



LIVERPOOL
HOPE
UNIVERSITY

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Criminal Convictions and Studying at the University

Version Control

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15 th March 2017	Senate	Recommended to Council
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22 nd May 2017	Rectorate Team	Minor amend to Section 22 to allow for PSRB variations

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 ¹applicants may have criminal conviction(s) or be subject to police investigation prior to making an application to the University. Equally, students may be subject to a criminal investigation, charged with an offence or convicted of a criminal offence during their time at the University. This policy considers all applicants and students on all programmes.
2. There is a requirement for all applicants/students to declare police investigations and criminal convictions to the University throughout the duration of their studies. Applicants must highlight this as the appropriate stage in the application process; students must inform their Head of Department and the Dean of Students, who will inform the Director of Student Administration.
3. The University defines relevant and unspent convictions in line with the Rehabilitation of Offenders Act (ROA) 1974. Some professional programmes are exempt from the ROA and require full disclosure of all convictions, investigations, cautions or reprimands.
4. All information provided as part of this process will be considered objectively assessing any risk to the University community. Information provided will be treated as 'sensitive, confidential data' in line with University Data Protection Policy and the Data Protection Act 1998.
5. The University requires applicants to declare all relevant criminal convictions or conditional cautions on application. Irrespective of the route of application, the application form requests disclosure of relevant criminal convictions. Applicants on non-professional programmes do not need to declare spent convictions or simple cautions, reprimands or final warnings.
6. If an applicant is convicted of a relevant criminal offence after submission of their application, they must inform the University at the earliest opportunity.
7. Applicants who declare a relevant criminal conviction in their application will, in the first instance, be assessed according to the published selection criteria for the programme the student has selected. All published selection criteria focus on academic achievement. Information relating to the conviction will be considered separately from the applicant's academic achievements.
8. If an applicant fails to declare a relevant criminal conviction at any point in the admission process, then the application will be considered to be fraudulent and the University will retain the right to withdraw the application. If the applicant has been made an offer by the University, then it may in these circumstances withdraw or amend that offer. If the applicant has been registered, they may be

¹ 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. The word *student(s)* is used to describe someone whose application has been successful and who has formally registered onto a programme of study. The convention *applicant(s)/student(s)* is used to describe processes that apply to both.

subject to disciplinary action which could result in expulsion from the University. The University will normally report such activity

to the relevant external admissions body, who may take the matter forward under their established procedures.

9. Any information disclosed by the applicant/student about a criminal conviction will be shared with the University's Disclosure Panel. See paragraph 30 for details on the composition of the Panel.

General Programmes

10. For general programmes, University applicants/students must disclose relevant unspent convictions, as defined by the Rehabilitation of Offenders Act 1974 (ROA).
11. Convictions that are spent (as defined by the ROA 1974) are not considered to be relevant (unless you are applying for a professional programme that has a DBS condition (see below)) and the applicant/student does not need to disclose them. If the applicant/student is unsure whether a caution is relevant or spent, the student should get advice from a solicitor, Citizens Advice Bureau, the Probation Service or Nacro, the crime reduction charity. If the student seeks advice from a solicitor the student may have to pay for that advice.
12. Under the ROA 1974, different offences carry different periods before they are considered spent, and certain convictions are never spent and therefore must always be declared.²
13. Certain programmes upon successful completion may lead to application for registration with professional bodies. Applicants for such programmes are advised to seek advice from such professional bodies, regarding the impact of criminal conviction(s) on their chosen career.
14. While the University may be willing to admit an applicant on a programme of study or allow a current student to continue, successful completion of the programme does not guarantee that the applicant/student will be able to practise, or take up a related profession.

