



Admission of Students with Criminal Convictions Policy and Procedure

This policy is of relevance to staff / applicants /students

Approved by	Academic Board
Written by	Registry
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1 Background

- 1.1 Guildhall School is committed to extending the opportunities of higher education to all who will benefit from it, regardless of their background. Therefore, applicants with a criminal record will not necessarily be prevented from pursuing a higher education programme of study with the School.
- 1.2 At all times the School aims to ensure that all applicants and students are treated fairly, taking into account the principles of the Rehabilitation of Offenders Act 1974.
- 1.3 The School has a responsibility to its community to provide a safe and secure environment for staff, students and visitors. As a result, at any time the School may amend or withdraw an applicant's offer to study or terminate a student's registration and/or withdraw services or facilities (such as placements) if it determines that an applicant or student has failed to disclose (or to disclose at the appropriate time) relevant information to the School, or made a misleading, false or fraudulent application, or has produced falsified documents whether in the course of the application or whilst on a programme.
- 1.4 Students are also expected to declare any unspent criminal convictions gained after admission to the School.

2 Admission of applicants with criminal convictions to higher education programmes

- 2.1 In general, the School will not consider criminal convictions which are deemed 'spent' under the terms of the Rehabilitation of Offenders Act 1974 when making offers for admission or dealing with existing students.
- 2.2 See Section 3 below for exceptions, and where the nature of the programme means that offer holders are required to disclose 'spent' offences.
- 2.3 See the [Ministry of Justice webpage](#) for Guidance on the Rehabilitation of Offenders Act 1974 and Exceptions Order 1975, including definitions of 'spent' and 'unspent' convictions.
- 2.4 Applicants who receive an offer for a programme not covered by Section 3 will be asked to disclose all relevant 'unspent' convictions. For the purposes of this policy, the School considers the following to be relevant unspent criminal convictions which must be declared by the offer holder:

- violent offences, including (but not limited to) assault and offences which resulted in actual bodily harm or grievous bodily harm;
- sexual offences;
- the unlawful supply of controlled drugs or substances where the conviction concerns commercial drug dealing or trafficking;
- offences involving firearms;
- offences involving arson;
- offences involving human trafficking, slavery or forced labour; and
- terrorism offences.

2.5 Where the applicant is registered on a professional programme, it may also be necessary for a matter relating to either a 'spent' or 'unspent' conviction to be referred to the relevant professional or regulatory body.

2.6 Guildhall School is mindful of its legal obligations, and its duty of care to students, staff and the wider community where appropriate. The School therefore must take reasonable steps to identify and manage any risks which may arise and requires individuals to declare prior to offer, as a condition of regulation, at re-enrolment and on a continuing basis certain criminal convictions and related information.

2.7 Failure to declare an offence, which occurred before or during the admissions process could result in an offer being withdrawn.

3 Criminal conviction procedure for programmes requiring a Disclosure and Barring Service (DBS) check

3.1 Pre-registration programmes are exempt from the *Rehabilitation of Offenders Act 1974*, under the provisions of the Exceptions Order 1975. This means that offer holders are obliged to declare all 'unspent' and 'spent' convictions.

3.2 Applicants who receive an offer for a pre-registration programme must as a condition of their offer complete a Criminal Conviction Declaration, at which point they must tell us whether they have any 'spent' or 'unspent' convictions. There will be an opportunity at this point to provide some summary details about any conviction(s).

- 3.3 Applicants who do not have any convictions to declare will pass this condition of their offer. Please see Section 5 for information on what will happen if an applicant does have convictions to declare.
- 3.4 Any offer to a pre-registration programme is subject to a satisfactory enhanced DBS check. Where there is an additional process that involves DBS checks for our MA in Music Therapy that is separate from the criminal conviction process described here. Any criminal convictions should be declared by the deadline given in any offer and these will be handled in the way described in this policy.

4 Criminal conviction procedure for all programmes not requiring a Disclosure and Barring Service (DBS) check

- 4.1 Applicants who receive an offer for a programme that does not require DBS check (i.e. a pre-registration programme) must as a condition of their offer complete a Criminal Conviction Declaration, at which point they must tell us whether they have any 'unspent' convictions. There will be an opportunity at this point to provide some summary details about any conviction(s).
- 4.2 Convictions that are 'spent' (as defined by the Rehabilitation of Offenders Act 1974) or will be spent at the point of starting the programme do not need to be declared.
- 4.3 Applicants who do not have any convictions to declare will pass this condition of their offer. Please see Section 5 for information on what will happen if an applicant does have convictions to declare.

5 Procedure for handling criminal conviction declarations

- 5.1 Criminal Conviction Declarations are handled securely and in confidence by the Registry. A member of Registry will review the details of any criminal conviction in the first instance.
- 5.2 It may be necessary to approach third parties to request additional information about the conviction. Your permission will always be obtained before approaching such third parties.

