

Procedure for handling applications from applicants declaring criminal convictions

Aims

The aim of the admissions process is to select students who have the ability and motivation to benefit from the degrees they intend to follow and who will make a contribution to the life of the University.

The process takes place within the framework of the University's Admissions Code of Practice. This document expresses the University's commitment to a comprehensive policy of equal opportunities for students in which individuals are selected and treated on the basis of their relevant merits and abilities and are given equal opportunities within the University.

The aim of this procedure is to ensure that no prospective student should receive less favourable treatment on any grounds that are not relevant to academic ability and an applicant's potential to achieve success in his or her chosen course of study.

However, it is important that these aims are achieved without prejudice to the safety and well-being of other members of the university community and, indeed, there may be occasions where this has to be placed ahead of all other considerations.

This procedure is intended as a mechanism to ensure that decisions regarding the admission of an applicant with criminal convictions are taken only after the implications have been fully explored.

Declaration of Criminal Convictions

Applicants to undergraduate and postgraduate programmes are required to disclose any **relevant** and **unspent** criminal convictions they hold.

Relevant criminal convictions are currently defined by the Rehabilitation of Offenders Act 1974 as **those convictions for offences against the person, whether of a violent or sexual nature, and convictions for offences involving unlawfully supplying controlled drugs or substances where the conviction concerns commercial drug dealing or trafficking.**

Spent convictions, as defined by the Rehabilitation of Offenders Act 1974 are not considered to be relevant, and do not need to be disclosed unless the individual programme specifically requires it. However, it is important to note that custodial sentences of more than four years in duration will never be considered spent.

Further advice and guidance on whether a conviction is spent can be found through organisations such as Unlock at <http://www.unlock.org.uk/>

If an applicant discloses a conviction that is not relevant or is spent the information will not be kept on the applicant's record.

Disclosure and Barring Service Enhanced Disclosure

Certain programmes of study are exempt from the Rehabilitation of Offenders Act 1974 and applicants must declare any conviction, including those which are spent and including cautions, warnings, reprimands and bind-over orders. Such programme areas include medicine, teaching, nursing, midwifery and physiotherapy. Please see specific departmental Fitness to Practice policy for further details.

Consideration of criminal convictions: the procedure

If an applicant is made an offer of a place they will be sent an offer letter detailing the conditions of their offer. As part of that offer they must disclose any **relevant** and **unspent** convictions by contacting the Admissions Office.

If the conviction is not **relevant** (according to the Rehabilitation of Offenders Act 1974) or is **spent**, the applicant will be informed that their conviction is not relevant and the information will be deleted and not held against their record.

If the conviction is relevant and unspent the Admissions Office will send the applicant a criminal convictions declaration form (see appendix 1) which includes a request for permission to contact a third party such as a probation officer, if appropriate.

The form and any attached documentation are passed to the Deputy Head of Admissions who will make an initial assessment.

The Deputy Head of Admissions will complete a risk assessment (see appendix 2). Taking into consideration the nature of the offence, the context of the circumstances, when the offence occurred and the type of sentence given. If the offence is deemed to be low risk then no further action will be taken in relation to the offence.

If the case is considered medium or high risk then it will be considered by the Head of Admissions, University Cause for Concern group, and if appropriate, the Registrar and Secretary of the University.

Communication of the decision

Following consideration of the case, the applicant will be contacted in writing with the University's formal decision. Decisions will normally be one of the following:

- The offer will be unaffected and no additional non-academic conditions will be applied
- The academic offer will be unaffected but certain non-academic conditions will be applied
- The offer will be rescinded

The applicant has the right to appeal a decision which has been made. Appeals must be made in writing to the University Registrar and Secretary within 14 days of receiving the written notification.

Details relating to an applicant's criminal history may be held confidentially by the Deputy Head of Admissions, in line with the University retention policy. They will not normally be disclosed to departments in the University with the exception of rare cases where relevant colleagues in certain departments, such as the Accommodation Office or Security, will need to be made aware.

Admissions Office
October 2018

Appendix 1 – Criminal Convictions Questionnaire

UNIVERSITY OF LEICESTER

Your name:

Course applied for:

Your UCAS PID (if applicable):

- Please can you provide us with brief details regarding your criminal conviction(s) as follows:

Please attach further details on a separate sheet if there is insufficient space below.

Date(s) of Offence	Offence(s)	Offence Code	Date of Conviction	Sentence *	Date Sentence Completed	Details of any fines or costs imposed	Convicting Court(s) name and convicting court code(s)

** if you were convicted of a motoring offence please give the details of any penalty points/endorsements you were given.*

- If applicable, please attach any supporting evidence from your Probation Officer with regard to your compliance with any Probation Order and your constructive use of your period of probation.
 - If you are unable to give a supporting statement from your Probation Officer, then please provide us with their name, contact details and your written consent for us to contact them directly:
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- Please give the date when you completed or expect to complete your probation: _____
 - If any medical evidence was submitted on your behalf during the proceedings please attach brief factual details or any supporting documentation from medical professionals.

Appendix 2 – Criminal Conviction Risk Assessment Form

Name of Applicant:						
UCAS PID Number:						
Course Applied for:						
Proposed Year of Entry:						
		Additional Notes		Risk Assessment		
Did the applicant disclose past convictions/cautions in the application form?		Yes	No	If no, question applicant about why <ul style="list-style-type: none"> • If mitigating circumstances then complete assessment. • If no mitigating circumstances, end application process if appropriate. If yes, complete this assessment.		
Date and description of the offence(s)						
Sentence(s)				High Custodial	Medium Suspended, community, conditional discharge	Low Warning, caution, reprimand, fine, absolute discharge
		Additional Notes		Risk Assessment		
Is the type/nature of the offence(s) directly relevant to the programme applied for? If yes, in what way?		Yes	No	High Yes	Medium Some link between offence and aspects of course of study	Low No
Is there a pattern of specific offences? If yes, state nature of pattern.		Yes	No	High Yes	Medium Some instances	Low No pattern

	Yes	No		High	Medium	Low
Has the applicant supplied additional references?				Referees declare applicant unsuitable	Referees share some reservations	Referees declare applicant suitable
How do the referees rate the applicant's suitability for attendance at the HE provider and participation in the HE community?	Yes	No		High No	Medium Some mitigating circumstances	Low Yes
Does the applicant/referee offer any mitigating circumstances concerning past offence(s)?	Yes	No				
Any aggravating factors to take into account (e.g. intent/harm/exploitation/breach of trust)	What has changed since offence occurred? (e.g. treatment etc)					
Who else has been consulted about this disclosure (partner agencies/probation officer etc)	Applicant's attitude towards offence/s?					
	Name: Position:	Name: Position:	Name: Position:	Date consulted: Reply:	Date consulted: Reply:	Name: Position: Date consulted: Reply:
Is there evidence of a risk of reoffending?				High Significant evidence, consistently held across reports	Medium Some evidence, may be inconsistent or not sustained across all reports	Low Little or no evidence
<ul style="list-style-type: none"> Does the pre-sentencing report or any other official documentation provided indicate a risk of reoffending? Is there any other evidence of behaviour of reoffending? To what extent is time since the offence a factor in the risk of reoffending? 						
Overall risk evaluation						
				HIGH	MEDIUM	LOW