General Student Regulations 2023-24
Section 02 – Criminal Convictions

Owner: Dean of Students

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# General

* 1. The University welcomes students from a wide variety of backgrounds and aims to provide a supportive learning environment in which students can fulfil their potential. It recognises that some of its applicants and students:
		1. may have unspent criminal convictions;
		2. may have spent criminal convictions that may be relevant in relation to their proposed course of study;
		3. may be charged with a criminal offence during the course of their study;
		4. may be convicted of a criminal offence during the course of their study;
	2. The University aims to treat all such students fairly, while having due regard for its duty of care to all members of the University community and any professional or regulatory requirements of their course. Disclosure of a conviction does not automatically result in the withdrawal of an offer or the termination of registration.
	3. In relation to all aspects of these regulations, the key points the University will consider when making a judgement are set out below:
		1. the seriousness of any offence or other matter revealed;
		2. the length of time since the offence or other matter occurred;
		3. whether the individual has a pattern of offending behaviour or other relevant matters;
		4. whether the individual's circumstances have changed since the offending behaviour or other relevant matters occurred;
		5. the circumstances surrounding the offence and the explanation(s) offered by the convicted person;
		6. whether the course of study has any professional accreditation or registration which would affect the recruitment of students with an offending history; and
		7. if related to a Relevant Placement Course, whether the conviction or other matter revealed is relevant to that course.
	4. In these regulations
		1. Relevant Offences means:
			1. Offences including any kind of violence including (but not limited to) threatening behaviour, offences concerning the intention to harm or offences which resulted in actual bodily harm.
			2. Sexual offences, including those listed in the Sexual Offences Act 2003, or offences harassment or stalking.
			3. The unlawful supply of controlled drugs or substances where the conviction concerns commercial drug dealing or trafficking (drug offences only involving possession are not relevant offences).
			4. Offences involving firearms, explosives, knives or other weapons.
			5. Offences involving arson.
			6. Offences involving terrorism.
		2. Relevant Courses means
			1. A course where the relevant regulator requires the University to assess a student’s or applicant’s character or suitability for a profession within Part I of Schedule 1 of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended) (‘Regulated Professions’); or
			2. A course including a compulsory element which involves activities within Part II of Schedule 1 of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (‘Regulated Activity’).

Relevant Courses include (but are not limited to) Dietetics, Counselling Psychology, Social Work, Initial Teacher Training (e.g., PGCE), Primary Education, Early Childhood Studies, Montessori Early Childhood Practice and Early Years Education.

# Disclosure of unspent criminal conviction by offer holders

* 1. To protect staff and students, including those under 18 and adults at risk from harm, offer holders who has an unspent criminal conviction relating to a relevant offence must disclose it in accordance with these regulations once an offer of a place on a course has been made and they have been invited to enrol.
	2. In accordance with the Rehabilitation of Offenders Act 1974, offer holder who are applying for courses which do not involve a Relevant Placement or Relevant Activities do not need to disclose any spent convictions. If a spent conviction is disclosed in error, it should be ignored.
	3. When an offer holder declares an unspent conviction relating to a relevant offence they will be asked to give a full and frank account of the conviction to the member of admissions staff, who will then provide their recommendation to the Dean of Students (or nominee) based on the various aspects of the offence as detailed in 1.3..
	4. The decision of the Dean of Students (or nominee) is final and there is no right of appeal.

# Failure to disclose unspent criminal conviction by offer holders

* 1. All offers of a place on any course at the University (including “unconditional” offers) are conditional upon the:
		1. the offer holder disclosing all unspent criminal convictions relating to a relevant offence in accordance with these regulations;
	2. Failing to disclose in accordance with regulation ‎3.1.1 means that the offer holder has failed to meet the conditions of their offer. The offer holder may not register as a student and if already registered as a student, the Dean of Students (or nominee) may terminate their registration.
	3. Any failure to disclose an unspent criminal conviction, relating to a relevant offence, when asked, will be regarded as a serious act of misrepresentation and an attempt to deceive or mislead the University.
	4. Where an offer-holder or student has failed to disclose an unspent criminal conviction relating to a relevant offence when asked, or has otherwise failed to comply with these regulations, the Dean of Students (or nominee) may withdraw their offer or if already registered as a student terminate their registration.

# Disclosure of criminal convictions when applying to relevant courses

* 1. Any applicant who
		1. applies to the University to study a Relevant Course; and
		2. has any unspent criminal convictions or any spent criminal convictions that are not eligible for filtering,

must disclose all unspent convictions and all spent criminal convictions that are not eligible for filtering at the earliest stage and before an offer is made of a place on a course.

* 1. In accordance with the Rehabilitation of Offenders Act 1974, applicants who have an unspent criminal conviction(s) that are eligible for filtering. If a conviction eligible for filtering is disclosed in error, it should be ignored.
	2. When an applicant has a conviction that is not eligible for filtering and declares it prior to receiving an offer, they will be asked to give a full and frank account of the conviction to the member of admissions staff, who will then inform the head of subject. The head of subject will then consider whether to recommend that the applicant be made an offer, reject their application, or if an offer-holder, be permitted to register as a student.
	3. The head of subject will refer the matter, with their recommendation, to the member of admissions staff who will liaise with the Dean of Students (or nominee) for a final decision. The decision of the Dean of Students (or nominee) is final and there is no right of appeal.

