

## Admission of Students with Criminal Convictions

### 1 Policy

- 1.1 The University is committed to extending the opportunities of higher education to students who meet the academic requirements specified by the University and who are able to benefit from it. The University welcomes applications from diverse candidates. Criminal records will be taken into account only where the conviction is relevant. Such circumstances will be:
  - i. where the nature of the programme of study has special requirements relating to professional registration e.g. teacher education or health related courses;
  - ii. where a criminal conviction might raise particular concerns in the context of activities associated with the programme;
  - iii. the prospect of employment at the end of a professionally or vocationally related programme would be substantively compromised by a criminal conviction;
  - iv. it is judged that the safety of the University community and property will be at risk.
- 1.2 The University requires prospective students to disclose any serious unspent convictions so that an assessment can be made as to whether admissions can be granted or granted with restrictions or conditions.
- 1.3 Programmes that require an [enhanced Disclosure and Barring Service \(DBS\) check](#) will be clearly flagged in publicity material and a satisfactory DBS check will be included as one of the applicant's conditions of entry at the point of offer.
- 1.4 Applicants for Programmes that do not require a DBS check will be asked to declare any unspent criminal conviction (as defined by the Rehabilitation of Offenders Act) relating to the following offences:
  - i. violence (including aggravated bodily harm, grievous bodily harm and other crimes under the Offences against the Person Act);
  - ii. possession of firearms or other dangerous weapons;
  - iii. offences relating to terrorism;
  - iv. arson;
  - v. hate crime (i.e. offences with an aggravated element relating to race/religion/disability/sexual orientation/gender identity);
  - vi. sexual offences;
  - vii. sexual or other forms of harassment;
  - viii. stalking;
  - ix. domestic abuse;
  - x. coercive control; and/or
  - xi. the illegal supply of drugs.
- 1.5 Applicants will be required to declare these to the University after an offer has been accepted (firm and insurance acceptances) and provide full details.
- 1.6 Failure to disclose relevant offences will constitute a breach entitling the University to terminate registration of enrolment and may also constitute a disciplinary offence.
- 1.7 If you receive a serious unspent criminal conviction at a later stage (whether before enrolment or during your time at the University), you should declare this to the Academic Registrar, providing full details. Failure to do so may constitute a disciplinary offence and also give the University right to terminate the contract.

### 2 Process

#### **Applicants to programmes of study which do not require an enhanced DBS check**

- 2.1 Where an applicant declares a criminal conviction, the Admissions Manager will write to the applicant and will invite him or her to supply information about the record. The information supplied will be considered in confidence by the Academic Registrar, Admissions Manager and the relevant Subject Director. A previous conviction will not normally debar the offer of a place unless issues relating to the nature of the programme or the security of the University community apply.
- 2.2 In making the assessment, the Academic Registrar, Admissions Manager and the relevant Subject Director will consider:
  - i. the seriousness of the offence and its relevance to the safety of the University community and property;
  - ii. the length of time since the offence occurred;

- iii. any relevant information offered by the applicant about the circumstances which led to the offence;
- iv. the country in which the offence took place;
- v. whether the offence has been de-criminalised by Parliament;
- vi. whether there is any history of repeat offending;
- vii. whether the offence will effectively debar the applicant from employment opportunities associated with a programme leading to professional registration or with direct vocational links; and
- viii. whether the offence raises difficulties associated with the nature of the programme where professional registration is not an issue.

### **Applicants to programmes of study which require an enhanced DBS check**

- 2.3 Where a programme of study is subject to the requirement for disclosure of all criminal record information through the DBS disclosure process, this will be notified to potential applicants in course publicity and at the time that a course offer is made.
- 2.4 Normally, an offer of a place on the programme of study will be made subject to the satisfactory completion of the DBS disclosure process.
- 2.5 Applicants will be invited to embark on the DBS disclosure process once the offer of a place has been accepted.
- 2.6 If a criminal record has been disclosed voluntarily on the application for such a programme, an initial assessment of the case will be made according to the principles outlined in 2.1.1 (above). A course offer will be made subject to engaging in the disclosure process. The applicant will be informed that the offer will stand subject to no material additional information emerging from the disclosure process.
- 2.7 Should additional information emerge from the disclosure process which appears to contradict earlier information, the University will contact the applicant who will be given the opportunity to comment on the situation. This discussion will be with the Admissions Manager or other designated counter-signatory. The information offered under the disclosure process will be shared with the Academic Registrar and Subject Director who will determine whether a place on the programme of study can be confirmed. (Subject to academic conditions also being met.)
- 2.8 Given that a disclosure will only be sought at the beginning of a three or four year programme of study, students on designated courses such as teacher education or health professions will also be asked to make a self-declaration annually at the time of enrolment, that the position with regard to criminal convictions has not changed since entry on the course. If such a change is notified the Academic Registrar and Subject Director will consider whether any action should be taken in the light of the changed circumstances and enforced if necessary under the [Code of Discipline for Students and Disciplinary Procedures](#).

