

CONSIDERATION OF CRIMINAL CONVICTIONS POLICY & PROCEDURE			
Department	International Partnerships/Recruitment and Admissions		
Author	DBS lead Signatory / Compliance/Head of Recruitment and Admissions		
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I have carried out an equality impact assessment screening to help safeguard against discrimination and promote equality.			√
I have considered the impact of the Policy on the Welsh language and Welsh language provision within the University.			√

DEFINITIONS

Applicant	The term applicant refers to those applying for entry to the University and those who require a DBS to complete their work placement.
Disclosure and Barring Service (DBS)	The DBS enables organisations to make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups. The service involves searching police records, and in relevant cases, barred list information.
DBS Certificate	The report produced by the DBS which includes information regarding an individual's criminal background.
DBS Code of Practice	Information released on a DBS certificate can be sensitive and personal. The Code of Practice has been developed to ensure any information exchanged is handled fairly and used properly. See: DBS Code of Practice
Rehabilitation of Offenders Act, 1974	Act of Parliament which enables some cautions or convictions to become "spent" (i.e. as if it had never occurred) after a specified rehabilitation period, depending on the disposal administered or sentence passed.
Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) Order 2013	Act of Parliament which outlines positions and occupations exempt from the above Act. Wrexham University defines courses that require a DBS as exempt from the Rehabilitation of Offenders Act. Applicants are required to declare all unprotected convictions, cautions, reprimands and cases pending.
Spent criminal conviction	Depending on the nature of the offence, once a rehabilitation period has expired and no further offending has taken place, a conviction may be considered 'spent.' Information on when a conviction is 'spent' is available on the GOV.UK website: https://www.gov.uk/exoffenders-and-employment
Unspent criminal conviction	Convictions that are 'unspent' means that insufficient time has passed since the original offence without an individual re-offending; relevant unspent convictions have to be declared. Offences attracting sentences of 30 months imprisonment or more are never spent and therefore must always be declared.
Relevant criminal conviction	Relevant criminal convictions are those for offences against the person, whether of a violent or sexual nature, or for offences involving unlawfully supplying controlled drugs or substances where the conviction concerns commercial drug dealing or trafficking, offences involving firearms, arson or those listed in the Sexual Offences Act 2003 or the Terrorism Act 2006.
Regulated activity – children & adults	Work which involves contact with vulnerable groups which cannot be undertaken by a barred person. Specific guidance is in place which outlines regulated activity relating to children and adults: <ul style="list-style-type: none"> • Adults: Regulated activity (adults) • Children: Regulated activity (Children)
Filtering	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, irrespective of whether the applicant is intending to engage in regulated activity.

1. CONTEXT AND POLICY STATEMENT

- 1.1 Wrexham University is committed to providing inclusive, high quality higher education and training to all who can benefit from it.
- 1.2 In line with the Equality Act 2010, the University is committed to the fair treatment of all applicants regardless of their background or protected characteristic(s).
- 1.3 This policy and related procedures ensure the University fulfils its responsibilities and obligations for the safety of the University community, including students, staff and visitors. Furthermore, as a number of programmes of study require students to undertake a placement that involves Regulated Activity, it also safeguards children, young people and / or vulnerable adults with whom students are in contact, as part of their studies.
- 1.4 A criminal conviction(s) will not necessarily prevent an applicant from studying at the University. It will depend upon the nature of the course, the nature and circumstances of the offence(s) and the outcome of the Disclosure and Barring Service (DBS) check.
- 1.5 All information about criminal convictions provided as part of the application process will be considered objectively assessing any risk to the University community. Information provided will be treated as 'special category data' in line with the University's Data Protection and Data Disposal Policy, the Data Protection Act 2018 and the General Data Protection Regulations 2016.
- 1.6 Wrexham University is a signatory of the Fair Chance for Students with Convictions pledge and abides by the principles of that pledge in its admissions practices for applicants with convictions (<https://www.unlock.org.uk/projects/unlocking-students-with-conviction-2/fairchancepledge/>)

2. PURPOSE

- 2.1 To ensure applicants who declare a criminal conviction(s) are appropriately risk assessed to determine their suitability for admission to the University/placement in a fair and reasonable approach.
- 2.2 To ensure where an academic programme involves contact with children, young people and/or vulnerable adults, or is subject to professional requirements, only those applicants who can meet the enhanced entry requirements are admitted to the University/placement.
- 2.3 To provide guidance to ensure that careful, fair and transparent consideration is given to the impact of declared convictions.
- 2.4 To ensure applicants have given due consideration to the impact their personal history may have on potential employment or registration with a professional, statutory or regulatory body before they undertake a programme of study.

