



APPLICANTS AND STUDENTS WITH CRIMINAL RECORDS POLICY

Introduction

1. The University does not wish to debar individuals with criminal records from taking advantage of the opportunities provided by Higher Education. In general a criminal record is not to be regarded as an obstacle to studying at the University. In any event, the University will not take into account, when dealing with existing students and selecting applicants for admission, criminal convictions which are deemed "spent" under the terms of the Rehabilitation of Offenders Act 1974 unless such convictions are deemed as "exceptions" under the terms of **The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013**. If spent offences are required to be disclosed this will always be indicated.
2. The University will not ask applicants to declare any relevant unspent criminal convictions unless and until they receive an offer which they wish to accept (an "offer holder"), unless the applicant is applying for a course to which the exception in paragraph 1 above applies. The term "applicant" includes "offer holder" for the purposes of this Policy.
3. The following are regarded by the University as relevant criminal offences:
 - Offences concerned with violent or threatening behaviour or the causing of physical or mental harm to others, whether or not such harm was intended or actually caused.
 - Sexual offences, including those listed in the Sexual Offences Act 2003.
 - The unlawful supply of controlled drugs or substances including dealing or trafficking offences.
 - Offences concerned with harassment, stalking or malicious communications.
 - Offences involving firearms.
 - Any "hate crime" as defined by the Crown Prosecution Service (<https://www.cps.gov.uk/hate-crime>).
 - Arson.
 - Offences involving terrorism.
4. In addition, applicants are asked to declare any criminal convictions or equivalent imposed outside the UK which meet the above criteria AND any subsisting restrictions imposed as a result of any criminal conviction which may affect the applicant's ability to meet the course requirements.
5. The University must balance its responsibilities to provide a safe and secure environment for its staff, students, visitors and others. In addition, sometimes the University has to take into account the demands of various Professional, Statutory or Regulatory bodies (PSRBs) and requirements under the law to protect special categories of people, e.g., children and persons with a disability. In accordance with data protection legislation, the University maintains that it is necessary to process special category personal data relating to criminal convictions for reasons of substantial public interest, including the safeguarding of children and "at risk" individuals; and to fulfil its statutory requirement to support all students that they might succeed in higher education.



6. The University will balance the interest of the student/applicant with its responsibilities to other people. The University does reserve the right to refuse to admit applicants, or to expel students where, in accordance with paragraphs 8 and 9 below their criminal record makes it inappropriate for them to be admitted/attend.
7. The University's Schools of Medicine, Healthcare, and the Leeds Dental Institute have their own policies. These policies reflect the specific needs of those Schools. Such policies will apply in preference to this general policy. All policies allow for a right of appeal in accordance with paragraph 21.

Grounds for Refusing Admission

8. 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: (a) poses a real threat to the safety of staff, students, visitors, those coming into contact with the applicant/student during their studies or others involved in University business; or (b) would be contrary to the law or to the requirements/guidance of any relevant PSRB.
9. In addition to the above, where third parties are involved in the delivery of a programme, applicants/students may also have to meet the requirements of such third parties. In circumstances where PSRB or third party involvement may prevent the applicant/student from completing their programme of study, applicants/students should be advised and alternatives explored.

Process

10. All applicants are required to disclose relevant unspent (and in the circumstances mentioned in paragraph 1 above, spent) convictions within 14 days of accepting an offer (or where the exception in paragraph 1 applies, when applying for admission to the University), by email: declaration@leeds.ac.uk. The following details are required: Name, application ID number, programme applied for and the title of the offence including the date and sentence imposed.
11. The law governs what can and cannot be asked of applicants with criminal convictions <https://www.gov.uk/government/publications/dbs-filtering-guidance>. Information disclosed by an applicant in error must not be taken into account. It is illegal to request or take account of convictions which are filtered.
12. If information relating to relevant convictions is not given or is given in incomplete form, then the University reserves the right at any stage to reject the application. Applicants also agree where required to submit to appropriate additional criminal record checks and other relevant enquiries.
13. If at any stage between application and first registration an applicant is convicted of a relevant criminal offence, they must notify the University.
14. Where the exception in paragraph 1 applies, the application will initially be considered in the normal way alongside all other applications. The relevant criminal conviction will only be considered if the applicant has achieved all other criteria that would otherwise mean that they would be admitted to the University. If the applicant would otherwise be admitted, then the offer will be made subject to completion of the process set out in paragraph 16 below.
15. It is not the role of the University to make moral judgements or act as an alternative judicial system but rather to determine whether: (a) based on evidence, it is adjudged



