

## **Criminal Convictions Policy and Procedure for Undergraduate and Postgraduate Admissions**

This Policy covers all scenarios where the University may receive criminal convictions declarations from applicants, setting out the procedure the University will follow for each:

1. For courses leading to professions and occupations which are exempt from the Rehabilitation of Offenders Act (1974)
2. For courses which do not require a Disclosure and Barring Service (DBS) check, but the applicant is currently on licence or under probation conditions.
3. Where the university requires registered students to agree to submit to criminal record checks by the Disclosure and Barring Service (DBS) prior to working with children and vulnerable adults.
4. Where Disclosure and Barring Service checks are not a requirement of the course of study but are a requirement when a student seeks to join a professional body during or at the end of their degree.
5. Any other applicant with a criminal conviction

### **A. Courses leading to professions and occupations which are exempt from the Rehabilitation of Offenders Act (1974)**

- i) Certain courses leading to professional occupations which involve working with children or vulnerable adults have particular requirements to disclose warnings, reprimands, cautions and criminal convictions. Individual course entry requirements for undergraduate and postgraduate programmes will set out where applicants will be asked to complete a DBS check, and if they will be asked to self-declare in advance of a DBS check (e.g. via UCAS).
- ii) For these courses, the failure to disclose any warnings, reprimands, cautions and criminal convictions may have serious consequences including the withdrawal of an offer of a place and the termination of studies. Applicants/students are reminded that it is their duty to disclose all information in relation to these matters at the earliest opportunity.
- iii) Procedure followed where an applicant declares a criminal conviction
  1. Applications declaring warnings, reprimands, cautions and/or criminal convictions will be forwarded to admissions selectors in the usual way for an academic decision. The conviction will have no bearing on the academic decision.
  2. If an admissions selector decides to reject an applicant on academic grounds,

no further action in respect of the disclosure shall be taken and the reject decision shall be processed in the usual way.

3. If an admissions selector decides that an offer should be made on academic grounds or wishes to interview an applicant in order to make the academic decision, the following steps will be taken:
  - a) The Admissions Service will write to the applicant asking for details of the warnings, reprimands, cautions and/or criminal convictions including the date and penalty imposed. The applicant will be invited to include a letter from a Probation Officer or other relevant person as applicable.
  - b) The Admissions Officer will forward the applicant's response to the Head of School (or nominee) the applicant has applied to and invite comment.
  - c) The response from the applicant and any comments received from the Head of School (or nominee) will be considered by a Panel convened by the Admissions Officer (or nominee). The Panel will consist of the Academic Registrar (or nominee), a member of staff with specialist professional knowledge (nominated by the Education Dean in the relevant Faculty), an academic member of staff and a representative from the Professional Services. Notes of the Panel's discussion will be taken by a member of staff chosen by the Academic Registrar.
4. The Panel may:
  - i) decide that there is no reason to stop the offer being made to the applicant or an academic interview from going ahead (or that there is no reason to withdraw an offer already made) or;
  - ii) decide that the offer may be made to the applicant but subject to the satisfaction of conditions, for example concerning scope of access to facilities, accommodation or support or;
  - iii) decide that the applicant should not be made an offer for the course applied for because of professional constraints but may be considered for other courses at the institution or;
  - iv) decide that the applicant should be rejected (or that an offer already made should be withdrawn) on the ground of the disclosure.

The Panel may request further information and/or interview the applicant if it is felt appropriate in order to inform the final decision.

5. The Panel will inform the Admissions Officer in writing of the decision and reason(s) for the decision. The notification shall be kept securely by the Admissions Officer, for one year after the end of the current academic year in the case of an unsuccessful application and for six years after the end of

the student relationship with the University in the case of successful applications. The Admissions Officer will put a note on the applicant's record to state where documents relating to the disclosure are being kept.

6. If the outcome is that the offer to the applicant or an academic interview should go ahead, the application shall be processed in the usual way. If the Panel wishes to attach any non- academic conditions to the offer, the Admissions Officer shall explain these in writing to the applicant. If the outcome is that the applicant should be rejected on the ground of the disclosure, the Admissions Officer shall write to the applicant to inform him or her of the decision and to give a brief explanation of the reason(s) for it.
7. The Admissions Officer shall inform the relevant admissions selector and Head of School of the outcome. If the applicant is to be made an offer, the Head of School will be asked to decide whether anyone else within the School needs to be informed about the conviction. The University Wellbeing Team will also be informed in order to provide support to the applicant if required, and any other university service where this is considered to be necessary to support the applicant and the university.
8. The Admissions Officer will let the applicant know who else is to be informed.

### Appeal process

1. An appeal against the decision of a Panel may be made only on the following grounds:
  - i) That the decision was perverse in that no reasonable person could have reached it on the available evidence or;
  - ii) there is material new evidence which, for valid reasons, was not available at the time the Panel made its decision and which would have significantly affected the outcome or;
  - iii) procedural irregularity under Paragraph 16 or;
  - iv) bias or prejudice on the part of the Panel.
2. Appeals shall be made in writing to the Admissions Officer within fifteen working days of the date of the letter informing the applicant of the decision.
3. The Admissions Officer shall present the appeal to the Disciplinary Convenor who may dismiss an appeal which does not provide a *prima facie* case under the specified grounds. If the Disciplinary Convenor decides that there is a *prima facie* case, the appeal shall be considered by a Disciplinary Panel

member, appointed by the Convenor in accordance with the Student Disciplinary Procedures.