3. SCOPE

- 3.1 This policy and procedure applies to the admission of all candidates applying to a programme/ placement where a DBS is a mandatory entry requirement.
- 3.2 This policy should be read alongside the University's Admissions Policy.

- 3.3 It operates in consideration of relevant statutory legislation, including the Rehabilitation of Offenders Act 1974 and the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013). For some courses, where specific professional or regulatory body requirements exist, they too will be considered.

4. DISCLOSING A CONVICTION(S)

- 4.1 Where an applicant is applying for a course that does not require a DBS as a condition of entry, they will not be required to declare any criminal convictions, spent or unspent. Any declaration made in these cases will be discounted from the admissions process.
- 4.2 There is a requirement for all candidates applying for a programme where a DBS is a mandatory entry requirement to declare all police investigations and criminal convictions prior to and during their studies. Irrespective of the route of application (UCAS or direct), the application form requests the disclosure of both spent and unspent criminal convictions.
- 4.3 When a programme of study does not require a DBS check prior to the commencement of studies but where a work placement involves the engagement in regular and unsupervised 'regulated activity' with children or in certain adult settings, the University may require students to undergo an enhanced DBS check. The student would need to obtain a satisfactory DBS before they can start their work placement.
- 4.4 Failure to disclose information about criminal convictions is considered a serious matter and could subsequently result in the offer of a place being withdrawn or disciplinary action being taken. The University may also report such activity to any relevant external body, who may take the matter forward under their own established procedures.
- 4.5 Applicants who are not able to provide a DBS certificate prior to the commencement of the course may be allowed to enrol but will not be able to commence regulated activity until a satisfactory DBS is received. The offer of a place will be subject to the provision of a suitable DBS certificate. DBS checks can be completed immediately after receiving an offer letter, including over the summer months prior to enrolment. After enrolment, the DBS check application form must be completed within 6 weeks of enrolment. Failure to complete in this timeframe will result in the University taking appropriate action for breach of contract. In such cases, students could be withdrawn from their studies and the relevant funding bodies will be notified.
- 4.6 If an applicant becomes subject to a relevant criminal investigation, offence or conviction after submission of their DBS application, they should inform their Programme Leader and/or Student Administration at the earliest opportunity. The University will take the necessary steps to determine if the student is able to continue with their studies. If permitted to continue the University will ensure the student is aware of the potential impact a conviction could have on their chosen career path.
- 4.7 The University's disciplinary procedure for Students sets out the steps that may be taken if a student fails to declare any criminal conviction or offences before or during their studies. <https://students.wrexham.ac.uk/home-2/student-administration/policies-and-procedures/>

5. DISCLOSURE AND BARRING SERVICE (DBS)

- 5.1 The decision about whether a programme requires a DBS check is taken during programme planning and validation. The decision is recorded in the approved programme specification.
- 5.2 There are several types of DBS checks as summarised below:

Type of check	Eligibility	Information included in certificate
Standard	For roles working/volunteering with children or vulnerable adults and where the role is included in the ROA 1974 (Exceptions) Order 1975 (as amended) (e.g. health care professionals or lawyers)	Spent and unspent convictions and cautions, reprimands and warnings

Enhanced	For roles included in both the ROA 1974 (Exceptions) Order 1975 (as above) and the Police Act 1997 (Criminal Records) regulations (e.g. regularly caring for, training, supervising or being solely in charge of children or specified activities with adults in receipt of health care or social care services and applicants for gaming and lottery licenses)	Spent and unspent convictions and cautions, reprimands and warnings Relevant police information
Enhanced for Regulated Activity (with barred list check)	For those carrying out a Regulated Activity or a small number of roles specifically listed in the Police Act 1997 (Criminal Records) regulations (e.g. taxi drivers and prospective adoptive parents)	Spent and unspent convictions and cautions, reprimands and warnings Relevant police information Whether the individual is on the vulnerable adults' or children's barred list(s) as appropriate
DBS Update Service £13 per year	This is an optional service individuals can register for. It allows the University to check a certificate is up to date online.	Monitoring covers new convictions, cautions, reprimands or warnings, or amendments to existing ones For enhanced certificates, this will also include any new, relevant police information For enhanced certificates with barred list check(s), this will also include whether the individual has been added to the barred list(s)
The University will cover the cost of the initial DBS check for a student. Should a student require a new DBS certificate through the loss of the original, the cost of this will be charged to the student.		