Professional Programmes

15. If applying to a programme which entails working with children or vulnerable adults, the student has a separate additional obligation to tell the University about ALL unprotected convictions and cautions. This includes spent convictions, verbal cautions and bind-over orders.
16. Applicants and Students should refer to ³Government Guidance on the Rehabilitation of Offenders Act 1974 for detailed information on Rehabilitation periods, exceptions and DBS Disclosures

²https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/299916/rehabilitation-of-offenders-guidance.pdf

17. Professional programmes may also request all students to declare annually that no further or new convictions have been obtained.
18. Successful applicants to these programmes are also required to undergo a formal Disclosure and Barring Service check (DBS). More information may be found at <https://www.gov.uk/government/organisations/disclosure-and-barring-service>
19. Applicants may be accepted onto a programme of study, subject to satisfactory police checks. Students will not be allowed to commence placements until a satisfactory DBS is received. Students can be suspended/discontinued from the programme at any time if DBS disclosures are unsatisfactory.
20. Students and applicants should be aware that in the context of safeguarding relevant information may be disclosed to the placement provider.
21. Electronic and hard copy prospectus and programme booklets will indicate if a Disclosure and Barring Service check is required for a particular programme of study.
22. Any applicant who has spent 6 months or more outside of the UK within 5 years of making an application will be asked to obtain police clearance from the relevant country.³ This is applicable to all applicants (UK, EU, Overseas). Guidance on how this clearance can be obtained can be found at the link below.⁴ 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. 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: a police officer, a head teacher, a minister of religion, a lawyer or a medical doctor. The University will consider such cases on an individual basis in line with the overall principles of this policy.

Applicants from outside the UK and European Economic Area

23. 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 student should note the following:
 - Whilst a conviction acquired outside Great Britain may be spent under the relevant national law, it is not automatically deemed spent under English law.
 - In determining whether a conviction is capable of becoming spent, a sentence imposed by a court outside of Great Britain will be treated in

³ The period of '6 months ... within 5 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 practice, details of which are made clear as part of the specific application process for that course. Such includes Initial Teacher Training. Local arrangements are reported to Council via Senate.

⁴ <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

the same way as the corresponding sentence under English law, or its nearest equivalent.

- 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.
- 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.
- 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).

Procedure following the disclosure of criminal conviction(s)

24. See Chart in Appendix for procedure.

25. Upon receipt of a criminal conviction disclosure from an applicant/student, the Director of Student Administration 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/the student remains registered.

26. The Director of Student Administration may want to ask the applicant/student for more information at this stage 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.

The Disclosure Panel

27. Students and applicants will be given the opportunity to provide written representation to the Disclosure Panel. All information provided to the Disclosure Panel will be considered as confidential and sensitive data. 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 programme of study. This includes consideration of any relevant professional Codes of Practice and/or Government legislation.

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

- The nature of the offence(s)
- The time that has passed since the offence was committed
- 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
- If more than one offence was committed, whether each was a separate offence or part of a series of similar offences

- The potential impact on fellow students, staff and others with whom the applicant will have contact
- 29.** The Panel will be organised by the Director of Student Administration and will be chaired by the Dean of Students. The Director of Student Administration will be responsible for scheduling regular Disclosure Panel meetings, and ensuring that appropriately selected University staff are members of the Panel.
- 30.** For all General Programmes the Disclosure Panel will comprise the Dean of Students, the Director of Student Administration and a Faculty Representative (Academic). For all Professional Programmes the Disclosure Panel will be the Dean of Students, Head of ITE/Head of Social Work and Justice and a relevant professional(s). For any criminal convictions involving School Direct students, the panel should consist of Dean of Students, the Director of Student Administration, Head of ITE or School Direct and the Head Teacher or nominee from the lead school.
- 31.** If the Dean of Students deems it appropriate, the student may be invited to attend the hearing to present their mitigation.
- 32.** Detailed notes of the meeting will be taken by Student Administration and made available upon request to the individual concerned. Verbatim minutes will not be recorded. The decision of the Panel will be notified to the applicant/student in writing and the applicant/ student will be advised of the appeals process, as outlined below.