5.3 As part of this review Registry will assess whether the details of any relevant, 'unspent' offence should be considered by a Criminal Conviction Panel ("Panel").

5.4 The Criminal Conviction Review Panel will typically comprise a selection of staff from:

- Registry
- Student Services
- Academic Department

The School may ask a legal advisor to attend to provide advice to the Panel, although they will not be a decision maker on the Panel. The Panel may also seek advice from the Head of Safeguarding to assist with their deliberations.

5.5 The Panel will consider the documentation to determine the risk to staff and students of the School and whether the declared conviction(s) is/are such that:

- the offer holder ought not to be admitted to the School; or
- whether any additional measures or restrictions should be implemented.

Additional information will be collected, and the Panel will meet as promptly as possible. They may meet online or in person to consider the case.

5.6 The following factors are among those that are likely to be considered by the Panel:

- The nature of the offence(s)
- The time that has passed since the offence was committed
- Any additional information provided by other sources, such as the Probation Service, Social Services or senior prison officers, in the form of independent references or reports
- If more than one offence was committed, the number of offences and whether each was a separate offence or part of a series of similar offences.
- Any mitigating evidence provided by the offer holder.

5.7 One of the following decisions will be made by the Panel:

- To require further information from the offer holder or a third party;
- To confirm that the offer holder has satisfied the criminal convictions condition with no further conditions relating to the criminal conviction;

- To confirm that the offer holder has satisfied the criminal convictions condition but that additional measures are imposed on the offer-holder, for example specific support for the offer holder, or restrictions in relation to accommodation or to activities not related to the degree; or
- To withdraw the offer of a place.

5.8 The Panel will reach its decision on behalf of the School.

5.9 Registry will contact the offer holder to inform them of the decision.

5.10 The reasons for the decision will be recorded. In the event that the offer holder becomes a registered student the Panel will decide who should be provided with details of the conviction. Any information sharing will be on a need to know basis to facilitate the additional measures and protect other students and staff from the assessed risk.

6 Appeals procedure

6.1 An applicant may appeal against the decision of the Panel. Appeals will only be considered on the following grounds:

- that the Panel was not conducted in accordance with this policy and procedure;
- new evidence has been made available that could not be available at the time

6.2 Appeals against the decision of a Panel must be submitted within 20 working days after receipt of the letter informing the applicant of the decision of the panel in writing to the [Student Experience Team](#).

6.3 Applicants can submit an appeal to the Student Experience Team by emailing casework@gsmd.ac.uk. They should include their name, applicant ID number and summary details of the appeal. The email will be handled by a member of the student experience team, and any details handled sensitively and shared within the School on a need to know basis as part of the investigation into the appeal.

6.4 Where the requirements for a valid appeal as set out above have been met:

- an appeal made on the grounds that there is new evidence will be referred back to the Panel for consideration, who will review it in line with the procedures set out above

- otherwise Registry will review the documents considered by the panel and assess whether there were any errors in the procedure or findings and whether the findings were reasonable. The officer responsible for the review will decide whether to uphold the appeal and their decision will be final.

6.5 If the appeal is referred back to the panel, any further information submitted by the applicant will be considered. Following the completion of the meeting, the Panel may decide:

- to reconsider the original decision; or
- that the original decision should stand.

7 Record retention and data protection

7.1 The School will keep a record of all cases dealt with in accordance with the School's privacy policy.

7.2 All records and correspondence relating to this process will be securely stored in accordance with the School's privacy policy.

7.3 If a criminal conviction is declared and the offer-holder becomes a registered student, the standard records and correspondence relating to the application and supporting materials will be kept in the same way as all other student records. Any information and correspondence relating to the offer holder's conviction will be stored separately and securely.

7.4 If a criminal conviction is declared and the offer-holder does not become a registered student, the School will keep a copy of the information relating to the conviction for a period of one year after the admissions cycle has ended, at which point all electronic and paper files will be deleted.

7.5 The School has a legitimate interest in collecting and processing relevant criminal record information, to ensure the safety and security of the School, its staff and students.

7.6 Under Article 10 UK GDPR, the collection of convictions data also needs to be specifically authorised under UK law. In this regard, the School relies on paragraph 11 of Schedule 1 DPA 2018.

- 7.7 The School has conducted a Data Protection Impact Assessment (DPIA) in respect of this activity. We have considered whether the processing of the criminal conviction data is necessary for our purposes and we are satisfied there is no other reasonable and less intrusive way to achieve the same aims.
- 7.8 If you are an offer holder who has been asked to provide information about any relevant, unspent criminal convictions and you have any concerns or queries relating to process or whether the conviction is relevant, you can contact the Assistant Registrar (Admissions, Visa Compliance, Student Funding) chad.jeeawock@gsmd.ac.uk.
- 7.9. The Panel may also consider cases where a relevant, unspent conviction is disclosed by a third party. In such circumstances the offer holder will be contacted and advised that this process will apply.