- 5.3 For programmes that require a DBS check, this requirement will form part of any conditional offer.
- 5.4 The University offers some programmes which require students to undertake placements or other learning opportunities that involve regulated activity with children, young people and/or vulnerable adults and assume positions of trust. Such programmes may lead to professional registration or entitlement to practice in areas that are exempt from the Rehabilitation of Offenders Act and hence require full disclosure of all unprotected convictions, investigations, cautions, reprimands, bind over orders or final warnings, regardless of the date, including “spent” convictions. These programmes will require a check of the barred list for regulated activity.
- 5.5 The University is required to ensure that only suitable candidates are allowed to undertake programmes of study/placements involving regulated activity. The University uses the DBS Service to assess the suitability of such applicants, and requires applicants to provide an Enhanced Disclosure for Regulated activity. This involves completing a DBS form via the University’s external service partner (Atlantic Data) and undertaking a verification of identity process.
- 5.6 Applicants should be aware that legislation came into effect in May 2013 which allows for certain specified old and minor offences to be exempt from disclosure, even though the applicant may be carrying out what the DBS calls Regulated Activity. Guidance on what constitutes ‘protected’ cautions and convictions (which do not need to be declared) and the filtering of these cautions and convictions can be found on the DBS website:

(<https://www.gov.uk/government/collections/dbs-filtering-guidance>).

- 5.7 Applicants who declare a criminal conviction will be asked to provide additional details so that a risk assessment can be undertaken and the applicant can be considered under the “Procedure for Consideration of Disclosed Criminal Conviction(s)” See Appendix A. This request for further information should usually take place before a formal offer is made but after an academic decision has been made on the application or before the commencement of a work placement.
- 5.8 If information is declared on application to the programme/placement this will not negate the need for a DBS check but enables the University to advise applicants at an early stage if they would not gain admission to the programme or be able to complete their intended work placement. We encourage all applicants to provide accurate details of their criminal record at an early stage in the process. If new information is identified via the DBS certificate prior to or after admission this will be considered under the same procedure (Appendix A).
- 5.9 Whilst the University may be willing to admit an applicant with a conviction(s) onto a programme of study, successful completion does not guarantee that the applicant will be able to practise, or take up a role in a related profession. It is the applicant’s responsibility to seek advice and clarify their position with any relevant professional or statutory bodies prior to admission.
- 5.10 Upon receipt of DBS check outcomes, any listed offences will be reviewed by the relevant Programme Leader. The University will check that the DBS check lists the same detail that the applicant has previously declared i.e. all unprotected convictions, investigations, cautions, reprimands, bind over orders or final warnings, regardless of the date, including “spent” convictions. Where a DBS certificate lists information that does not match that declared or where additional cautions / convictions appear that were not declared, the University will review on a case by case basis taking into consideration the nature, type and number of cautions / convictions that were not declared. It may consider the new information as per Stage 1 and 2 of the procedure. In the case of a student being withdrawn the relevant funding bodies will be notified.
- 5.11 Students could be suspended or exited from the programme if the DBS disclosure is unsatisfactory. In such cases, relevant funding bodies will be notified.
- 5.12 Programmes may also request students to complete an annual self-declaration to confirm that they have not received any police reprimands, warnings, convictions or cautions that are not protected since the last DBS check or declaration. Any matters declared will be considered under the University’s Suitability for Practice Procedure.
- 5.13 In the case of programmes of study where a DBS disclosure may be required for a placement / final project, the Disclosure will be requested prior to the placement. Where a student does not provide a satisfactory DBS certificate they would be required to find a placement that does not require a DBS certificate
- 5.14 Students on the BA Social Work programme must complete a new DBS check every three years. Therefore, a new DBS will be required after any period of suspension or temporary withdrawal from the programme, unless the student is already registered with the Update Service, in which case this will be checked online. Additionally any student who needs to repeat a year of study on the BA Social Work programme will be required to complete a new DBS.

6. NON-UK APPLICANTS

- 6.1 Where applications are received for programmes/placements requiring a DBS check from non-UK applicants, DBS disclosures may be of little value if there has been little or no UK residency. Data held on the police national computer contains only limited information on overseas convictions and it may be difficult to obtain satisfactory evidence of identity of overseas applicants.
- 6.2 In such cases, if there has been any period of UK residency the University will undertake a DBS check. Applicants will also be asked to provide proof of identity and an overseas criminal check from their country of origin. The University reserves the right to request any other such information that it sees fit. Further guidance is available from: [criminal records checks abroad](#).