### **All applicants**

- 2.9 The University makes admissions decisions in good faith based on the information supplied on application forms and signed off as accurate and truthful by an applicant. The University reserves the right to terminate a student's enrolment on a programme of study if it becomes apparent while they are enrolled on their programme that:
  - i. they have deliberately withheld or falsified information on criminal convictions requested in the application process; or that
  - ii. they have failed to notify the University of any serious unspent criminal conviction (as defined by the Rehabilitation of Offenders Act) received following their enrolment on their programme of study.

Such a dismissal would only be enforced after hearings under the Code of Discipline for Students and Disciplinary Procedures.

## **3 Data security**

- 3.1 No information regarding criminal convictions or disclosure will be released to any individual or organisation not authorised to receive it under Section 124 of the Police Act Part V 1977.
- 3.2 The Counter-signatories will ensure that information supplied will only be released to the Academic Registrar, Admissions Manager and Subject Director who are empowered to make the admissions decision. The information will also be seen by the designated member of the Admissions team who will handle the disclosure process.
- 3.3 All disclosure information will be stored securely under the direct supervision of the Counter-signatories.
- 3.4 Disclosure will be held for a period of six months after the date of the recruitment decision. After this time the information will be shredded under the direct supervision of a Counter-signatory.
- 3.5 No copy or other image of a disclosure will be retained.
- 3.6 A record that a satisfactory disclosure has been obtained will be retained in the student file. This will include:
  - i. Name
  - ii. Date of disclosure
  - iii. Unique CRB record number of the disclosure
- 3.7 These files will be stored securely within Registry but it is recognised that the files will be consulted by Registry staff in connection with their duties.

- 3.8 Annual self-declarations relating to criminal convictions provided by returning students on designated courses will also be retained on file.
- 3.9 Where information concerning a criminal conviction has been supplied voluntarily in connection with an admission and outside the disclosure scheme, the information will be subject to the same treatment as information supplied under disclosure. The information supplied will be stored securely and separately and will be destroyed 6 months after the admissions decision has been taken. No record will be retained unless the programme of study is also covered by the requirement for disclosure.

## 4 Appeals and complaints

- 4.1 If an applicant considers that the University has reached an unreasonable decision in connection with admission in the context of a disclosure of criminal record they may submit an appeal or complaint in line with the procedure set out in the [Applicant Appeals and Complaints Policy](#). There is no right of appeal against an admissions decision regarding an applicant's failure to satisfy non-academic requirements specified by external agencies for a particular programme (i.e. for programmes of study requiring an enhanced DBS check).
- 4.2 An Applicant is entitled to appeal to the Disclosure and Barring Service if they believe that the information supplied is inaccurate. They may also complain to the Criminal Records Bureau if they believe that the University has not complied with the DBS Code of Practice.

DBS  
PO Box 91  
Liverpool L69 2UH  
Tel. 0870 90 90 811

Associated links:	<p>York St John University website: <a href="http://www.yorks.ac.uk">www.yorks.ac.uk</a>          Applicant Appeals and Complaints Policy: <a href="http://www.yorks.ac.uk/admissions/applicant-appeals-and-complaints-policy/">www.yorks.ac.uk/admissions/applicant-appeals-and-complaints-policy/</a>          Code of Discipline webpage: <a href="http://www.yorks.ac.uk/ssr/policies-and-regulations-/discipline-/">www.yorks.ac.uk/ssr/policies-and-regulations-/discipline-/</a>          Student Terms and Conditions: <a href="http://www.yorks.ac.uk/admissions/student-terms--conditions/">www.yorks.ac.uk/admissions/student-terms--conditions/</a>          UK Government Disclosure and Barring Service: <a href="http://www.gov.uk/government/organisations/disclosure-and-barring-service/about#disclosure-checks-dbs-checks">www.gov.uk/government/organisations/disclosure-and-barring-service/about#disclosure-checks-dbs-checks</a></p>
-------------------	---

## Version control statement

Policy reference code:	SRA06
Version:	2.1
Document title:	Admission of Students with Criminal Convictions
Author role and department:	Head of Admissions, Marketing & Student Recruitment
Approved date:	1 January 2010
Approved by:	Academic Board
Equality analysis undertaken:	Stage one

Amendments since approval:

Version:	Detail of revision:	Date of revision:	Revision approved by:
1.0	Initial version	01/01/2010	Academic Board
2.0	Substantive updates to the policy and process following UCAS removal of requirement for all students to disclose unspent criminal convictions.	26/10/2019	Not approved, referred by Academic Board for amendment.
2.1	Appeal process amended.	15/02/2019	Approved via Chair's Action under authority delegated by Academic Board, 15 February 2019