



LIVERPOOL  
HOPE  
UNIVERSITY

Est. 1844

# Criminal Convictions Policy

For Courses other than those requiring DBS

Responsibility for Policy:	Registrar
Approved by and date:	5 <sup>th</sup> July 2021 by Senate
Frequency of Review:	Every Three (3) Years
Next Review date:	2024
Related Policies:	Criminal Convictions and Studying at the University Policy
Minor Revisions:	
EIA:	
<b>This is for staff access only</b>	

## 1. Introduction

1.1 Please note that any reference to Students and Applicants in this Policy is not referring to anyone applying or studying the following courses:

- i. BA QTS
- ii. BA/MA Social Work
- iii. BSC Sports Rehabilitation
- iv. MA Youth & Community Development.
- v. Postgraduate Certificate/Diploma of Education (PGCE/PGDE)

The above courses require a higher level of criminal conviction checks. These checks take place during the admissions process and are dealt with under a separate [Criminal Convictions and Studying at the University](#)

1.2 Liverpool Hope University must balance its responsibilities to provide a safe and secure environment for its staff, students and visitors. As such, applicants must declare, subject to the Rehabilitation of Offenders Act 1974, any relevant unspent criminal convictions to the University. 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.

1.3 The University reserves the right to refuse to admit applicants, or to withdraw students where their criminal record makes it inappropriate for them to be admitted/attend.

1.4 The test the University will use is whether the criminal record of an applicant/student gives reasonable grounds for considering that the admission/continuation of studies of the individual poses a real threat to the safety of staff, students, visitors, and those coming into contact with the applicant/student during their studies.

1.5 Students and Applicants 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.

1.6 The University reserves the right to amend and review this Policy in the light of operating experience and/or prevailing circumstances such as government legislation or changes to professional body requirements.

## 2. General Principles

2.1 There is a requirement for all <sup>1</sup>firm applicants and current students to declare relevant police investigations and criminal convictions to the University prior to and throughout the duration of their course.

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<sup>1</sup> Firm as defined by [UCAS](#) *‘this is your first choice – the place you most want to go to.’*

- 2.2** Liverpool Hope University defines relevant and unspent convictions in line with the [Rehabilitation of Offenders Act 1974 \(ROA\)](#).
- 2.3** Liverpool Hope University considers the following offences to be **relevant**.
- i. Any kind of violence against the person including (but not limited to) threatening behaviour, offences concerning the intention to harm or offences which resulted in actual bodily harm.
  - ii. Sexual offences including those listed in the Sex Offences Act 2003.
  - iii. The unlawful supply of controlled drugs or substances where the conviction concerns commercial drug dealing or trafficking.
  - iv. Offences involving firearms.
  - v. Offences involving arson.
  - vi. Offences involving terrorism.
  - vii. Any “hate crime” as defined by the Crown Prosecution Service (<https://www.cps.gov.uk/hate-crime>).
  - viii. Offences involving use of a computer to gain unauthorised information/data.
  - ix. Offences concerned with harassment, stalking or malicious communications.
- 2.4** If a conviction involves an offence similar to those set out above, but was made by a court outside of the UK, and that conviction would not be considered as spent under the Rehabilitation of Offenders Act 1974, this conviction must be declared.
- 2.5** Warnings, penalty notices for disorder (PNDs), anti-social behaviour orders (ASBOs) or violent offender orders (VOOs) are not classed as convictions for the purpose of this policy, unless a PND has been contested or the terms of an ASBO breached and this has resulted in a relevant criminal conviction.
- 2.6** If an applicant or student requires advice on this Policy they should contact Student Administration on 0151 291 3331 or [administration@hope.ac.uk](mailto:administration@hope.ac.uk).
- 2.7** Impartial advice to students is available from Liverpool Hope Students’ Union on 0151 291 3707 or [union@hope.ac.uk](mailto:union@hope.ac.uk)

### 3. Principles of Processing (GDPR Article 5)

3.1 Criminal convictions and offences data is considered a protected category of data with statutory safeguards enshrined in the Data Protection Act 2018 to ensure people with convictions are protected appropriately from unfair data processing.