7. ACCEPTING DBS CERTIFICATES FROM OTHER ORGANISATIONS / OTHER COURSES

- 7.1 The University will only accept a pre-existing DBS certificate requested by other organisations where the applicant has registered with the DBS Update Service and University staff can check the status of the DBS certificate online. This only applies where the original certificate is produced for the University to verify and is for the same type of workforce (e.g. child workforce) and level of certificate (e.g. standard / enhanced / enhanced with barred list check) as per the entry requirements of the course applied for and/or the conditions of the current offer of a place. Where the existing DBS Update Service record is for a higher level of check or for a different workforce than the course requires, the University is not legally entitled to view this information. The University would ask the applicant to complete a new DBS application form to request the correct level and workforce for the programme of study. It is possible to add the new certificate to the Update Service subscription at no extra cost.
- 7.2 DBS certificates have no period of validity, a certificate is only accurate on the date it is published and an individual's criminal record may have changed in the intervening period. When a DBS from another institute is accepted the University is reliant upon another organisation which has been responsible for validating the individual's identity. It is the legal responsibility of each organisation to determine if and when it requires a new DBS check.
- 7.3 The University recommends that students subscribe to the [DBS Update Service](#). Students can register as part of the process for applying for a DBS or within 19 days of the certificate being issued.
- 7.4 Students who have not signed up to the update service, who are requested to provide a new DBS at the request of the placement provider will be liable to pay the cost of the DBS themselves.
- 7.5 Previous students who subsequently join new programmes or students who change programmes within the University, must re-apply for a DBS certificate, where required, unless they have registered with the Update Service. The only exception is where an existing student changes programme within their first semester and their existing DBS check satisfies the entry requirements of the new programme, i.e. appropriate workforce and level.
- 7.6 Where students are studying a programme in relation to their employment, and that employer has previously undertaken a DBS check, the University may still require students to be subject to 8.1 (for the reasons set out in 8.2), if they are undertaking any part of a placement with a third party other than their employer. If all placement activity is undertaken with the existing employer, a new DBS check is not required by the University.

8. PROVIDING THE DBS CERTIFICATE TO THE UNIVERSITY OR A PLACEMENT PROVIDER

- 8.1 The external service partner (Atlantic Data) will notify the University of clean DBS checks, but where the check flags a 'positive' for a recorded incident, the University does not automatically receive a copy of the whole certificate. It is the student's responsibility to present the original certificate to the University for verification. Until the student has presented the requested original certificate to the University, the DBS check process is not complete and the student remains subject to the possibility of withdrawal.
- 8.2 It is the student's responsibility to provide the DBS certificate to the relevant placement or other learning opportunity provider upon request.

9. PAYING FOR DBS CHECKS

- 9.1 The University will pay for the first DBS check for students. Students who suspend studies, or lose their DBS certificates and require a replacement will have to pay the fee for a new check.
- 9.2 Students are encouraged to subscribe to the DBS Update Service but are required to pay the annual fee themselves.

10. ISSUES ARISING NOT COVERED WITHIN THE POLICY & PROCEDURE

- 10.1 Where issues arise that are not covered within this policy the final decision will be made by the University's DBS Lead Counter Signatory.

11. RELEVANT POLICIES AND PROCEDURES

- Admissions Policy
- DBS Code of Practice: <https://www.gov.uk/government/publications/dbs-code-ofpractice>
- Suitability for Practice Procedure
- Disciplinary Procedure for Students
- Policy Statement on the Recruitment of Ex-Offenders: Students
- Policy on Referral to the DBS: Students
- Data Protection & Data Disposal Policy
- Policy on the Secure Storage, Handling, Use, Retention and Disposal of Disclosure and Barring Information: Students
- Safeguarding Policy
- Admission of Students Under the Age of 18: Policy & Procedure
- Work-Related Learning Policy/Strategy/Procedure

Other useful links:

- Disclosure and Barring Service: <https://www.gov.uk/government/organisations/disclosure-and-barring-service>

- Rehabilitation of Offenders Act 1974: <http://www.legislation.gov.uk/ukpga/1974/53/contents>
- Rehabilitation of Offenders (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013: <http://www.legislation.gov.uk/uksi/2013/1198/contents/made>

APPENDIX A

Procedure for Consideration of Disclosed Criminal Conviction(s) upon entry

All applicants for courses covered by this procedure will be subject to a Disclosure & Barring Service check and a satisfactory check will form a condition of offer or allow a student to undertake their chosen placement. The University reserves the right to retract an offer if convictions are identified which were not declared. After enrolment student disciplinary procedures may apply.

- 1) Where an application is acceptable on academic grounds but a criminal conviction is declared, admissions staff will refer the application to the Admissions Manager.
- 2) The Admissions Manager will send a standard letter to the applicant seeking further information about the details of any offence, including spent criminal conviction(s) that are not protected¹, including the nature of the offence, dates and sentence. The letter allows the applicant the opportunity to provide the contact details of a third party, such as a Probation Officer, and written consent for the University to contact this individual to obtain further information to assist with the University's risk assessment. The letter outlines the University's duty of care and the confidentiality of information. The applicant has the opportunity to provide written representation with regards to the circumstances of the offence(s).
- 3) If information is deemed incomplete or requires clarification, contact will be made by the Admissions Manager with the applicant.
- 4) Where no response is received to this letter within 15 working days, the application will be rejected.

