

# Criminal Conviction Policy

Director of Student Recruitment and Marketing

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## Introduction

The University is committed to the fair treatment of its applicants and students regardless of background. We actively promote equality of opportunity for all applicants with the potential to succeed in the programmes for which they are applying and welcome applications from a wide range of candidates. Having a criminal record will not necessarily prevent an individual studying at the University. We select candidates based on criteria including skills, qualifications and experience. The relevance of a criminal record will be considered independently of the outcome of that selection process.

This policy and the [related procedures](#) aim to ensure that the University fulfils its responsibilities and obligations for the safety of the University communities and the safeguarding of children, young people and adults with whom students are in contact as part of their studies and work.

There are different procedures depending on whether the programme being applied for requires regulated activity with children or adults or whether it is a non-regulated programme, and these are outlined in separate sections of the procedure.

It is a requirement of the Disclosure and Barring Service (DBS) that all Registered Bodies have a written policy on the recruitment of those with criminal convictions, a copy of which can be made available to applicants. This policy is aimed at applicants and students and should be read alongside the University's Admissions Policy.

In implementing this policy the University is mindful of the requirements of the Rehabilitation of Offenders Act 1974, the Rehabilitation of Offenders Act 1974 (Exceptions Order 1975) as amended in 2013, the General Data Protection Regulation and the Data Protection Act (2018).

This policy is relevant for all UCAS and direct applications to the University.

## Policy

### Applicants for and students on programmes requiring regulated activity with children and adults

Programmes requiring regulated activity are those leading to professions or occupations exempt from the Rehabilitation of Offenders Act 1974. These include a number of programmes in our College of Health, Science and Society. Applicants on these programmes will be required to declare any spent or unspent convictions, cautions, reprimands or final warnings recorded on a police central record, that are not protected as defined by the Rehabilitation of Offenders Act 1974 (Exceptions Order 1975) as amended in 2013. They will be asked to complete a self-declaration for any such criminal record at an early stage in the application process. Applicants will also be required to complete an Enhanced DBS check before being allowed to register as a student at the University and undertake placements. Our course information webpages will contain a statement that a DBS check is part of the

programme selection criteria if relevant.

It is a criminal offence for a barred individual to undertake regulated activity and the University has an obligation not to permit this to occur.

Students accepted onto programmes requiring regulated activity will be required to complete an annual self-declaration to confirm that they have not received any police reprimands, warnings, cautions or convictions since the last DBS check or declaration. However, the expectation is that students will inform the University immediately rather than waiting until a declaration is requested. Students who subsequently receive one of these will be considered under the [Professional Suitability Policy and Procedure](#).

## Applicants for and students on non-regulated programmes

Non-regulated programmes do not lead to professions or occupations exempt from the Rehabilitation of Offenders Act 1974, and make up the majority of programmes offered by UWE Bristol.

Applicants will not be asked to declare any relevant unspent criminal conviction information during the initial application assessment and decision. Applications will be assessed solely on academic criteria and suitability.

Applicants will only be asked to declare any relevant unspent criminal conviction information when they accept UWE Bristol as their firm choice via UCAS or our Welcome Website. Relevant convictions are those which have implications for the University's duty of care towards the safety of their students, staff and visitors. This includes but is not limited to convictions involving violence, sexual offences and supply of drugs, as well as offences involving firearms, arson and terrorism. This list is not definitive but seeks to describe the sorts of offences for which a conviction will be considered relevant by the University for illustrative purposes only. Applicants are not required to declare spent convictions as defined by the Rehabilitation of Offenders Act 1974.

At this point they will be sent a communication with information on how and what to declare through UWE's Welcome Website, and outlined in full in the [Criminal Conviction Procedure](#).

The information disclosed to the University regarding unspent criminal convictions will be used to allow the University to manage risk and provide a means of offering appropriate levels of support once they become a student. A risk assessment will be undertaken and considered under the Procedure for Consideration of Disclosed Criminal Records outlined below.

There may be some professions that carry out criminal records checks, for example some legal occupations, even when this would not be in the selection criteria for University entry and thus would not prevent applicants from successfully completing a degree programme. Applicants are advised to undertake their own research into different professions they may wish to progress into before accepting an offer of a place. However, should an individual consent to the University using the information for this purpose, we will provide advice to

the student if they have chosen a course which indicates a choice of profession from which they are likely to be excluded.

