



LIVERPOOL  
HOPE  
UNIVERSITY  
Est. 1844

# **Criminal Convictions Policy for Professional Courses**

## Document Control

Responsibility for Policy:	Catherine Harvey
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## 1. Introduction

- 1.1. Liverpool Hope University is committed to providing, creating and maintaining an atmosphere which is conducive to the academic and social well-being of the University community. The University has a duty of care to staff, students, visitors and clients. In order to discharge this duty, the University must consider the impact of any criminal convictions. The University acknowledges that some <sup>1</sup>applicants may have criminal conviction(s) or be subject to police investigation prior to making an application to the University.
- 1.2. There is a requirement for applicants on the following courses to declare criminal convictions, including spent convictions, verbal cautions, bind-over orders, and police investigations to the University:
  - i. BA QTS
  - ii. BA/MA Social Work
  - iii. BSC Sports Rehabilitation
  - iv. MA Youth & Community Development.
  - v. MSc Sports Medicine, Exercise and Health
  - vi. Postgraduate Certificate/Diploma of Education (PGCE)
- 1.3. For those who are not studying the courses in 1.2, criminal convictions are dealt with in Non-Professional Criminal Convictions Policy.
- 1.4. There is an ongoing obligation on all students studying at the University to notify the University if they are subject to any police or criminal investigation or if they receive any convictions or cautions during their period of study. Failure to do so is classed as Serious Misconduct under the Student Code of Conduct.
- 1.5. If an applicant or student requires advice on this Policy they should contact Admissions on [admission@hope.ac.uk](mailto:admission@hope.ac.uk).
- 1.6. Impartial advice to students is available from Liverpool Hope Students' Union on [union@hope.ac.uk](mailto:union@hope.ac.uk)

## 2. General Principles

- 2.1. The courses listed in section 1.2 are exempt from the Rehabilitation of Offenders Act (ROA) 1974 and require full disclosure of all convictions, investigations, cautions or reprimands.
- 2.2. Applicants should refer to <sup>2</sup>Government Guidance on the Rehabilitation of Offenders Act 1974 for detailed information on Rehabilitation periods, exceptions and DBS Disclosures

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<sup>1</sup> Throughout this document, the word *applicant(s)* is used to describe someone who has completed an application, but who has not yet registered at the University.

<sup>2</sup> The period of '12 months ... within 10 years' is the default at the University. However, where there is specific PSRB or other authoritative guidance and/or statutory requirement relating to particular areas of the University's provision, this is reflected in locally determined

- 2.3. Professional programmes may also request all students to declare annually that no further or new convictions have been obtained.
- 2.4. Successful applicants to these programmes are also required to undergo a formal Disclosure and Barring Service check (DBS). More information can be found on the Government website.
- 2.5. Applicants may be accepted onto a course, subject to satisfactory police checks. Applicants will not be allowed to commence placements until a satisfactory DBS is received. Applicants can be suspended/discontinued from the course at any time if DBS disclosures are unsatisfactory.
- 2.6. Applicants should be aware that in the context of safeguarding relevant information may be disclosed to the placement provider.
- 2.7. Any applicant who has spent 12 months or more outside of the UK within 10 years of making an application will be asked to obtain police clearance from the relevant country. This is applicable to all applicants (UK, EU, Overseas).
- 2.8. If it proves impossible to obtain official police clearance from overseas, the applicant will be asked to provide evidence that all reasonable steps have been taken to obtain such.
- 2.9. In addition the applicant is required to provide, at the applicant's expense, a signed declaration which has been countersigned by one of the following:
  - i. a police officer,
  - ii. a head teacher,
  - iii. a minister of religion,
  - iv. a lawyer or a medical doctor.
- 2.10. The University will consider such cases on an individual basis in line with the overall principles of this policy.
- 2.11. Any information disclosed by the applicant about a criminal conviction will be shared with the University's Disclosure Panel. See section 12 for details on the composition of the Panel.

### **3. Applicants from outside the UK and European Economic Area**

- 3.1. The ROA is relevant to those of all nationalities and residencies, and the concept of "spent" convictions as set out in the ROA applies regardless of the jurisdiction of the court where the offender was convicted. However, the applicant should note the following:

- i. Whilst a conviction acquired outside Great Britain may be spent under the relevant national law, it is not automatically deemed spent under English law.
- ii. In determining whether a conviction is capable of becoming spent, a sentence imposed by a court outside of Great Britain will be treated in the same way as the corresponding sentence under English law, or its nearest equivalent.
- iii. Where a sentence is imposed by a court outside of Great Britain, the period before which the conviction is deemed spent will be calculated according to English law, as set out in the ROA.
- vi. If the student is unsure whether their conviction is deemed relevant and spent under English law then we strongly encourage them to seek legal advice before answering this question.
- v. If the student requires a visa or is extending their visa, then the student must declare any unspent criminal convictions, including driving offences, when they apply to UK Visas and Immigration (UKVI).

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

- 4.1. Criminal convictions and offences data is protected with statutory safeguards enshrined in the Data Protection Act 2018 to ensure people with convictions are protected appropriately from unfair data processing.
- 4.2. The data protection principles with which the University must comply are as follows:
  - i. Lawful, fair and transparent processing
  - ii. **Purpose Limitation** - personal data must be collected only for specific, explicit and legitimate purposes
  - iii. **Accuracy** – personal data must be accurate and where necessary kept up to date.
  - iv. **Data Minimisation** – personal data must be adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed.
  - v. **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.
  - vi. **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.

#### 5. Lawful Basis for processing Criminal Convictions

- 5.1. 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:
  - i. 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.