Stage One Review: Programme Leader Consideration

- 1) Where a response is received or where the DBS certificate is returned with convictions prior to enrolment it should be forwarded to the relevant Programme Leader. The Programme Leader and a nominated department representative, in consultation with the Head of Recruitment and Admissions, will have the discretion to accept an applicant if they consider that the offence(s) disclosed are not relevant or of a minor nature that will not involve a risk to the University or University community. The Programme Leader will take into consideration professional regulatory standards and guidance. They have the option to interview the applicant to discuss the issue in more detail to support the decision-making process.
- 2) Where a programme includes practice placements, this stage one review of the application will include, where possible, consultation with a representative service provider(s) in whose organisation(s) students will be placed. These representatives must have the capacity to make decisions on behalf of their organisation(s).
- 3) When considering conviction(s) and caution(s) the following should be taken into account:
 - Applicant's self-disclosure
 - Degree of public risk posed
 - Length of time since the offence
 - Any pattern of offending
 - Changes in the applicant's situation since the offence was committed

¹ Certain specified old and minor offences are since May 2013 'protected' and are not subject to disclosure by the DBS and cannot be taken into account. For further guidance see the DBS eligibility and filtering guidance:
<https://www.gov.uk/government/publications/dbs-check-eligible-positions-guidance> and
<https://www.gov.uk/government/collections/dbs-filtering-guidance>

- Circumstances surrounding the offence
 - The applicant's explanation of the offence
 - Evidence submitted by the applicant, or referees, of good character
 - The applicant's commitment to work safely and effectively upholding the trust and confidence of patients, clients, students and pupils.
- 4) The Programme Leader will consider whether to offer a place at this stage. If the decision is made to accept the candidate, the Programme Leader should outline the reasons for the decision. This should be signed by all involved in the Stage One review. The decision and rationale will be recorded on the "Stage 1 (Programme Leader) Decision Form: for applicants who declare a criminal conviction upon entry" (see Appendix B).
- 5) The Programme Leader should consider if the findings from the panel should be disclosed confidentially to the Work Based Learning Unit who will take into account the convictions when arranging work placements.
- 6) The application must be referred formally to Stage Two where the Stage One reviewers:
- i. lack sufficient evidence to make a decision and/or
 - ii. are undecided about the appropriate decision and/or
 - iii. where the conviction is of sufficient seriousness to warrant arranging a panel to consider the matter further and/or
 - iv. are considering rejecting the application and/or
 - v. are unable to agree about a decision
- 7) Stage Two decisions will involve:
- i. Referral to the University's Lead DBS Signatory in the first instance
 - ii. Referral to the Suitability for Study and Practice Panel where a decision by the DBS Lead Signatory is not possible
- 8) Under 6.iii) and 7.ii) above, a panel will normally be arranged to consider the following convictions:
- 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.
 - Offences listed in the Sexual Offences Act 2003.
 - The unlawful supply of controlled drugs or substances where the conviction concerns commercial drug dealing, trafficking, possession with intent to supply.
 - Offences involving firearm, knives and weapons
 - Offences involving arson.
 - Offences listed in the Terrorism Act 2006.

This list is not exhaustive and the designated contact will have discretion to request a panel for reasons not covered by this list particularly where they determine that there are possible grounds for withholding the offer of a place.

Stage 2 Review: Decision by DBS Lead Signatory/Suitability for Study and Practice Panel

- 1) If unable to make a decision at Stage One, the Programme Leader and the Head of Recruitment and Admissions should inform the DBS Lead Signatory in writing of the situation. This should include:
- i. Summary of the offence/s and conviction details
 - ii. Any additional information about the offense/s received from the applicant thus far
 - iii. The reason why a decision is not possible at Stage One

- 2) Following a review of the information received, the DBS Lead Signatory may approve the application to progress to the next stage. The decision and rationale will be recorded on the "Stage 1 (DBS Lead) Decision Form: for applicants who declare a criminal conviction upon entry" (see Appendix B).
- 3) Where the DBS Lead Signatory is unable to make a decision, the case should be referred to a Suitability for Study & Practice Panel.
- 4) Membership of a Suitability for Study and Practice Panel will be drawn from a pool of staff approved by Academic Board. A Suitability for Study and Practice Panel will comprise as a minimum:

Category A Members:

- one Dean or Associate Dean with responsibility for a professional regulated programme(s) (Chair)
- two Programme Leaders for professional regulated programmes

The Chair will normally be taken by a Dean or Associate Dean independent of the subject area of the cases being considered.