that the applicant poses an unacceptable risk to the University; or (b) the applicant is unable to meet PSRB requirements.

16. The information provided by the applicant will be considered by reference to a risk assessment process:
- Stage 1 - An assessment against the University list of unspent criminal convictions will be undertaken to determine whether the offence is relevant. If the offence is not deemed relevant, the applicant will be informed. The information will not be retained by the University and will be deleted.
 - Stage 2 – If after Stage 1 it is deemed that the offence is relevant, further information will be requested from the applicant. If this includes requesting information from the applicant’s probation officer, the applicant will be asked for their contact details and permission to approach them.
 - Stage 3 – Once all information has been collated, an initial assessment of risk will be undertaken by one of the three Admissions staff who manage the process.
 - Stage 4 – The initial assessment recommendation and associated information will be pseudonymised and forwarded to the Criminal Conviction Panel.
 - Stage 5 – The Panel will consist of two representatives from the following:
 - Deputy Head of Admissions
 - A Legal Adviser
 - A member of the Secretariat
 - Head of Admissions
17. The Panel will consider whether there are unacceptable risks to the University community associated with admitting the applicant or admitting the applicant without specific conditions, such as exclusion from University accommodation. The following risk factors may be considered by the Panel:
- whether the conviction is relevant to the programme on offer (including any requirements/options to study abroad, secondments or placements);
 - the seriousness of any offences;
 - the number of any offences;
 - whether the offences show a pattern of behaviour that seems to be recurrent and ongoing;
 - whether the offences involve violence or threats of violence;
 - whether the circumstances surrounding the offences were unique and/or whether there were mitigating or aggravating circumstances;
 - whether the applicant’s/student’s circumstances have now changed;
 - what evidence the applicant/student produces to support the view that they are unlikely to offend again e.g. referees, probation officers, comments in any pre-sentencing report; and
 - whether any restrictions imposed on the applicant/student would affect completion of the programme of study or require adjustments to be necessary.



18. The Panel may require the applicant to provide further information from relevant third parties who may have a view on the above matters. The parties may include probation officers, social workers, referees and others who are professionally or personally involved in the rehabilitation of or are familiar with the applicant. Permission to approach third parties must be obtained from the applicant. The Panel will request the information via the staff referred to at stage 3 above to preserve anonymity.
19. The Panel will reach one of three conclusions:
- The level of risk is determined to be acceptable and the applicant may be admitted without any specific conditions, other than any already stipulated in the offer.
 - Propose additional conditions or restrictions on admission. The applicant will then have a choice as to whether to accept their place subject to those conditions.
 - Withdraw the offer made in the event that the risk assessment process is unable to identify appropriate reasonable adjustments to satisfy any safety concerns identified (this will be very rare). If this is the case, then the notification will provide a summary of the reasons why.

The panel will then remit their decision to a member of staff referred to at stage 3 above to communicate to the applicant.

