

Criminal Convictions and Charges Procedure

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Procedure Owner – Vice Principal Learning, Teaching & Students

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Changes and Reason for Changes – Amended in light of 2023 Universities Scotland guidance.



Criminal Convictions and Charges Procedure**1. Introduction**

- 1.1 The University is committed to ensuring that all individuals who have accepted an offer to study with us (in this Procedure we will refer to these individuals as 'offer holders') and our enrolled students who declare a relevant criminal conviction or pending charge are treated fairly and transparently with regard to their admission to and continuing studies with the University.
- 1.2 The University has a duty of care to our students, staff, visitors and third parties we work with to protect their safety and welfare. In order to discharge this duty, we have to consider the impact of any relevant criminal convictions or charges declared to us by offer holders and our enrolled students.

2. Scope

- 2.1 This Procedure applies to all offer holders and enrolled students, including those on taught and research degree programmes.
- 2.2 All information provided as part of this Procedure will be considered objectively, assessing any risk to University staff, students, visitors and other third parties we work with.
- 2.3 Any information disclosed by individuals who have accepted an offer to study with us or enrolled students will be processed in line with the UK GDPR and Data Protection Act 2018.
- 2.4 Applicants to courses which involve contact with vulnerable people, such as teaching, social work and nursing courses will be required to register with the PVG Scheme (Protection of Vulnerable Groups). These programmes are exempt from the Rehabilitation of Offenders Act 1974.

There is a separate process for this which is managed by the academic school you have applied to or by UCAS and is separate from the criminal conviction procedure described here.

3. Procedure**3.1 Criminal Convictions – What must be declared**

Offer holders and enrolled students who fall within the categories listed in section 3.2 of this Procedure are required to disclose relevant criminal convictions and pending criminal charges.

For the purposes of this Procedure, relevant criminal convictions and pending charges are those which relate to the following:

- a. Offences of violence.
- b. Sexual offences.
- c. Offences of harassment/stalking.
- d. Hate crime.
- e. Offences of terrorism.
- f. Offences of theft and other forms of dishonesty.

- g. Offences of involvement with controlled substances and/or firearms/explosives (drug offences only involving possession and **not** leading to a custodial sentence do not require to be disclosed)
- h. Offences of arson and/or wilful damage to property.
- i. Offences involving the misuse of information and communications technology (computer misuse)

3.1.1 For the purposes of this Procedure, criminal convictions will be deemed to include cautions, admonitions, reprimands, final warnings, bind over orders or similar.

3.1.2 If you are an international or EU applicant to the University you can find out information about what you need to declare to us on our webpage.

3.2 Criminal Convictions – Who is required to declare

All offer holders and all enrolled students must declare any relevant criminal convictions and pending charges (irrespective of their mode of learning or programme of study).

3.3 Disclosing Convictions – Offer Holders

3.3.1 Once an individual has accepted an offer of a place at the University, our Admissions team will make contact with them and ask them to declare all relevant criminal convictions and pending charges.

3.3.2 Disclosure of convictions or charges by an individual would not ordinarily put their place at the University at risk. Individuals with unspent criminal convictions or charges are not prevented from attending the University. Our review of criminal convictions declaration information is entirely separate to any decision we make about an applicant's academic suitability. We will not make individuals subject to disproportionate restrictions. It is only where there are no appropriate mitigations after undertaking a risk assessment in light of the information disclosed to us, that we may need to withdraw an offer of a place or to terminate the student contract.

3.4 Disclosing Convictions - Students

3.4.1 Each year at enrolment, students will be asked to declare any relevant criminal convictions or pending charges.

3.4.2 Enrolled students are required to inform UWS of any relevant criminal convictions or pending charges during their time as a student at the University. Declarations should be made without delay.

3.4.3 Students should provide this information by completing the 'Criminal Convictions and Charges Declaration Form', which is available on Moodle or by request by emailing confidential@uws.ac.uk. Completed forms are to be returned to confidential@uws.ac.uk.

3.5 Failure to Disclose

3.5.1 Where an offer holder or student has failed to disclose a relevant criminal conviction(s) or pending charges, this may lead to their offer being later withdrawn for non-declaration or partial disclosure or the matter being referred to the Senate Disciplinary Committee.

3.6 Programme Requirements

- 3.6.1 A number of programmes may be subject to the admissions policy of an external professional body in relation to accepting applicants with criminal convictions.
- 3.6.2 Successful completion of certain programmes (such as Accounting, Psychology etc.) may lead to application for registration with professional bodies. Applicants and students applying for such programmes are encouraged to seek advice from such professional bodies, regarding the impact of criminal conviction(s) on their chosen career.
- 3.6.3 While UWS may be willing to admit an applicant on a programme of study or allow a current student to continue, successful completion of the programme does not guarantee that the applicant/student will be able to practice or take up a related profession.
- 3.6.4 Students and offer holders should be aware that if accepted onto the programme they will also be required to declare all relevant convictions on any application for registration to the professional body.

3.7 Procedures Following Disclosure of Convictions – Individuals who have accepted an offer

- 3.7.1 Upon receipt of a criminal conviction disclosure from an offer holder, a member of our Admissions team will contact the individual to verify this is accurate and is a relevant disclosure in terms of our requirements and to request any additional information needed.
- 3.7.2 If the Admissions team determine that the disclosure is a relevant disclosure in terms of this Procedure they will refer the matter to the Criminal Convictions Panel for consideration.