In addition, the following will be invited to attend the panel meeting and will have a role in the decision-making in respect of cases specific to the programme with which they are associated:

Category B members:

- The Programme Leader or Admissions Tutor for any case being considered by the panel
- Representative of a relevant professional partner / placement provider(s) (up to a maximum of two) (e.g. NHS Trust, Local Education Authority, school). These representatives must have the capacity to make decisions on behalf of their organisation. These representatives will be in attendance only for those cases involving the programme with which they are associated.

The number of members in Category A shall always be in a majority.

- 5) The panel will have the option to interview the applicant if it is considered that this would be of value. However, the applicant may have been interviewed at Stage 1 and this information may already be available.
- 6) The DBS Lead Signatory will nominate a member of staff to act as officer to the Suitability for Study and Practice Panel. This will normally be the Head of Recruitment and Admissions, or their nominated representative. The Officer will be responsible, in consultation with the Chair, for organising the scheduled meeting of the panel. The Officer will produce a report of the meeting of the panel for approval by the Chair and will draft any communication to applicants.
- 7) The Programme Leader is responsible for presenting the report of the Stage One Review to the panel. The report should present the key evidence to the panel and an outline of the Stage One discussion.
- 8) The panel will consider all information provided and conduct a risk assessment and consider actions that could practicably be taken to address any identified risks without detriment to the applicant's ability to pursue their chosen programme of study. Taking into consideration the feedback of the Programme Leader the panel will consider any relevant professional codes of practice. The panel will then either:
 - Authorise the admission of the student, (potentially subject to satisfactory DBS, if not already received). The authorisation may impose conditions which will be set out;
 - Agree to seek additional information, to support its decision-making with a timeframe; or

- Decide that the student should not be admitted, giving reasons.
- Defer consideration of a decision where there is a pending charge or ongoing investigation
- Recommend that the applicant is advised to consider an alternative programme of study or deferred entry.

If the panel decides to admit the applicant, it will consider also whether it would be appropriate for the applicant to be permitted to take a place in University residential accommodation and make a recommendation on this which will be communicated to the Executive Director of Operations & Accommodation Service. The decision as to whether an applicant will be given a place in University residential accommodation is a separate issue to whether they are admitted to the University and will be communicated by the Accommodation Service. This is also the case for students already situated in student accommodation; the Executive Director of Operations will make the final decision as to whether the student's tenancy agreement should be terminated and communicate this decision to the student.

- 9) The panel will decide which members of staff, if any, should be notified of the information disclosed by the applicant and any conditions that have been imposed on the applicant's acceptance by the University, on a confidential basis. For example, it may be decided that the following should be informed:
- i. academic or administrative staff who will have close personal contact with the student (for example, in one-to-one meetings or tutorials);
 - ii. Student Services Manager (who in particular will consider the support needs of the student).
 - iii. The Work Related Learning unit who will be arranging the student's work placement.
- 10) The decision of the Suitability for Study & Practice Panel will be notified to the applicant in writing within 5 working days of the date of the panel by the Officer to the panel, copying the letter to the Admissions Manager. The panel can opt to make further referrals where necessary where there is concern the decision being made could impact on the applicant's health.

Stage Three: Appeal

- 1) An applicant who is refused admission by the panel can appeal to the Deputy Vice Chancellor if they consider that the decision of the panel is unreasonable or the procedures have not been followed. Disagreement with the decision of the panel is not in itself a sufficient reason to appeal.
- 2) The appeal must be submitted within 10 working days of the date of the letter from the panel Chair outlining the decision of the panel. Any appeal must give reasons and evidence.
- 3) The Deputy Vice Chancellor will arrange for a panel of three senior staff not previously involved in considering the case to review the decision and to decide whether or not to uphold the decision. The decision of the Appeal Panel will be final.