3.2 The data protection principles with which the University must comply are as follows:

- (a) Lawful, fair and transparent processing
- (b) **Purpose Limitation** - personal data must be collected only for specific, explicit and legitimate purposes
- (c) **Accuracy** – personal data must be accurate and where necessary kept up to date.
- (d) **Data Minimisation** – personal data must be adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed.
- (e) **Integrity and Confidentiality** - personal data must be processed in a manner that ensures its security using appropriate technical and organisational measures to protect against unauthorised or unlawful processing and against accidental loss, destruction or damage.
- (f) **Storage limitation** – personal data is not kept in a form which permits identification of applicants or students for longer than is necessary for the purposes for which the personal data is processed.

### 4. Lawful Basis for processing Criminal Convictions

4.1 The University will only process criminal convictions and offences data for specific and lawful purposes that comply with the relevant conditions for lawful processing as set out in the Data Protection Act 2018 (DPA) Schedule 1 as follows:

- (a) Preventing or detecting unlawful acts (DPA Schedule 1 par 10): all applicants who accept an offer of a place on a course and all registered students are asked to declare relevant unspent convictions. The purpose of such processing is to assess risk of harm and hence to ensure a safe University environment. The University will also provide information to the law enforcement agencies regarding alleged offences for similar purposes.
- (b) Safeguarding children and adults at risk (DPA Schedule 1 par 18). The University occasionally admits students who are under 18 years of age and offers placement opportunities involving contact with children and vulnerable adults. It also engages in outreach activities. Criminal conviction and offences data is processed to assess risk and to prevent harm to vulnerable people.
- (c) Necessary for a task carried out in the public interest or in the exercise of official authority vested in the University (DPA Schedule 1 par 6). Conditions of the University's registration with the Office for Students require it to provide students with the support that they need to succeed.
- (d) Legal claims (DPA Schedule 1 par 33). The University will retain Criminal Conviction and Offences Data where
  - (i) it is necessary for the purpose of, or in connection with, any legal proceedings

- (ii) it is necessary for the purpose of obtaining legal advice; or
- (iii) it is otherwise necessary for the purposes of establishing, exercising or defending legal rights.

4.2 Information provided will be dealt with accordingly in line with University [Policy](#), the Applicant Privacy Notice and the [Student Privacy Notice](#).

## 5. Fairness and Transparency

5.1 The University provides all applicants and students with the privacy notice referred to above.

5.2 The University's admissions policy, also published on its website, provides information on what criminal conviction and offences data will be sought and why criminal conviction and offences data is always processed in accordance with applicants' and students' reasonable expectations.

## 6. Data Minimisation

6.1 The extent of criminal conviction and offences data sought by the University depends on the course applied for and enrolled on. More extensive information is sought in respect of courses leading to regulated professional qualifications. Please see [Criminal Convictions Policy and Studying at the University](#)

6.2 For this policy, the information sought is limited to a sub-set of unspent convictions for offences which could indicate a real risk to the safety of the University community and the information is sought from applicants only when they make Liverpool Hope University their firm offer. This approach ensures that the University acts proportionately.

## 7. Accuracy

7.1 Criminal conviction data are obtained direct from applicants and Students are required to ensure the data provided is accurate. The University also checks to ensure that criminal conviction and offences data is accurate and up-to-date, and any errors are rectified without undue delay.

## 8. Storage Limitation

8.1 The University will only retain Criminal Conviction and Offences Data for as long as necessary, given the purposes for which it was processed. Retention periods for personal data are set out in the [retention schedule](#).

## 9. Integrity and Confidentiality

9.1 Criminal conviction and offences data is stored separately from other student records and is accessed only by those members of staff who need to have access to fulfil the purposes outlined in this policy. It is not shared with third parties.

- 9.2** The University has access controls in place for the system that holds this information. It can only be accessed by an authorised member of staff via their password protected account.

