

Criminal Convictions Procedures

1. Introduction

- 1.1 The Criminal Convictions Procedures are in place to ensure the safety and wellbeing of all AECC University College staff and students through the careful consideration of applicant criminal convictions.
- 1.2 This procedure applies to all applicants to any of the University College's courses of study.
- 1.3 The University College is committed to ensuring that its recruitment, selection and admissions policies and procedures are transparent, followed fairly, courteously, consistently and expeditiously; that information concerning applicants remains confidential between designated parties, and that decisions are made by those equipped to make the required judgements.
- 1.4 The procedures below will be enacted when an applicant has a relevant criminal conviction, either declared or discovered and it has not been spent or filtered under the terms of the Rehabilitation of Offenders Act 1974.
- 1.5 Where students are likely to be engaged in regulated activity (the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013)), the safety of those clients must be paramount. Additionally, students admitted to such programmes should be eligible to practice in their chosen professional field once they are qualified.

2. Key Responsibilities

- 2.1 The Admissions Manager is responsible for initially assessing any declared or discovered criminal convictions. If further assessment is required, a panel, consisting of the relevant programme leader of the course and the Academic Registrar will undertake a [risk assessment](#).
- 2.2 The Admissions Manager is responsible for enforcing the procedures as set out below.

3. Principles

- 3.1 The University College has a duty of care to ensure the safety all of its stakeholders. As such all applicants who present a criminal conviction will be carefully assessed against any potential risk to the University College's staff and students.
- 3.2 When assessing a new application, the academic suitability of an applicant to a course will be assessed independently of any declared criminal conviction.
- 3.3 Applicants to all courses of study must declare any relevant criminal convictions that are not spent or filtered. This will either be through a declaration on the UCAS application system or through the University College's online application system.
- 3.4 For clarity, the following terms are defined as follows:

"Spent"

A criminal conviction can become 'spent' after a period of time. The length of time it takes to become spent is defined by the Rehabilitation of Offenders Act 1974 and depends on the

sentence or disposal made by the court following the conviction. Sentences of over four years in prison cannot become spent. Most cautions, reprimands and final warnings become spent immediately, so will not normally be 'unspent'.

“Relevant” - Relevant offences include one or more of the following:

- Any kind of violence including (but not limited to) threatening behaviour, offences concerning the intention to harm or offences which resulted in actual bodily harm.
- Sexual offences, including those listed in the Sexual Offences Act 2003.
- The unlawful supply of controlled drugs or substances where the conviction concerns commercial drug dealing or trafficking (drug offences only involving possession are not relevant offences).
- Offences involving firearms.
- Offences involving arson.
- Offences involving terrorism.

“Filtered”

Filtering is the term used to describe the process which will identify and remove protected convictions and cautions so that they are no longer disclosed on a DBS certificate (DBS check). All cautions and convictions for specified serious violent and sexual offences, and other specified offences of relevance for posts concerned with safeguarding children and vulnerable adults, will remain subject to disclosure on a DBS check. All convictions resulting in a custodial sentence, whether or not suspended, will remain subject to disclosure, as will all convictions where more than one conviction is recorded. Further information about filtered convictions can be found [here](#).

- 3.5 Applicants must declare any criminal convictions through mandatory questions on the UCAS application system and the University College's online application system. For courses of study that have an interview, any declared convictions will be considered prior to a potential interview taking place.
- 3.6 Applicants to the Masters of Chiropractic must undertake an enhanced child and adult workforce before being able to secure a place on the programme. For UK-domiciled applicants this will be through a Disclosure and Barring Service (DBS) check and for non-UK domiciled applicants this will be through a National Police Certificate.
- 3.7 Should information concerning criminal convictions come to light after an offer has been made, the procedures below shall be enacted from 4.2
- 3.8 If criminal convictions are discovered after the time of enrolment and were deliberately not declared during the admissions process, the University College reserves the right to undertake a new risk assessment through a panel meeting and if necessary, instruct the student to cease their studies with immediate effect.
- 3.9 Documentation relating to successful applicants will be retained for the duration of their study as part of their core student record and stored confidentially on the Student Record System. Information relating to criminal records will be restricted to the members of staff who are involved in the procedures below. Documentation relating to unsuccessful applicants will be kept for one year, after which it will be destroyed in accordance with the Data Protection Act 1998.

4. Procedures

- 4.1 Where a criminal conviction is declared either through UCAS, the University College's online application system and/or a Disclosure and Barring Service (DBS) certificate/National Police Certificate, an applicant will be sent an email asking them to provide further information, including details of when the offence(s) took place and their nature. Applicants will need to

complete a Criminal Records Information form to provide details of the exact sentences handed down to them and will be asked to provide a context to the offence(s).

- 4.2 Depending on the nature of any criminal conviction, the University College reserves the right to request an independent account of the offence. This could be a pre-sentence report or other statement from legal advisors or probation officer. Failure to reveal any information that is directly relevant to the case will lead to the withdrawal of any offer.
- 4.3 The Academic Registrar and Admissions Manager will initially assess the criminal conviction against the following criteria:
- The nature of the offence(s) and whether it is relevant to the programme of study
 - How long ago the offence(s) took place
 - The potential risk to staff or students at the University College, and any potential risk to the University College's reputation.
 - In the case of more than one offence, whether each was a single offence or it was part of a series of similar offences.
- 4.4 In the case of a criminal conviction where that conviction is likely to have no impact on the University College community, an application will be progressed in the normal way.
- 4.5 Where a criminal conviction is deemed to require further assessment, a panel will meet to carry out a more detailed [risk assessment](#) based on the information provided. The outcome of this panel, along with relevant notes will be stored on the Student Record System under the applicant's record.
- 4.6 If it is deemed that the criminal conviction should not prohibit further progress of an application, the application will be progressed in the normal way.
- 4.7 If the result of the panel's meeting is to refuse an application for admission because of a criminal conviction, this will be communicated by the Admissions Manager to the applicant by letter.
- 4.8 Any applicant who cannot be considered for a course of study at the University College due to their declared or discovered criminal conviction has the right to appeal through the Admissions Complaints and Appeals Policy.

Links/Further information

Data Protection

Criminal Records Information form

Criminal Records Risk Assessment

Version:	1.0
Approved by:	
Originator/Author	Admissions Manager
Policy Owner	Admissions Manager
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Date approved	
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Policy location	SIP, Moodle, AECC University College website