This policy will also apply where students on other programmes are engaged in situations and activities which involve regulated activity with children or adults within, organised or overseen by the University. These may include students undertaking work experience or placements involving regulated activity, students undertaking research as part of their programmes of study, or students acting as Student Ambassadors, mentors, tutors or volunteers. The level of the check will be determined by appropriate managers, supervisors or Heads of Department/School and will depend on the nature of the activity.

These checks will not usually be repeated during a single programme of study, unless a student breaks their studies for a year or more. However, returning students who are continuing the activity will be required to confirm at the start of each year that their criminal record has not changed. They are also obliged to inform the University immediately of any change in their criminal record that might affect their participation in regulated activity.

## Overseas applicants requiring a Tier 4 Visa to study in the UK

Where an overseas applicant is applying for a programme of study which requires a DBS check, and particularly if they have not previously been resident in the UK, the University will follow DBS and relevant professional guidance to reassure itself about any criminal record. The University may also require the applicant to provide information from their home country equivalent to a DBS certificate and a statement of good character.

Applicants who require a Tier 4 Visa to study in the UK will be required to disclose a criminal record, including spent convictions, at the time of applying for their Confirmation of Acceptance of Studies (CAS).

Tier 4 students who require a new CAS to extend their stay to confirm their programme will also be asked to disclose a criminal record, including spent convictions, at the time of reapplying.

## Undisclosed convictions

If the University has reason to suspect that an applicant has failed to disclose relevant, unspent convictions, the applicant will be asked to provide further information which will be considered under [Section 14 \(Fraudulent Applications\)](#) of the University's admissions policy. Failure to declare a relevant criminal conviction may result in the offer being withdrawn or termination of registration if a student has progressed to studying at the University.

## General Information

Where the University determines the information disclosed on a criminal record poses a safeguarding risk, or where restrictions and conditions mean an applicant would not be able to successfully study on their programme of choice and no suitable alternative can be found, UWE Bristol reserves the right to withdraw the offer of a place.

In the event that an applicant knowingly withholds criminal conviction information, UWE Bristol reserves the right to either withdraw the offer of a place, or consider it under the University's Professional Suitability and Professional Conduct Policy, which in turn could lead to the requirement for the student to withdraw from their programme of study.

## Payment

UWE Bristol will pay the initial fee for an Enhanced DBS check where this is required, however as part of the application process applicants will need to pay a small fee at the Post Office for document checking.

We encourage students to subscribe to the DBS Update Service, although they will need to pay for the annual subscription themselves.

## Storage, retention and disposal of information relating to criminal records

The University complies fully with the DBS Code of Practice regarding correct handling, use, store, retention and disposal of Disclosures and Disclosure information. It also complies fully with its obligations under the Data Protection Act 2018 and other relevant legislation.

Access to your data is strictly controlled to a limited number of authorised staff within the University. They will be suitably trained to identify and assess the relevance and significance of offences and their circumstances.

All data will be confidentially and securely saved on a University SharePoint site with restricted access to relevant senior members of staff. No sensitive data will be held on the applicant or student record.

For students who proceed to enrol/register at the University, data will be kept securely for the duration of their studies.

For applicants who do not commence studies at the University, data will be confidentially deleted from the SharePoint site post-registration period of the academic year of entry.

## Data Protection

All personal information processed in UCAS applications is subject to the terms of the [UCAS Declaration](#), as described in the 'How we may use your personal information' section.

In addition, all personal information contained in applications to the University of the West of England, Bristol are processed under the Data Protection legislation including but not limited to the General Data Protection Regulation as enacted and amended by UK legislation.

The information provided in applications will only be processed by UWE for admissions purposes and will form part of the student's record if they accept a place. The information will be confidential between the applicant, the University and any other parties the applicant has consented to as part of the application process (e.g. UCAS). However, the University of the West of England, Bristol may have to release information to authorised outside agencies, such as the police or the Home Office, to prevent or detect fraud.

For further information about how the University receives and uses personal data that you and/or third parties such UCAS provide to us please see our [Admissions Privacy Notice](#).

To exercise any of your rights please contact the Data Protection Officer by email at [dataprotection@uwe.ac.uk](mailto:dataprotection@uwe.ac.uk) or in writing to the Data Protection Officer, UWE Frenchay Campus, Coldharbour Lane, Bristol, BS16 1QY.

## Appendix A

### Relevant Policies and Procedures

- [Admissions Policy](#)
- [DBS Code of Practice](#)
- [Professional Suitability and Professional Policy](#)
- [Safeguarding Policy and Procedures](#)

### Other useful links:

- [Disclosure and Barring Service](#)
- [Rehabilitation of Offenders Act 1974](#)

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