## **10. Disclosing Convictions**

- 10.1** Applicants do not need to declare spent convictions or simple cautions, reprimands or convictions
- 10.2** If an applicant is convicted of a relevant criminal offence after submission of their Criminal Declaration, they must inform the University at the earliest opportunity.
- 10.3** Applications are considered according to the established admissions procedures. Only once an applicant accepts or firms their offer will they will be asked to complete an online Criminal Conviction Declaration. Failure to complete the process may delay registration onto a course.
- 10.4** Current registered students disclosing any relevant conditional cautions, criminal convictions or pending charges/investigations must do so by writing to [caseworker@hope.ac.uk](mailto:caseworker@hope.ac.uk).
- 10.5** The University may become aware or maybe notified that a student or applicant has a relevant criminal conviction. Such disclosures may come from external parties, media, incident reports and the Police. The University reserves the right to consider such disclosures, request further information from students and applicants, use the information provided to consider if the disclosure is required to be consider under this procedure or any other University procedure (such as the [Student Code of Conduct](#))

## **11. Failure to Disclose**

- 11.1** If a person applying for a course fails to declare a relevant conviction(s), the application may be considered to be 'fraudulent'. Applications may be rejected for non-declaration or partial disclosure.
- 11.2** Students who fail to declare a relevant criminal conviction(s) may be subject to disciplinary proceedings and may be withdrawn from their course and/or asked to leave their Hall of Residence.
- 11.3** Certain courses (such as Law and Psychology etc) upon successful completion may lead to application for registration with professional bodies. Applicants and students applying for such courses are advised to seek advice from such professional bodies, regarding the impact of criminal conviction(s) on their chosen career.
- 11.4** While Liverpool Hope University may be willing to admit an applicant on a course or allow a current student to continue, successful completion of the course does not guarantee that the applicant/student will be able to practise, or take up a related profession.

## **12. Procedure following the disclosure of criminal conviction(s)**

**12.1** Upon receipt of a criminal conviction disclosure the Student Administration office and case worker and/or appropriate contact will liaise with appropriate staff to determine if any immediate action needs to be taken. This will include:

- i. Assessing if there is any immediate risks to staff, students, and visitors.
- ii. Precautionary Measures may be taken, including Suspension of a student pending the outcome of Police investigations or the outcome of a Criminal Conviction Panel (CCP). Interim Precautionary Measures are set out in more detail in Appendix 1.
- iii. Referring students to appropriate support services
- iv. Requesting additional information from the student/applicant.
- v. Referring the case to a Criminal Convictions Panel (CCP)

**12.2** Applicants/Students are normally required to respond to the request for further information **within 20 working days**. If no response is received then the applicants may have their offer withdrawn. Students may be referred to a CCP immediately.

### **13. Stage One: Criminal Convictions Panel**

**13.1** All conviction(s) will be considered by the appropriate CCP, taking into account the individual circumstances of the case, in view of current practise and the University's duty-of-care to staff, students, visitors and partners.

- i. Students and applicants will be given the opportunity to provide written representation to the Panel.
- ii. The Panel will consider all information provided and will assess the declared conviction(s) in line with the purposes set out above in section 12.1 and whether there is any risk to staff, students and visitors.

**13.2** The Panel may:

- i. Seek advice from professional/academic members of staff.
- ii. Request additional information.
- iii. Defer consideration of a decision where there is a pending charge or ongoing investigation.
- iv. Refer the case for consideration under the [Student Code of Conduct](#) or any other University Policy and Procedure.
- v. Make a recommendation as set out below in 13.3

**13.3** After consideration of the disclosed conviction(s) the relevant CCP may make the following recommendations:

#### **(a) Applicants**

- i. Withdraw the application
- ii. Defer entry to the course for a defined period
- iii. Recommend that the applicant is advised to consider an alternative course.
- iv. Recommend the application is accepted, subject to satisfactory police checks (such as Enhanced DBS Disclosure).
- v. Recommend the application is accepted

- vi. Prohibit the applicant from entering into an Accommodation Contract for University owned Halls.