- ii. Safeguarding children and adults at risk (DPA Schedule 1 par 18). The University occasionally admits students who are under 18 years of age and for the majority of professional courses covered by this policy 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.
- iii. 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.
- iv. 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.

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

## **6. Fairness and Transparency**

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

**6.2.** 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.

## **7. Data Minimisation**

**7.1.** 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 as outlined in this Policy.

- 7.2. For this policy, the information sought is in line with Government Guidance on enhanced DBS checks for individuals working with children, vulnerable adults or those in health care.

## **8. Accuracy**

- 8.1. 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.

## **9. Storage Limitation**

- 9.1. 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 XX [retention schedule](#).

## **10. Integrity and Confidentiality**

- 10.1. 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.
- 10.2. 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.

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

- 11.1. Upon receipt of a criminal conviction disclosure from an applicant, the Director of Student Enrolment will be informed and will liaise with appropriate staff to determine if any immediate action needs to be taken. If no action is necessary, the application can proceed.
- 11.2. The Director of Student Enrolment will give the applicant the opportunity to provide any mitigating reasons for the offence before a decision is made. Third parties may also be approached for information, but this will not be done without the student's permission. If an applicant is charged with a relevant criminal-offence after the applicant has submitted their application, or after they have been made an offer, the applicant must tell the University as soon as possible. When the applicant does so, the same process as for convictions declared at the time of applying will be carried out.

## **12. The Disclosure Panel**

- 12.1. Applicants will be given the opportunity to provide written representation to the Disclosure Panel. All information provided to the Disclosure Panel will be treated confidentially. The Disclosure Panel will consider all information provided and will assess whether the declared conviction(s) poses any risk to

staff, students, visitors and clients. The Disclosure Panel will consider if the conviction impacts on the course. This includes consideration of any relevant professional Codes of Practice and/or Government legislation.

**12.2.** When considering a criminal conviction, the Disclosure Panel will take into account the following factors:

- i. The nature of the offence(s)
- ii. The time that has passed since the offence was committed
- iii. Any additional information provided by other sources, such as the Probation Service, Social Services or senior prison officers, in the form of independent references or reports
- iv. If more than one offence was committed, whether each was a separate offence or part of a series of similar offences
- v. The potential impact on fellow students, staff and others with whom the applicant will have contact
- vi. The potential impact on children and vulnerable adults for relevant professional courses

**12.3.** The Panel will be organised by the Director of Student Enrolment and will be chaired by the Pro Vice Chancellor. The Director of Student Enrolment will be responsible for scheduling regular Disclosure Panel meetings, and ensuring that appropriately selected University staff are members of the Panel.

**12.4.** The Disclosure Panel will comprise the Pro Vice Chancellor, the Director of Student Enrolment and the relevant Head of Subject or their nominee. On occasion, we may also invite externals from our school partners or the university legal representative.

**12.5.** If the Pro Vice Chancellor deems it appropriate, the student may be invited to attend the hearing to present their mitigation.

**12.6.** The decision of the Panel will be notified to the applicant in writing and, where appropriate, the applicant will be advised of the appeals process, as outlined below.

### **13. Disclosure Panel: Outcomes**

**13.1. One of the following decisions will be made by the Panel:**

- i. To require further information from the applicant or a third party
- ii. To permit an offer to be made with no further conditions
- iii. To permit a conditional offer to be made, for example with a condition relating to pastoral issues such as support for the applicant; in such cases the Director of Student Enrolment will contact the applicant to outline the conditions set by the Disclosure Panel
- v. To reject the application; in this case the Director of Student Enrolment will contact the applicant to inform them of the decision.

- 13.2.** In the event that an applicant is offered a place, the Panel must determine who, if anyone, within the University should be provided with details of the conviction.
- 13.3.** Please note that the above possible decisions, related to an applicant's criminal conviction, are independent from the academic assessment of an application. If the Panel, after having considered the criminal conviction, issued a permission to make an offer, the applicant would still need to meet the terms and conditions of this offer as set out in offer letters.

#### **14. Disclosure Panel: Appeals**

- 14.1.** The applicant has the right to appeal against the decision of the Disclosure Panel, if they believe and can demonstrate that:
- i. the process has not been conducted correctly, in accordance with the procedures
  - ii. there has been a material administrative error
  - iii. the decision of the Panel is unreasonable.
- 14.2.** Disagreement with the decision of the Panel is not in itself sufficient reason to appeal. Applicants should be made aware that this is not a re-opening of the investigation and that they must provide reasonable evidence to substantiate their appeal.
- 14.3.** Appeals should be made in writing, with full supporting evidence, within 10 working days from the date of the letter notifying the applicant of the Disclosure Panel decision. A full statement detailing the reasons for the appeal and supporting evidence must be provided. The Vice Chancellor will consider the information provided by the applicant and the decision and documents of the original Disclosure Panel. In normal circumstances, new information will not be permitted at this stage. 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.** Appeals, including supporting evidence can be sent by email to [caseworker@hope.ac.uk](mailto:caseworker@hope.ac.uk)
- 14.5.** The Vice Chancellor will review the decision of the Disclosure Panel and may take advice from the University's Legal Officer and/or constitute a new panel (an Appeal Panel) in whatever form is believed required at the discretion of the Vice Chancellor and dependent on the circumstances of the situation. If the rejection is confirmed, the student will have no recourse to any other University process.
- 14.6.** The Vice Chancellor/Appeals Panel may:

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

**14.7.** The decision and any recommendations or advice of the Vice Chancellor will be notified to the applicant and to the Director of Student Enrolment and/or relevant Faculty.

## Appendix 1

All Applicants who declare a criminal record or police investigation are subject to this process. All those applying for a course with a DBS condition must follow the process below.