20. Once a conclusion has been reached the applicant will be notified in writing including information about the period for which the information relating to their conviction will be retained. If the risk assessment identifies any risks associated with the conviction, the University may:
- confirm the place subject to meeting the conditions of offer as held;
 - propose additional conditions or restrictions on admission. The applicant will be notified that the details of the adjustment will need to be shared as appropriate in order to implement the risk management steps identified by the process. The applicant may then choose whether to accept their place subject to those conditions;
 - withdraw the offer in the event that appropriate reasonable adjustments cannot be identified to satisfy concerns. The notification will provide a summary of the reasons why.
21. If an offer is withdrawn or conditions/restrictions imposed with which the applicant disagrees then the applicant may appeal to the University Secretary. Such appeal must be lodged in writing within 14 days of the date of the written notification.
22. An appeal will only be permitted on the grounds that additional information or evidence has come to light which may indicate that the Panel would have arrived at a different decision had this information been considered, or in the case of a procedural irregularity. The University will not review a decision to withdraw an offer of admission, or to impose specific conditions, where the grounds for requesting a review are simply that the applicant disagrees with the outcome and/or where there is no evidence that the correct procedures have not been followed.
23. If a student obtains a criminal record in respect of a relevant conviction after admission then the matter shall be dealt with under the regulations relating to general



student discipline http://www.leeds.ac.uk/secretariat/documents/gudr_current.pdf. Factors mentioned under paragraph 17 of this Policy may again be considered.

Ongoing Obligations

24. Where applicants have been admitted to the University and are likely to come into contact with categories of people the University has a requirement to protect e.g., children, or in the opinion of the University Secretary there is good reason to believe that a false declaration of a criminal record has been made, then students must agree to submit to a criminal records check, as permitted by law.
25. If at any stage before completion of a programme of study an individual is convicted of a criminal offence, then they shall immediately inform the University Secretary or his nominee (see General University Disciplinary Regulations http://www.leeds.ac.uk/secretariat/documents/gudr_current.pdf).
26. At re-registration in subsequent years the student will be asked to declare that the information provided previously is true. If it transpires that the information is not true, the student may be withdrawn from the University in accordance with http://www.leeds.ac.uk/secretariat/documents/gudr_current.pdf.

False Declaration or Failure to Declare

27. If at any stage an applicant/student fails to disclose accurately information required on their criminal record, then this will be regarded as an extremely serious matter and may lead to any offer being withdrawn, or if the applicant has commenced their programme of study, the student may be required to cease their studies. However, the circumstances of non-disclosure should be considered carefully to determine whether it was due to genuine error or conscious withholding.

Security

28. The initial disclosure and all subsequent information received or produced in respect of the disclosed conviction will be sent to the email account declaration@leeds.ac.uk. Access to this account will be restricted to the three designated Admissions staff required to manage the process and undertake the initial risk assessment. The information will be stored in an encrypted shared file area with restricted access.
29. Except where third parties are involved in the delivery of the relevant programme of study any information provided by an applicant/student relating to their criminal record will not be disclosed outside of the University.
30. Information within the University relating to criminal records is special category personal data and will be restricted to only those who are involved in any of the processes detailed above. Access to such information is strictly controlled. It can be an offence to disclose information contained within a criminal record check to others.
31. All information relating to criminal records will be kept securely and in accordance with the University's Information Protection Policy https://leeds.service-now.com/it?id=kb_article&sys_id=6038bfb0fae728089d7f55be1050e9d. In particular, documents will be stored in locked filing cabinets and access to keys or combinations to those filing cabinets will be restricted. No information on an applicant's/student's criminal records will be kept for longer than six months after the last date on which an applicant can register onto a programme of study or, if admitted, six months after completion of that programme by the student (or until the conviction is deemed spent, if sooner).



Contacts

For information on operation of this policy at the admissions stage:

declaration@leeds.ac.uk

Further information and advice

Further information and advice on operation of this policy in relation to registered students can be obtained from the Head of Student Cases in the Secretariat, who can be contacted at the following address:

The Secretariat

Level 11, E C Stoner Building, University of Leeds, Leeds LS2 9JT

Tel: 0113 343 1276

Email: studentcases@leeds.ac.uk

Web site http://www.leeds.ac.uk/secretariat/student_cases.html