions or disclosure will be released to any individual or organisation not authorised to receive it under Section 124 of the Police Act Part V 1977.

The Countersignatory (for DBS disclosures) will ensure that information supplied will only be released to the Head of Registry Services, the Principal, Director for the relevant area of study and the Head of Department in the case of music who are empowered to make the admissions decision.

All disclosure information will be stored securely under the direct supervision of the Countersignatory in Registry.

Disclosures will be held for a period of no more than six months after the date of the recruitment decision. After this time the information will be shredded under the direct supervision of the Countersignatory in Registry.

No copy or other image of a disclosure will be retained.

A record that a satisfactory disclosure has been obtained will be retained in the student file. This will include

- Name
- Date of disclosure
- Unique DBS disclosure

These files will be stored securely within Registry but it is recognised that the files will be consulted by Registry staff in connection with their duties.

Where information concerning a criminal conviction has been supplied voluntarily in connection with an admission and outside the disclosure scheme, the information will be subject to the same treatment as information supplied under disclosure. The information supplied will be stored securely and separately and will be destroyed 6 months after the admissions decision has been taken. No record will be retained unless the programme of study is also covered by the requirement for disclosure.

## **4. Appeal**

An Applicant is entitled to appeal to the DBS if they believe that the information supplied is inaccurate. They may also complain to the DBS if they believe that the School has not complied with the DBS Code of Practice.

### Gov Website on Appeals and Disputes

If an applicant considers that the School has reached an unreasonable decision in connection with admission in the context of a disclosure of criminal record, they are entitled to appeal to the Chair of the Board of Governors. The Chair of the Board of Governors will determine whether the decision was taken on reasonable grounds. If they consider that the decision was not reasonable, they will refer the matter back to the Principal for reconsideration, advising the Principal of the reasons. The decision of the Principal on reconsideration of the case will be final.