4. The Disciplinary Panel member may, in determining the appeal, confirm, vary or quash the original decision. On any variation, the same range of options available to the Panel (see 16(d) above) will be available to the Disciplinary Panel member.
5. Where the Disciplinary Convenor dismisses an appeal or the nominated Disciplinary Panel member confirms the decision appealed against, there shall be no further appeal within the University. Where the Disciplinary Panel member quashes the original decision, the application shall be processed in the normal way.
6. The Admissions Officer shall inform the appellant, the relevant Head of School and the relevant admissions selector of the outcome of a successful appeal.

**B. Applicants currently on licence or under probation conditions (who are not applying or courses which require a DBS check).**

- i) These applicants are not required to declare a conviction as part of their initial application, but are required to make the University aware of any licence conditions which may prevent them from fully engaging with the course and broader University community.
- ii) This is particularly relevant when considering applying for a place in student accommodation. Where possible the University will undertake to make reasonable adjustments and will suggest alternative programmes of study where available if the applicant's licence conditions make their first choice of course impractical.
- iii) Applicants should discuss their application with their supervising officer and take their advice on whether to inform the University of any licence conditions. The disclosure of licence conditions should be directed to the Head of Admissions.
- iv) Upon receipt of this declaration the University will follow the procedure set out above (A. iv)

**C. Where the university requires registered students to agree to submit to criminal record checks by the Disclosure and Barring Service (DBS) prior to working with children and vulnerable adults.**

- i) Students may be required to complete a DBS check **before working with children and vulnerable adults**, alone and unsupervised, for significant periods of time as a non-compulsory part of the programme of study. For example during placements, or as part of a research project or an optional module

- ii) Where a conviction, warning or reprimand is declared or identified the above process will be undertaken (A. iv – excluding option 4 d) relating to decisions available to the Panel).
- iii) If it is agreed that an applicant is unable to follow the particular element of study coming under this policy, the student will be advised of the alternative study options available.

**D. Where Disclosure and Barring Service checks are not a requirement of the course of study but are a requirement when a student seeks to join a professional body during or at the end of their degree.**

Applicants will need to be aware that any previous criminal conviction may impact upon joining a professional body during or at the end of their degree. Whilst this may not prevent a student undertaking a course, an applicant should seek advice about whether they will be able to progress to their chosen profession.

**E. Any other applicant with a criminal conviction**

- i) Applicants are encouraged to contact Admissions if they have a criminal conviction. This will allow the University to put in place any support that may be needed.
- ii) Applicants once they have accepted an offer will be asked to declare if they have a criminal conviction.
- iii) Any applicant who declares that they have a criminal conviction will follow the process outlined above at section A.iv. At this stage the Panel decisions will be to confirm that there is no reason to withdraw an offer and to identify any conditions that might be required (e.g. access to facilities or accommodation).
- iv) Any applicant with a criminal conviction is encouraged to contact the Head of Admissions. This will allow the University to give support on becoming a student as appropriate

**Overall Principles to the Criminal Convictions Policy and Procedures**

1. All applicants who disclose warnings, reprimands, cautions, criminal convictions and licence conditions will be treated with respect and fairness, regardless of the type of conviction they disclose. No applicant will be automatically excluded from the application process.
2. This procedure will be followed in every case where an applicant discloses any warnings, reprimands, cautions and criminal convictions during the application process.
3. Undergraduate and Postgraduate admissions selectors are required to comply with any decision made under this policy and procedure, whatever their academic decision in a

particular case.

4. Offers of admission to study at the University are subject to satisfying this policy. The University may withdraw an offer to study or exclude from the University any student where either there is a failure by an applicant to disclose a warnings, reprimands, cautions and/or criminal convictions during the application process or an offer has been made or a place taken up despite disclosure but when the procedure described below has not been applied to the issue of the disclosure requirements of the course.
5. Information relating to any warnings, reprimands, cautions and/or criminal convictions of an applicant will be treated confidentially. Where it is decided that staff other than those referred to in this procedure need to be given information about an applicant's disclosure, the applicant will be informed that information is being passed on and to whom.

#### Information Supplied by a Third Party

6. If the University receives information that an applicant to a relevant course has warnings, reprimands, cautions and/or criminal convictions which the applicant has not declared, the information will be investigated.
7. If the information is found to be incorrect, no further action will be taken.
8. If the information is found to be correct, the applicant will be asked to explain why the conviction was not declared.
  - a) If the omission of a declaration is considered by the Admissions Officer to have been a genuine error, the application will be dealt with in the usual way under this procedure.
  - b) If the Admissions Officer believes that the applicant deliberately sought to mislead the University, the application will be rejected as fraudulent and UCAS will be informed if the application came through that route.

#### **Queries about this Policy**

Any queries about the policy and procedures set out in this document should be directed to:

Undergraduate – [ug-admissions@newcastle.ac.uk](mailto:ug-admissions@newcastle.ac.uk)

Postgraduate – [pg-admissions@newcastle.ac.uk](mailto:pg-admissions@newcastle.ac.uk)

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