# Failure to disclose criminal convictions when applying to Relevant Courses

* 1. All offers (including “unconditional offers”) of a place on a Relevant Course or a course that involves a Relevant Placement are conditional upon:
		1. The applicant disclosing all spent and unspent convictions in accordance with these regulations; and
		2. the applicant complying with these regulations.
	2. If a student fails to disclose an unspent conviction or a spent criminal conviction that is not eligible for filtering before an offer is made, or at any time after, this will be regarded as a serious act of misrepresentation by the student and an attempt to deceive or mislead the University.
	3. Where a student fails to disclose an unspent conviction or a spent criminal conviction that is not eligible for filtering, or has otherwise failed to comply with these regulations, the Dean of Students (or nominee) may withdraw the offer or terminate their registration on the basis that these conditions have not been fulfilled.
	4. In certain circumstances, a failure to disclose a previous conviction may also amount to a criminal offence and the University may report this to the Police.

# Disclosure and Barring Services checks

* 1. Before, or as soon as is practicable after, enrolment, all students on a Relevant Course must:
		1. Provide a portable Disclosure and Barring Service (DBS) certificate for the correct level and workforce and consent to the University checking if anything has changed on the certificate; or
		2. Arrange for a new DBS certificate for the correct level and workforce via the University and provide the University with the new DBS certificate.
	2. Before undertaking an element of the course involving Regulated Activity (such as a placement) all students enrolled on a Relevant Course must:
		1. consent to the University checking if anything has changed on a portable DBS certificate that has been provided to the University previously; or
		2. Provide a portable Disclosure and Barring Service (DBS) certificate for the correct level and workforce and consent to the University checking if anything has changed on the certificate; or
		3. Arrange for a new DBS certificate for the correct level and workforce via the University and provide the University with the new DBS certificate.
	3. A DBS certificate is portable if the University can check it using the DBS Update Service.
	4. Students must retain their DBS certificate for the duration of the course and must provide copy if requested by the Dean of Students (or nominee), University Secretary or a placement provider.
	5. The University will retain a copy of the DBS certificate provided and any update from the Update Service in accordance with the University’s Records Retention policy.
	6. All students registered on Relevant Courses are encouraged to subscribe to the DBS Update Service.
	7. A student’s registration on a Relevant Course may be terminated by the University Secretary, if the University Secretary is not satisfied:
		1. With the DBS disclosure;
		2. that a student is not barred from working with children and/or vulnerable groups or in a regulated activity; and
		3. with such other checks that the University or a placement provider is required to complete or undertake from time to time.
	8. The student is responsible for the full cost of obtaining a DBS certificate, whether obtained via the University or via another organisation.
	9. Students will not ordinarily be required to provide or apply for a further DBS certificate during the course unless
		1. a DBS status check reveals a change; or
		2. a status check is required, and the student has not subscribed to the DBS Update Service.
	10. It is a condition of enrolment that students consent to the University discussing the information contained in the DBS disclosure or status check with any placement provider. Students may be required to attend an interview with the placement provider to discuss the information contained in the disclosure or status check before a final decision on suitability can be taken.
	11. In the event that relevant information about a student (whether in relation to previous convictions or otherwise) is obtained through a DBS check or DBS status check during the course of study, the University Secretary will determine how to proceed.
	12. If an individual wishes to dispute any information contained in a disclosure, they can do so by contacting the DBS directly.

# Criminal proceedings while a student

* 1. All students must immediately notify their Course Leader if:
		1. they are charged or convicted of any Relevant Offence; or
		2. they receive a police caution, reprimand or warning in respect of a Relevant Offence.
	2. Students on a Relevant Course or where they are undertaking Regulated Activity as part of their course must immediately notify their Course Leader if
		1. they are charged with or convicted of any criminal offence; or
		2. they receive a police caution, reprimand or warning, or
		3. if there is a formal child protection investigation of the student or any member of their household or,
		4. if they are barred from working with children or vulnerable groups or in a regulated activity or;
		5. if they are the subject of a referral to the DBS
	3. The Course Leader shall inform the Head of School of any notification.
	4. In the event that relevant information about a student (whether in relation to previous convictions or otherwise) is volunteered by a student during the course of study, the Head of School will consult with the University Secretary as to how to proceed.
	5. The University Secretary will determine what action shall be taken including:
		1. Referring the matter to be considered as misconduct under the Student Conduct Regulations;
		2. Referring the matter for action under the relevant Course Specific Regulations (for example, Fitness to Practise); or
		3. whether action should be taken under regulation 7.6.
	6. Where a student has been convicted of an offence and receives a custodial sentence of 24 months or more, the Dean of Students (or nominee) may terminate a student’s registration.