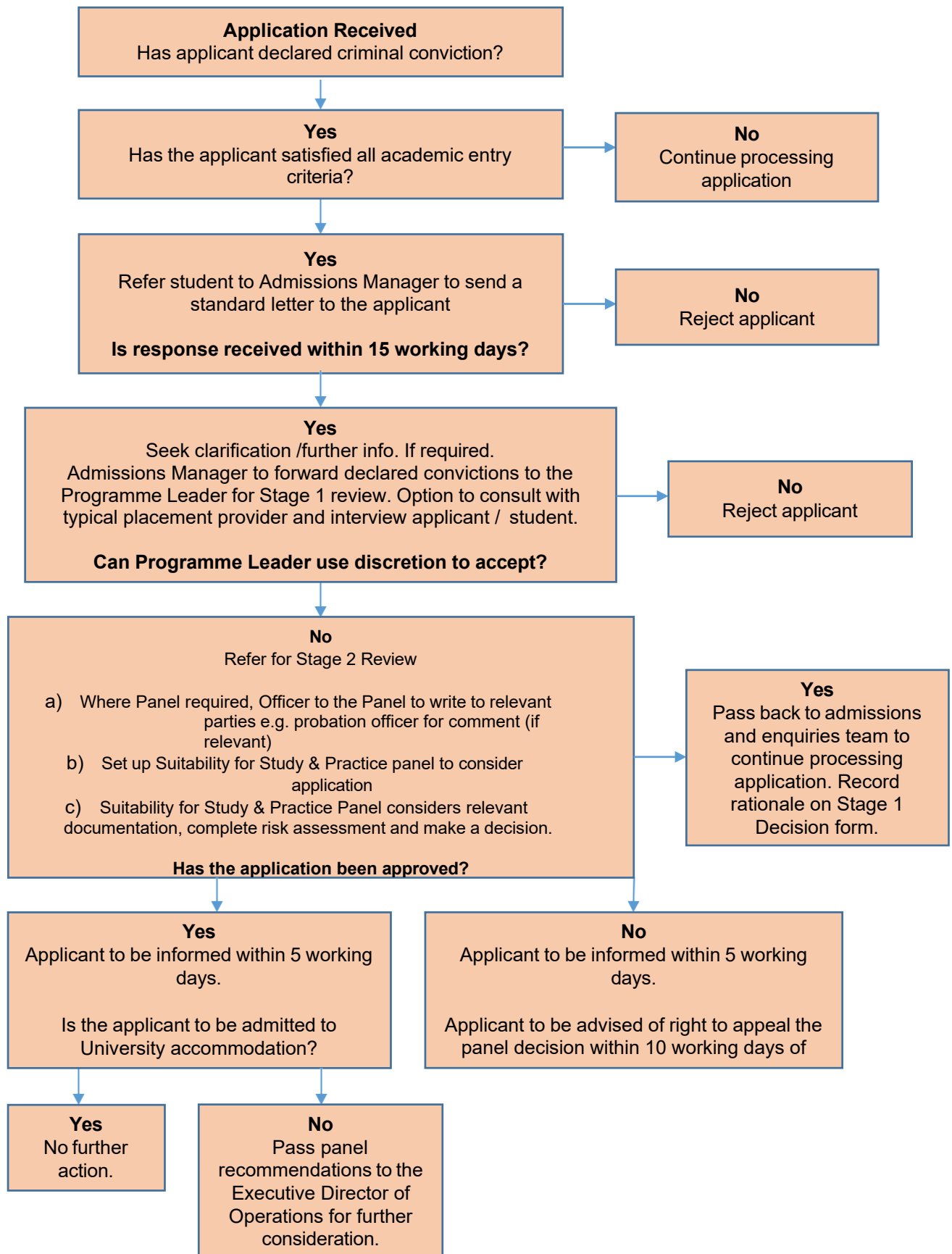
Appendix B - Stage 1 (Programme Leader) & 2 (DBS Lead) Decision Form: For applicants who declare a criminal conviction upon entry

Applicant Name:	
ID number:	
Date of birth:	
Programme / Year of Study:	
Applicant's self-disclosure:	<i>Specify if criminal convictions declared on application form</i>
Date of DBS report (if applicable)	
Disclosed Offence/s:	

(include conviction / fine if known)	
Any evidence received: (e.g. written statement from applicant)	
Factors to consider if applicant interviewed at Stage 1 by Programme Leader:	
<ul style="list-style-type: none"> • Degree of public risk posed • Length of time since the offence • Any pattern of offending • Changes in the applicant's situation since the offence was committed • Circumstances surrounding the offence • Applicant's explanation of the offence • Evidence submitted by the applicant, or referees, of good character • The applicant's commitment to work safely and effectively upholding the trust and confidence of patients, clients, students and pupils. 	
Date of meeting with applicant:	