3.8 Procedures Following Disclosure of Convictions – Students

- 3.8.1 Upon receipt of a criminal conviction disclosure from a student (either at enrolment or during the academic year), a member of Registry will contact the student to verify this is accurate and is a relevant disclosure in terms of our requirements and to request any additional information needed.
- 3.8.2 If Registry determine that the disclosure is a relevant disclosure in terms of this Procedure they will refer the matter to the Criminal Convictions Panel for consideration.

3.9 Criminal Convictions Panel (CCP)

- 3.9.1 The membership and remit of the CCP is set out in the Appendix. The CCP will consider all cases referred to it. In doing so, the CCP will take into account the individual circumstances, the University's duty of care to others and the requirements of fairness.
- 3.9.2 Offer holders and enrolled students who are referred to the CCP will be given the opportunity to provide written representations. All information provided will be treated as confidential.

- 3.9.3 The CCP will consider all information provided and will undertake a risk assessment to determine whether the declared relevant conviction(s) or pending charges pose any risk to UWS staff, students, visitors or third parties we work with and what support the University should provide to the individual who has made the disclosure, or any other members of the University community who might be affected.
- 3.9.4 The CCP will consider if the conviction or pending charges affect any aspect of the individual's programme of study or could bring the University into disrepute. This includes consideration of any relevant Codes of Practice and/or Government legislation.
- 3.9.5 The CCP may:
- Seek advice from professional/academic members of staff or external representatives to assess the implications of the criminal conviction(s) or pending charges on the University and the individual's programme of study or placement, and
 - Request additional information.
- 3.9.6 After consideration of the disclosed criminal conviction(s) or pending charges, the CCP may take the following actions in relation to **offer holders**:-
- Defer entry to the programme for a defined period
 - Advise the individual to consider an alternative programme of study (and if they do not wish to do so terminate the student contract and withdraw the offer of a place)
 - Admit the individual on the condition that they comply with special arrangements or conditions
 - Take no further action
 - Terminate the student contract and withdraw the offer of a place
- 3.9.7 After consideration of the disclosed criminal conviction(s) or pending charges, the CCP may take the following actions in relation to **enrolled students**:
- Take no further action
 - Refer the matter to the University's Procedure for Student Discipline or Conduct, Competence and Fitness to Practice Procedure
- 3.9.8 Notes of decisions will be taken and reasons will be given for the decision. These notes will be made available to the individual on request. Verbatim minutes will not be recorded.
- 3.9.9 The decision of the CCP will be communicated to the individual in writing. An individual will also be advised of any right to appeal the decision.

3.10 Appeals

An offer holder may wish to appeal the initial decision of the Criminal Convictions Panel. Appeals should be submitted to the confidential mailbox (confidential@uws.ac.uk), directly by the offer holder, within 14 days of the decision being communicated. Appeals should be submitted on the Criminal Convictions Panel Appeals Form that can be found on Moodle or requested by e-mail.

The criteria for appeal against the outcomes of a Criminal Convictions Panel hearing are as follows:

- a. New information is available that is material to the initial decision and this was not available at the time the Criminal Convictions Panel took place;
- b. There was a procedural irregularity during the initial process;
- c. The initial decision reached was one which no reasonable person could have reached on the available evidence.

The Criminal Convictions Appeal Panel will consist of:

- Director of Marketing, Communications and Student Recruitment
- Relevant Dean of School
- A representative from the Vice Principal (Governance) and University Secretary's Office

In determining any appeal, the Criminal Convictions Appeal Panel will seek submissions from the Chair of the Criminal Convictions Panel in relation to the decision being appealed, the reasons for that decision and the specific grounds of appeal claimed by the individual making the appeal. The individual making the appeal will not be entitled to appear at the Panel in person.

The decision and any recommendations or advice of the Criminal Convictions Appeals Panel will be notified to the individual in writing and there is no further right of appeal.

There is no right of appeal against the decision of the Criminal Convictions Panel where the decision relates to an enrolled student. Once the matter has been heard by the Senate Disciplinary Committee, enrolled students will be able to exercise their right of appeal in line with our Procedure for Student Discipline.

Appendix

Membership of the University Criminal Convictions Panel

- Head of Registry (or nominee).
- Head of Admissions and Student Recruitment (or nominee)
- Deputy Dean of the School (or nominee)
- Member of academic staff from the programme concerned. (or the research supervisor where the matter relates to a research student)
- The Residences Services Manager (if the individual will be living in university accommodation)
- Quorum will be Chair and two other members of the Panel.
- The Chair will be the Head of Registry (or their nominee) if the disclosure has been made by an enrolled student or the Head of Admissions and Student Recruitment (or their nominee) if the disclosure has been made by an offer holder.

Remit of Criminal Convictions Panel

- The University Criminal Convictions Panel will meet when required.
- The Panel may request advice and attendance from appropriate members of University staff and where applicable external representatives.
- The Chair will act as the final arbiter in the matter after considering the opinions of all panel members.
- The Criminal Convictions Panel will assess declared convictions and changes using the University risk assessment form.