



University of  
**Salford**  
MANCHESTER

# **Applicant and Student Criminal Convictions Policy and Procedure**

**Version Number 1.3**

**Effective from 7 July 2021**

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**Directorate of Student and Academic Support**

<b>Document Control Information</b>			
<b>Status and reason for development</b>			
New Policy and procedure supporting Admissions & Retention Policy			
<b>Revision History: (most recent first)</b>			
<b>Author</b>	<b>Summary of changes</b>	<b>Version</b>	<b>Authorised &amp; Date</b>
J Haran/A Cooke	<i>Updated terminology and improved clarity, changes to panel membership, emphasis on support,</i>	1.3	SELTEC
C. Price	<i>Transferred into policy template, added feedback comments from Julie Evans (Student vetting), and some input from QEO</i>	V1.2	
S. Maller	<i>New Policy and procedure providing rules and guidance</i>	V1.1	
<b>Policy Management and Responsibilities:</b>			
Owner:	This Policy is issued by the Director of Marketing & Student Recruitment who has the authority to issue and communicate policy on applicant and student criminal convictions and the admissions process. Day to day management and communication of this policy has been delegated to the Director of Student Administration and DSAS.		
Others with responsibilities (please specify):	All subjects of the Policy will be responsible for engaging with and adhering to this policy.		
<b>Have you completed consultation / formal assessment with the following advisory teams:</b>			
Equality Analysis (E&D, HR)	1. 1 April. 2019		
Legal implications (LPG)	2. General advice provided LH Sep 2015		
Information Governance (LPG)	3. InfoGov advice and template support Jan 2016		
Student facing procedures (QEO)	4. Jan – April 2019.		
Staff Trades Unions via HR Students via USSU Relevant external bodies (specify)	1. Specify date/outcomes of any relevant consultations or N/A		
<b>Authorised by:</b>	Student Experience Learning and Teaching Committee.		
<b>Date authorised:</b>	20 Feb 2019 subject to EIA		
<b>Effective from:</b>	1 April 2019		
<b>Review due:</b>	Annually		
<b>Document location:</b>	University Policy & Procedure Pages		
<a href="http://www.salford.ac.uk/about-us/corporate-information/governance/policies-and-procedures">http://www.salford.ac.uk/about-us/corporate-information/governance/policies-and-procedures</a>			
<b>Document dissemination and communications plan: Sent to key admissions contacts across the University.</b>			
E.g. US Online article, In Brief strategic update, Student Channel.			

## **1.0 Purpose**

The purpose of this document is to state University policy and procedure for investigating and reviewing applicants and students who are required to declare an unspent criminal conviction as part of the admissions process and throughout the duration of their programme of study. The policy and procedure exists to ensure that the University is compliant with its obligations as defined under the Rehabilitation of Offenders Act 1974, ensuring fairness and transparency with respect to its admissions policy. The University has a duty of care to staff, students, visitors and others involved in University who may come into contact with students and, as such, will consider the impact of any criminal convictions declared by applicants and/or students.

## **2.0 Scope**

### **2.1 Application of Policy/Procedure**

This policy and procedure apply to all applicants and students on taught and research degree programmes of the University of Salford.

Whilst this procedure applies to applicants and students on professional programmes that require an enhanced Disclosure and Barring Service (DBS) clearance check as a condition of entry (i.e. those programmes, placements and work experience that involve regulated activity relating to children and / or regulated activity relating to adults), there are enhanced requirements for such applicants and students that require full disclosure of all convictions, investigations, cautions or reprimands. Further information regarding the DBS clearance checks will be provided directly to the applicant by the relevant academic school. (See Student Vetting Policy in the Related Documentation section for further guidance.) A DBS check, whilst a condition of entry, is additional to the academic entry requirements and may be completed after the academic conditions have been met.

### **2.2 Partner institutions**

Educational institutions that are partner organisations of the University are required to establish their own criminal conviction policy and procedure and apply it accordingly. There will, however, be instances where applicants apply to partner institutions with the intention of progressing to the University through a collaborative provision or pathway agreement. In such cases, the University recognises that the partner institution's policy and procedure will take precedence over its own at the admissions stage. Appropriate records will be maintained by the University Central Admissions team.

### **2.3 Responsibilities**

The University Central Admissions team is responsible for the management of the process to contact applicants who have been made an offer of a place to study at the University and have firmly accepted that offer, requesting disclosure of any relevant unspent conviction at this stage in the application process. The Directorate of Student Academic Support is responsible for the management of the process for existing students who declare a criminal conviction during their programme of study.

## **3.0 Policy Statements**

### **General Principles**

- 3.1 The University is required to balance its responsibilities to provide a safe and secure environment for its staff, its students, visitors and others engaged on business on the campus, with the need to comply with the relevant legislation. The University will strive where possible to support those who have had a criminal conviction, where appropriate

putting in measures to safeguard the student and student community. However, the University reserves the right to refuse admission to applicants whose criminal record makes it inappropriate for them to be admitted, or to terminate their studies should they already be registered.

