



Criminal Convictions and Disclosure Policy and Procedure

Effective 1 August 2019

Policy

Leeds Beckett University welcomes applications from those who have the potential to succeed on their programmes of study. We understand that undertaking Higher Education is an opportunity to gain the knowledge, skills and confidence to progress into chosen areas of employment and having a criminal conviction will not necessarily be a bar to an applicant being enrolled onto a course at our University. This will depend upon the nature of the course applied for and the circumstances and background of the offence(s).

Our University asks those applicants who have accepted us as their firm choice, to declare relevant information about their criminal convictions. For those applying to unregulated courses (where an enhanced Disclosure and Barring Service (DBS) check is not an entry requirement) this information will relate to any probation, licence condition or monitoring restriction. We also encourage applicants to share any other information that may help us arrange appropriate support to give them the best chance of succeeding on their course.

Where indicated in the prospectus or on our website, certain programmes of study may involve regulated activity, and as such applicants will be required to undertake an Enhanced DBS check. This is usually an entry condition to be completed before starting the course, but may be undertaken part way through a course dependent on optional module choices.

Scope

1. This document sets out our approach for managing criminal convictions declared by any applicant applying for entry to our university.
2. Our Student Contract (<http://www.leedsbeckett.ac.uk/public-information/student-regulations/>) includes a requirement to disclose relevant convictions, and sets out the consequences of withholding that information, either at the point of application or thereafter.

Consideration on academic grounds

3. Applications will be considered on academic grounds in the first instance in accordance with our University's Admissions Policy.

If the applicant fails to meet the required academic criteria, the application will be processed as unsuccessful through the standard process. If the applicant meets the required entry criteria and successfully meets any additional requirements as part of the admissions process (scrutiny of the personal statement against agreed selection criteria/attendance at an interview/submission of a portfolio or other piece of work), an offer will be issued through the standard process.

Declaration

4. As part of our Admissions process, the University will only request information on criminal convictions in the following:

a. Courses which do require an enhanced DBS check as an entry requirement (Regulated)

For courses which require an enhanced Disclosure & Barring Service (DBS) check as a condition of entry, Admissions will write to all applicants holding an offer who have accepted it as Firm, requesting that they complete the on-line self-declaration form. As well as serving as a process for providing further details, if there is a positive declaration, the on-line self-declaration form will also gather details about professional suitability and any periods of time spent living outside of the UK for which the applicant may be required to obtain a police check.

b. Courses which do not require an enhanced DBS check as an entry requirement (Unregulated)

Following the issue of an offer, and when that offer is accepted as firm, the applicant will be written to by Admissions to ask them to disclose any unspent, serious criminal convictions. This is a mandatory question. Where information is disclosed a risk assessment will be undertaken. This information will primarily be used to exercise our duty to safeguard all students, staff and visitors to our University. In addition, applicants may disclose on a voluntary basis any other criminal convictions that may affect their suitability for the course or studies more generally. This information will be primarily be used to provide appropriate support from our University Support Services.

5. Where safeguarding and/or restrictions and/or license conditions will prevent study at University, any offer made will be withdrawn.
6. Where appropriate adjustments cannot be made in sufficient time to start the course, the University reserves the right to offer a deferred place of a course to the next available intake.
7. Information and documentation relating to positive disclosure, and overseas police and criminal records checks, will be considered to be 'sensitive personal data' under the terms of GDPR and DPA legislation and staff will ensure that all such information is stored, protected and destroyed in accordance with the University's data protection policies and procedures and retention schedule.

Procedure

Courses which do require an enhanced DBS check as an entry requirement (Regulated)