Disclosure Panel: Outcomes

- 33.** One of the following decisions will be made by the Panel:
- To require further information from the applicant/student or a third party
- Applicants:
- To permit an offer to be made with no further conditions
 - 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 Administration will contact the applicant to outline the conditions set by the Disclosure Panel
 - To reject the application; in this case the Director of Student Administration will contact the applicant to inform them of the decision

Students:

- To allow the student to continue on their programme with no further conditions
- To allow the student to continue on their programme with a condition relating to pastoral issues such as support for the student; in such cases the Director of Student Administration will contact the student to outline the conditions set by the Disclosure Panel
- To withdraw the student from their programme; in this case the Director of Student Administration will contact the student to inform them of the decision

- 34.** In the event that an applicant is offered a place, or a student allowed to continue, the Panel must determine who, if anyone, within the University should be provided with details of the conviction.
- 35.** 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.

Disclosure Panel: Appeals

- 36.** If an application is rejected, or a student's studies terminated, the student has the right to appeal to the University Secretary. The appeal must be submitted in writing to the University Secretary within 10 working days from the date the decision is sent to the student and should state clear reasons why the rejection should be overturned.
- 37.** The applicant/student has the right to appeal against the decision of the Disclosure Panel, if they believe and can demonstrate that:
- the process has not been conducted correctly, in accordance with the procedures
 - there has been a material administrative error
 - the decision of the Panel is unreasonable.

Disagreement with the decision of the Panel is not in itself sufficient reason to appeal. Applicants/students 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.

- 38.** Appeals should be made in writing, with full supporting evidence, within 10 working days from the date of the letter notifying the student of the Disclosure Panel decision. A full statement detailing the reasons for the appeal and supporting evidence must be provided. The University Secretary will consider the information provided by the applicant or student and the decision and documents of the original Disclosure Panel. In normal circumstances, new information will not be permitted at this stage. The University Secretary will consider whether the decision was reasonable in the circumstances of the case and if the procedure was followed correctly.

Appeals, including supporting evidence can be sent by post or email:

The University Secretary
Liverpool Hope University
Hope Park
Liverpool Hope University
L16 9JD

doneilag@hope.ac.uk

- 39.** The University Secretary 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 University Secretary and dependent on the circumstances of the situation. If the rejection is confirmed, the student will have no recourse to any other University process.

40. The University Secretary/Appeals Panel may:

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

41. The decision and any recommendations or advice of the University Secretary will be notified to the student or applicant and to the Director of Administration and/or relevant Faculty.

42. If an appeal is made by a student registered on a programme at the University, the student can apply for a review of the appeal by the Office of the Independent Adjudicator (OIA). Details will be sent to the student in the form of a Completion of Procedures Letter.

Data Protection

43. All records and correspondence relating to an applicant/student declaring a relevant criminal conviction will be securely stored in accordance with the University's Data Protection Policy.

44. The only information relating to criminal convictions stored on the student management system (SMS) is the answer to the criminal conviction question on the application form. No other information relating to the conviction is stored on the SMS. If an applicant has declared a criminal conviction and the application is **successful**, all records and correspondence relating to the application and supporting materials will form part of their personal record and will be kept in the same way as all other student records. This will also be the case if a student has declared a criminal conviction and is **allowed to continue** on their courses of study. However, **any information relating to their conviction will be stored separately and securely**. A decision will be made, based upon the particular circumstances, and informed by the decision of the Panel, on who, if anyone, within the University should be provided with further details of the conviction. The applicant/student will be provided with further information on data retention by the Director of Student Administration.

45. If the applicant has declared a criminal conviction and the application is **unsuccessful**, or a student is **excluded** from the University following declaration of a criminal conviction, any paper copies of information relating to the conviction which have been circulated will be shredded immediately. The Director of Student Administration will keep an electronic copy of any information relating to the conviction as well as any documents received only on paper; this will be securely stored for a period of 6 months after the admissions cycle has ended or the student has been excluded, at which point all electronic and paper files will be deleted.

See the [University's Data Protection Policy](#) for more information.

- 46.** The applicant/student's consent will always be obtained before seeking further information about any declared convictions from third parties except when attempting to source information that is in the public domain.

Appendix

All students/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.