- 3.2 The standard that the University will apply is whether the criminal record of an applicant or student gives reasonable grounds for consideration that admission or continued attendance of the individual will pose a threat to the safety or property of staff, students, visitors, those coming into contact with the applicant during their studies, or others involved in University business; or would be contrary to the law.
- 3.3 All applicants who are given an offer of a place to study at the University and firmly accept this offer, are required to disclose relevant offences or pending charges/investigations (see section 3.5). If information relating to offences is not given, or is given in incomplete form, then the University reserves the right at any stage to withdraw the application. If an applicant is convicted of a relevant criminal offence after the request for disclosure is received they must inform the University at the earliest opportunity.

Applicants should also be aware of the following:

- a. Failure to provide information in a timely manner may result in their application being rejected. The University defines a timely manner as **ten working days** after the applicant has selected Salford as their 'Firm' choice.
  - b. At times of high activity (e.g., confirmation and clearing period), it may not be possible for all investigations to be concluded and for a decision to be made before the start of the academic year. In such cases, enquiries will continue to be made until satisfactorily concluded and a decision can be made. If the decision is to admit, then admission will be allowed at the next available entry point.
  - c. Applicants must keep the University informed if legal action is pending against them during the admissions process.
- 3.4 Students are required to inform the University of any relevant conditional cautions, criminal convictions or pending charges/investigations during their time as a student of the University. Students who fail to respond to requests for information regarding disclosed convictions may be suspended and will be unable to resume their studies until the information is received and considered by the University.
- 3.5 Applicants and students should be aware that delays in providing information from third parties are not the responsibility of the University. Applicants and students are expected to ensure that information is provided to the University in a timely manner (see 3.3a which applies to applicants only). If an applicant or student does not respond to a request for information within ten working days of receiving a request, then the University may choose to close the investigation and reject the applicant's application or withdraw the student.
- 3.6 All discussions and documentation about an applicant's or student's criminal convictions will be treated in confidence, in accordance with the Data Protection Act 2018. Where it is necessary to obtain information from third parties, the University will obtain permission (in writing) from the applicant / student to allow the University Admissions team or Directorate of Student and Academic Support to obtain or disclose necessary information to obtain sufficient facts and information for discussion by the relevant Criminal Convictions Panel.
- 3.7 Information about the consideration of an applicant's or student's criminal convictions will be retained for 6 years after the student leaves (or graduates) in line with existing student record retention rules. Unsuccessful applicant records will be retained for a period of 6 months (post decision date of the Admissions Panel).

### **Failure to declare a conviction**

- 3.8 Should an applicant fail to declare a relevant conviction that is subsequently discovered during the application process, this may result in an offer being withdrawn by the University.
- 3.9 Should a registered student fail to declare a relevant criminal conviction(s), this may result in disciplinary proceedings or cancellation of registration.
- 3.10 In all cases, where the applicant or student is subject to immigration control, the UKVI may need to be informed.

### **Criminal Convictions Panel**

- 3.11 Following notification of a criminal conviction, a senior manager within the Central Admissions team or DSAS will investigate and collate relevant information for consideration. This may include (but is not limited to):
- Statements from third parties involved in the rehabilitation of the applicant or student e.g., offender managers.
  - Written evidence given in court e.g. statements from legal counsel.
  - Character references.
  - Interview with the applicant or student. If this is the case, a dialogue will be entered into with the applicant or student to confirm the approach to be taken (e.g., interview in person or via other means, such as video conferencing).

A Criminal Convictions Panel will then be convened to consider the case as required either by the Director of Student Administration (or nominee) for applications or by the Registrar (or nominee) for existing students. The Criminal Convictions Panel will follow this policy and procedure, review the evidence and make a decision. Advice may also be taken from the University's Legal Services team if required.

- 3.12 The Criminal Convictions Panel will consist of the following:
- A senior manager from a Professional Service (Chair).
  - Head of Admissions/DSAS or nominee who has coordinated the investigation.
  - Relevant School Director of Admissions or Associate Dean (or nominee).
  - Relevant School Business Manager (or nominee).

All Panel members should have undertaken unconscious bias training.

- 3.13 The Criminal Convictions Panel may consider any or all of the following in reaching a risk assessment-based decision about each applicant:
- whether the criminal record or other matter revealed is relevant to the programme on offer, (including any secondments, study outside the UK or placements);
  - the nature and severity of any offences and any sentences imposed;
  - whether the offences show a pattern of behaviour that seems to be recurrent and ongoing;
  - age at date of offence;
  - length of time since the offence was committed;
  - whether the offences involve violence, threats of violence, or were of a sexual nature;

- whether there are any mitigating factors;
- whether the applicant's circumstances have now changed; and
- Rehabilitation of Offenders Act 1974 and supporting guidance.
- [SPA good practice guide](#) – Considerations for applicants with criminal convictions.
- It should be noted that decision by the panel are made on the basis of evidence provided, in terms of risk, and on the balance of probability

3.14 In addition to the above factors, the University will also consider whether admittance or on-going attendance would have a detrimental impact on:

- the safety of staff, students, visitors and members of the public who are making use of the University's facilities or transiting through its campuses.
- the need to protect the University's property and reputation;
- the applicant's or student's right to an education, and not to be discriminated against because of a criminal record.