1. Completed self-declarations will be reviewed by Admissions who will determine whether the information contained in the self-declaration indicates the applicant has an offence which won't be filtered from a DBS certificate or whether the applicant does not potentially meet professional suitability standards, and in such cases the self-declaration will be passed for consideration by designated School staff.
2. The applicant will also be invited to provide a reflective statement; a character reference and contact details for a professional person who can provide further insight (e.g. a Probation Officer or Social Worker) in their response. Applicants will also be encouraged to provide any further information which they think is relevant to their studies in order for the University to arrange any suitable support.
3. School staff will consider the applicant's declaration and supplementary information, and will conduct a risk assessment. Where there is a requirement by Professional & Regulatory Statutory Bodies, School staff will consult with appropriate external organisations as part of the decision making process.
4. Any information received will only be disclosed to staff who need to know in order to make the relevant decisions. Where possible identifying details, such as name will be excluded.
5. Once a decision has been reached, the outcome of the risk assessment will be communicated to the applicant in writing. The outcome may be one of five options:
 - To permit the offer to stand;
 - To apply additional provisos against which the applicant must abide and the University will monitor compliance;
 - To advise the student that whilst the offer will stand the applicant will not be permitted to register for the relevant profession upon completion of the course
 - Where a student has a criminal conviction that makes them unsuitable for a particular course (including because they would not secure a placement that is inherent to that course) but they may not represent a risk in terms of their general admission to our university, consideration will be given to finding a suitable alternative course;
 - To not allow the applicant to register for any course at the University and for the University to withdraw the offer.
6. Following conclusion of the above process, applicants holding a firm offer will be sent details about completing their DBS check approximately 3 months prior to the start of the course or if less than 3 months before the start of the course, as soon as the applicant has responded to accept the offer (made it their firm choice).
7. Once DBS certificates are issued, details will be received electronically by Admissions. Where there is an indication that an offence has been listed on the DBS certificate, the applicant will be required to present the certificate to Admissions who will verify the offence(s) listed against the applicant's self-declaration. If offences are listed which the applicant had not previously declared, the applicant will be required to submit further details to be considered by the School as outlined above.
8. Applicants for courses where an enhanced DBS check is a condition of entry who have spent a period of time living outside of the UK will be asked to obtain (before the course begins) police or criminal records checks from the other country or countries in which they have lived as long as they meet all of the following criteria:
 - The applicant has resided outside of the UK for more than 12 months;
 - and;
 - The applicant has resided outside of the UK beyond the age of criminal responsibility

9. If formal police or criminal records checks cannot be obtained, the applicant will be asked to provide suitable character references.
10. Where the applicant has completed all of the necessary steps for DBS checking, but the delay is outside of their control, we may allow enrolment but without the right to attend placements or complete any activity for which the DBS check is required.

Courses which do not require an enhanced DBS check as an entry requirement (Unregulated)

11. If the applicant responds positively to the mandatory question, they will be asked to provide details of the conviction(s) including the date and the penalty imposed. The applicant will also be invited to provide a reflective statement; a character reference and contact details for a professional person who can provide further insight (e.g. a Probation Officer or Social Worker) in their response. Applicants will also be encouraged to provide any further information which they think is relevant to their studies in order for the University to arrange any suitable support.
12. Once all the information has been received, including any reports from the Probation Service or other relevant service, this will be passed to Governance & Legal Services to determine whether the information needs to be reviewed by the Panel on whether the applicant would on the basis of the information supplied, be able to successfully complete their course of study and whether the University is able to fulfil its duties to protect the security of the students, staff and members of the wider community.
13. The Panel will consist of:
 - the University Secretary,
 - the Director of Student Services (or their representative),
 - the Head of Admissions;
 - the Dean of the relevant university school (or their representative);
 - and, where appropriate, a representative of the relevant future employing organisation (for example, the NHS) or professional body.
14. The following will be taken into account:
 - the nature of the offence(s) and relevance to the course applied for;
 - date(s) of conviction;
 - penalties applied;
 - the circumstances in which the offence(s) was/were committed;
 - any pattern of offending behaviour; and
 - the potential risk of reoffending, including any attendance/success on rehabilitation programmes.
15. The decision of the Panel will be communicated to the applicant in writing. The outcome may be one of four options:
 - To permit the offer to stand;
 - To apply additional provisos against which the applicant must abide and our University will monitor compliance;
 - Where a student has a criminal conviction that makes them unsuitable for a particular course (including because they would not secure a placement that is inherent to that course) but they may not represent a risk in terms of their general admission to our university, consideration will be given to finding a suitable alternative course;
 - To not allow the applicant to register for any course at our University and for our University to withdraw the offer.
16. The decision of the Panel in these cases is final.

Notification

17. Where the University Secretary, or nominated staff, determine that the applicant may be admitted, the registration will proceed as normal. Where the applicant cannot be admitted, the offer will be revoked. Any monies paid towards fees, etc. shall be refunded in these circumstances. Notification to the applicant, where the university is not able to admit, shall include a clear statement of the reasons for withdrawal.

Action to be taken where there is reason to suspect that an applicant has relevant criminal convictions that have not been declared

18. Where our university becomes aware of, or forms suspicions of, an applicant having failed to declare a relevant criminal conviction, they shall notify the University Secretary for formal investigation.

If the information is found to be false no further action will be taken. If the information is found to be true the applicant will be given the opportunity to explain why they failed to disclose initially and the above procedure will be followed. In the case of an applicant for undergraduate admissions, the university may seek the advice from the UCAS Verification Unit, who may take the action of cancelling the application.

Last reviewed: July 2019