

Admissions Policy: Appendix 3

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 .

The University complies fully with the Criminal Records Bureau (CRB) 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) by asking the question on the application form both direct and UCAS. Criminal records are taken into account for recruitment purposes only when the conviction is relevant to the programme to be undertaken by the person if admitted to the programme. Having an “unspent” conviction will not necessarily bar an applicant from the programme or where the applicant may be considered to pose a risk to the safety of the University community; this will depend on the circumstances and background to the offence with regard to the programme for which the application is made.

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 convictions, including cautions. From October 2010, applicants to these courses are also required to register with the Independent Safeguarding Authority.

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The University will not normally 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.

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 previous convictions are invited to write to the Head of Admissions at an early stage of the application process to clarify the nature and context of their offence(s).

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 practice” 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 CRB Disclosure will be notified through the offer letter that the programme requires the disclosure of all criminal record information, and that admission to the University will be conditional on the receipt of a satisfactory Enhanced CRB 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 CRB 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 will be sent to the Head of Admissions (who is also a University CRB Counter signatory) and will be kept confidential.
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 relevant Subject Leader (or nominee) to consider whether the applicant is still acceptable for admission, or if further information is required.
7. The Subject Leader (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 Subject Leader (or nominee) in consultation with the Head of Admissions.
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 Director of Business Services, in consultation with the Executive Dean on the facts of each case.

Appeals

Where an applicant wishes to appeal against the admission decision of the Subject Leader (or nominee) and the Head of Admissions, 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 Executive Dean.
- c) In responding to such cases, the Executive Dean may wish to seek advice, if necessary, from the relevant Subject Leader and / or the Head of Admissions who made the original decision, as well as the Director of Student and Academic Services (who is also a University CRB Countersignatory).

The decision of the Executive Dean will be final.

Following Admission

Where details of a conviction or other matter 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.

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 124 of the Police Act Part V 1977. 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. Dean, Deputy Dean (Academic), Subject Leader, Admissions Tutor, Admissions Assistant, 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 Deputy) with access strictly controlled and limited to those who are entitled to see it as part of their duties.
4. Disclosures will 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 CRB.

5. After this time Disclosure information will be shredded under the direct supervision of a responsible person nominated by the lead-signatory (the Head of Admissions or Deputy). While awaiting destruction, Disclosure information will not be kept in an insecure receptacle (eg: waste bin or confidential waste sack or portable container).
6. No photocopy or other image or representation of the Disclosure will be taken or retained.
7. A record of the date of disclosure, the name of the subject, the type of disclosure, and the unique number issued by the CRB will be retained in accordance with CRB advice. Such records will be kept in a secure, locked filing cabinet.

Complaints

The University of Chichester undertakes to comply with the CRB Code of Practice. A copy of the Code is available from the CRB website (www.crb.gov.uk). If an applicant or student believes this Code has not been complied with they should contact the CRB directly at:

Criminal Records Bureau
PO Box 110
Liverpool L69 3EF
Tel: 0870 90 90 811