### **Notification of Decision**

#### **Applicants**

3.15 The Criminal Convictions Panel will notify the applicant of the decision by letter within ten working days of the meeting. The panel has three possible outcomes:

- not to admit;
- admit with conditions (these will be stated on the decision letter and re-confirmed in any offer letter) and any supporting measures will be agreed in confidence with the appropriate team within the University;
- admit without conditions.

3.16 If the panel decides not to admit, the reasons will be stated in the decision letter.

#### **Students**

3.17 The Criminal Convictions Panel will notify the student of the decision by letter within ten working days of the meeting. The panel has the following possible outcomes:

- No further action required and student continues on the programme of study;
- Allow the student to continue on the programme of study subject to meeting specific requirements (for example providing updates on probation reports, details of any further court activity, evidence of engagement with court directed support/activity, evidence of engagement with support services);
- Recommend to the Vice-Chancellor (or nominee) that the student be excluded from the programme for a defined period;
- Recommend to the Vice-Chancellor (or nominee) that the student be withdrawn from the programme of study and/or the University.
- Recommend that the student is referred to other University procedures such as the Student Misconduct Procedure or the Fitness to Practise/Fitness to Study Procedures.

3.18 The decision of the Criminal Convictions Panel will be notified to the student in writing with the reasons be stated as to the decision reached by the Panel.

#### **Appeal**

3.19 If the applicant or student is dissatisfied with the outcome and considers the decision reached by the Criminal Convictions Panel is unreasonable, he/she may appeal the decision to the Registrar (or nominee). Such an appeal must be made in writing (an e-mail is not acceptable), and within seven working days of receipt of the decision letter.

The appeal must identify one or more of the three following grounds it is being submitted in relation to:

- that new and relevant evidence is available which, for good and reasonable cause, was not made available to an earlier stage of the procedure. (Exceptional circumstances are needed to explain why any evidence could not have been made available);
- that there was a relevant and significant defect, error or mistake in the conduct of the earlier stage of this Procedure which casts reasonable doubt on the decision reached by the Dean of School or Panel hearing (as the case may be) in that the decision might have been different if the defect, error or mistake had not occurred;
- that the decision reached at the earlier stage of this Procedure is manifestly unreasonable. In this context, unreasonable will be taken to mean perverse, i.e. the decision was not one that a similar process might have reached.

It should be noted that a request from a student for a rehearing is not a valid ground of appeal.

The student must not only state a ground or grounds for appeal but must also provide evidence to substantiate those grounds.

### **Internal Review by the Office of the Independent Adjudicator (OIA)**

#### **This applies to registered students only**

The Office of the Independent Adjudicator for Higher Education (OIA) runs an independent scheme to review student complaints. The University of Salford is a member of this scheme. If a student is unhappy with the outcome at the conclusion of this procedure, they may be able to ask the OIA to review their appeal. More information about making a complaint to the OIA, what it can and can't look at and what it can do to put things right here:

<https://www.oiahe.org.uk/students>

Students normally need to have reached the conclusion of this Procedure before submitting a complaint to the OIA. The University will send a letter called a "Completion of Procedures Letter" when a student has reached the end of our processes and there are no further steps which can be taken internally. If a case is not upheld, the University will issue a Completion of Procedures Letter automatically. If a case is upheld or partly upheld a student can ask for a Completion of Procedures letter. More information about Completion of Procedures Letters and when a student should expect to receive one here:

<https://www.oiahe.org.uk/providers/completion-of-procedures-letters>.

#### **4.0 Policy Enforcement / What happens when the policy is not followed**

- 4.1 Failure by applicants to comply with this policy and procedure in terms of providing information to the University for the Admissions Panel to arrive at a decision, will be treated very seriously and may lead to the withdrawal of an offer / place / registration.
- 4.2 Failure by students to comply with this policy and procedure in terms of providing information to the University will be treated very seriously and may lead to the withdrawal of a student from the programme and/or from the University, or investigation under the Student Misconduct Procedure.
- 4.3 Failure to correctly execute this procedure as stated in this Policy and procedure may be investigated and dealt with in accordance with the Staff Disciplinary Policy.

#### **5.0 Data sharing**

It will, in certain circumstances, be necessary to share information relating to student criminal convictions with third party organisations. As this information is considered to be personal data under the Data Protection Act 2018, any such sharing will usually take place with explicit consent from the individual concerned, and in every case in accordance with the conditions set down in Schedule 3 of the Act.

#### **6.0 Related Documentation**

The following documents can be found on the University Policy & Procedure pages <http://www.salford.ac.uk/about-us/corporate-information/governance/policies-and-procedures> or under 'P' via the Staff Channel A-Z index.

- Admissions and Retention Policy
- Student Vetting Policy
- Fitness to Practise Procedure
- Student Disciplinary Procedure
- Fitness to Study Procedure
- Admission of Students Under 18 Years Policy
- Code of Practice for the Conduct of Postgraduate Research Degrees
- Collaborative Provision Procedure

The following HR document can be found on the University HR pages <http://www.salford.ac.uk/hr>

- Staff Disciplinary Policy