**(b) Students**

- i. No further action is required and the student is allowed to continue on the Course.
- ii. Recommend to the Pro Vice-Chancellor that the student be excluded from the Course.
- iii. Recommend that the student is advised to consider an alternative course
- iv. Recommend that the student is referred to other University procedures such as Student Code of Conduct.
- v. Terminate the Accommodation Contract for University owned Halls.

**13.4** Students who are allowed to remain on course may be subject to further measures (The following list is not exhaustive as measures are dependent on the circumstances of the case):

- i. Support Arrangements for example referral to Student Development and Wellbeing, adjustments to Learning Support Plans, referral to the Proctor or other Officer for regular meetings.
- ii. Conditions and Undertakings for example agreement to not contact or communicate with another person(s).
- iii. Prohibited from specified University activities and/or removal of access from specified University premises.

**13.5** A failure to comply with specified measures will be considered by the University as a Serious Misconduct under the Student Code of Conduct.

**13.6** Notes of the decisions will be taken and made available upon request to the individual concerned. Verbatim minutes will not be recorded.

**13.7** The decision of the CCP will be notified to the applicant or student in writing and the applicant or student will be advised of the appeals process.

## **14. Stage 2 – Appeal**

**14.1** If the applicant or student is dissatisfied with the outcome **and** considers that the decision of the Panel is unreasonable in light of the evidence available or the procedures have not been followed, then he/she may appeal against the decision to the Vice Chancellor. Disagreement with the decision of the Panel is not in itself sufficient grounds for appeal.

**14.2** The applicant or student must write to [caseworker@hope.ac.uk](mailto:caseworker@hope.ac.uk) within **10 working days** of receiving the written decision of the CCP. A full statement detailing the reasons for the appeal and supporting evidence must be provided. Appeals will not be accepted if they are submitted outside of the deadlines or if the appeal contains no reference to the grounds for appeal stated in 14.

**14.3** The Vice Chancellor will consider whether the decision was reasonable in the circumstances of the case and if the procedure was followed correctly.

**14.4** The Vice Chancellor may:

- i. Amend the decision of the original CCP
- ii. Uphold the decision of the original CCP
- iii. Refer the case back to the CCP for reconsideration
- iv. Defer the decision pending further information.
- v. Reject the Appeal.

**14.5** The decision and any recommendations or advice of the Vice Chancellor will be notified to the student or applicant and to the Registrar.

## Appendix One

### 1. Precautionary Measures

1.1. Upon receipt of a criminal conviction disclosure or notification that a student is subject to police investigation and/or criminal proceedings, the Pro Vice Chancellor will liaise with appropriate staff to determine if any immediate action needs to be taken. Any such action is not a penalty or sanction and does not indicate that the University has concluded that the accused student has committed a breach of discipline or a criminal offence.

1.2. Precautionary measures may be necessary in order to:

- i. Ensure that a full and proper investigation can be carried out (either by the police or the University).
- ii. To protect all parties whilst the allegation is being dealt with as part of a criminal process or University process.

1.3. Precautionary Action can include one or more of the following:

(The following list is not exhaustive as precautionary measures are dependent on the circumstances of the case):

- i. Support Arrangements for example referral to Student Development and Wellbeing.
- ii. Conditions and Undertakings for example agreement to not contact or communicate with another person(s).
- iii. Prohibited from specified University activities and/or removal of access from specified University premises.
- iv. Suspension from the University (this can be a full suspension which prohibits the student from engaging in any activity of the University and registration is on hold or a partial suspension where a student will be prohibited from attendance and entering University premises but will be provided with an academic contact and may be allowed to submit or partake in assessments).

1.4. A failure to comply with specified precautionary measures will be considered by the University breach of the [Student Code of Conduct](#).

1.5. The University will reassess precautionary measures at regular intervals or where there is a material change in the circumstances.

1.6. Any application of Precautionary Measures shall follow the process in the [Student Code of Conduct](#) including the rights for students to appeal any decision to impose Precautionary Measures.