<p>If programme requires practice placements, where possible, consult with a representative placement provider(s) in whose organisation the student would be placed</p>	
<p>Stage 1 Outcome: <i>A Panel will normally be arranged to consider the following convictions:</i></p> <ul style="list-style-type: none"> • <i>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.</i> • <i>Offences listed in the Sexual Offences Act 2003.</i> • <i>The unlawful supply of controlled drugs or substances where the conviction concerns commercial drug dealing, trafficking, possession with intent to supply.</i> • <i>Offences involving firearms, knives and weapons.</i> • <i>Offences involving arson.</i> • <i>Offences listed in the Terrorism Act 2006.</i> 	<p>Considered at Stage 1</p> <p>ACCEPT; PROGRESS WITH APPLICATION <input type="checkbox"/></p> <p>FURTHER CONSIDERATION; REFER TO DBS Lead/PANEL <input type="checkbox"/> identify reason below</p> <p>REASON: Lack sufficient evidence to make a decision <input type="checkbox"/></p> <p>Undecided about the appropriate decision <input type="checkbox"/></p> <p>Conviction is of sufficient seriousness to warrant further consideration <input type="checkbox"/></p> <p>Considering rejecting the applicant <input type="checkbox"/></p> <p>Unable to agree about a decision <input type="checkbox"/></p>
<p>Date: Name & Signature of first reviewer:</p>	
<p>Date: Name & Signature of second reviewer:</p>	
<p>INFORM ADMISSIONS MANAGER OF THE OUTCOME. ASSESS IF WORK BASED LEARNING UNIT SHOULD BE INFORMED. ONCE CASE CONCLUDED TO BE MARKED CONFIDENTIAL / WITH STUDENT ID AND ADDED TO ELECTRONIC STUDENT FILE HELD IN STUDENT ADMINISTRATION.</p>	

Appendix C: Process Diagram: Procedure for applicants who declare a Criminal Conviction(s) upon entry



Appendix C: Form for assessing risk in relation to applicants who have relevant criminal convictions

Name of Applicant:					
UCAS Number:					
Course Applied for:		Proposed Year of Entry:			
Chair / Panel Members:					
Panel Date:					
		Additional Notes		Risk Assessment	
Did the applicant disclose past convictions/cautions in the application form?	Yes	No		<p>If NO, question applicant about why:</p> <ul style="list-style-type: none"> ▪ If mitigating circumstances then complete assessment. ▪ If no mitigating circumstances, end application process if appropriate. <p>If YES, complete this assessment.</p>	
What was the offence?					
RISK LEVEL IN RELATION TO QUESTIONS:			HIGH	MEDIUM	LOW
What was the sentence?			Custodial	Suspended, community, conditional discharge	Warning, caution, reprimand, fine, absolute discharge
When was the offence committed?	Date:		High	Medium	Low
			In the past 3 years	Between 3 and 10 years	More than 10 years

		Additional Notes		Risk Assessment		
Is the type/nature of the offence directly relevant to the programme applied for? If yes, in what way?	Yes	No		High Yes	Medium Some link between offence and aspects of course of study	Low No
Is there a pattern of specific offences? If yes, state nature of pattern:	Yes	No		High Yes	Medium Some instances	Low No pattern
Has the applicant supplied additional references? How do the referees rate the applicant's suitability for attendance at the HE provider and participation in the life of the provider?	Yes -	No -		High Referees declare applicant unsuitable	Medium Referees share some reservations	Low Referees declare applicant suitable
Does the applicant/referee offer any mitigating circumstances concerning past offence/s?	Yes	No		High No	Medium Some mitigating circumstances	Low Yes
Any aggravating factors to take into account (e.g. intent/harm/exploitation/breach of trust):				What has changed since offence occurred? (e.g. treatment etc) Applicant's attitude towards offence/s?		

Who else has been consulted about this disclosure (partner agencies/probation officer etc):	Name: Position: Date consulted: Reply:	Name: Position: Date consulted: Reply:	Name: Position: Date consulted: Reply:
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Panel – Declaration and Decision

The Panel understands the University’s policy on the recruitment of applicants with criminal convictions and has recognised this in its deliberations.

On consideration of the risk assessment form and other materials submitted by the applicant and others the Panel’s decision is:

Applicant is able to proceed with admission process:	<input type="checkbox"/> Rationale / specify any additional conditions to be included on the offer letter:
Seek additional information, to support the decision making process, for example specialist advice:	<input type="checkbox"/> Specify who is taking this forward & how:
Defer consideration or decision where there is a pending charge or ongoing investigation:	<input type="checkbox"/>
Applicant to be advised to consider an alternative programme of study or deferred entry:	<input type="checkbox"/> Further detail:
Applicant to be rejected:	<input type="checkbox"/> Reasons:
Identify staff members to be informed of the outcome:	

If permitted to continue, should Work Based Learning Unit be informed to take into account convictions when arranging work placement.

If eligible, comment on whether it would be appropriate for the applicant to be permitted to take a place in University residential accommodation:

Signed by Panel Chair :

Date:

Date applicant informed:

(copy Admissions Manager into decision letter)

Copy of letter appended to this form? Y/N

Date accommodation recommendation communicated to the Executive Director of Operations:

Details of additional attachments/appendices/reports/letter from applicant or referee or probation officer or similar appended to this form:

On behalf of Panel, form completed by:

Signature:

Date: