

## NEWCASTLE UNIVERSITY

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

#### Definitions

**Relevant criminal conviction:** Relevant criminal convictions are only 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. Convictions that are ‘spent’ are not considered to be ‘relevant’.

**Spent convictions:** The Rehabilitation of Offenders Act 1974 enables some criminal convictions to become ‘spent’ after a ‘rehabilitation period’. The rehabilitation period varies depending on the sentence imposed by the court. Custodial sentences of more than two and half years can never become spent.

#### Scope

1. This policy applies to applications for all undergraduate provision at the University with the exception of courses in teaching and health and courses involving work with children or vulnerable adults. These courses have particular requirements relating to the disclosure of warnings, reprimands, cautions and criminal convictions which are dealt with on a course by course basis and require applicants to agree to submit to criminal record checks by the Disclosure and Barring Service.
2. For the purposes of this policy, criminal convictions are only relevant criminal convictions as defined above and do not include spent convictions. There are some courses where Disclosure and Barring Service checks may not be required, but where professional requirements demand disclosure of criminal offences which do not come under the definition of ‘relevant criminal conviction’ above. Applicants for such courses may be required to provide information to course providers that goes beyond that covered in this policy, and they may be prevented from entering a course if they cannot comply with the professional requirements. Failure to disclose will be taken seriously, and students are reminded that it is their duty to disclose all information in relation to these matters at the earliest opportunity.

#### Principles

3. The University has a duty to protect, as far as it is within its power, all members of the community and the academic family from the risk of harm or injury caused by the criminal behaviour of any other students.

4. All applicants who declare relevant criminal convictions should be treated with respect and fairness, regardless of the type of conviction they disclose.
5. In every case where an applicant discloses a relevant criminal conviction during the application process, the procedure described below must be followed. No applicant shall be automatically excluded from the application process on the grounds that a relevant criminal conviction has been declared.
6. An applicant may be rejected on the grounds of a relevant criminal conviction, regardless of academic merit, if the outcome of the procedure described below is that rejection is in the best interests of the University community and/or the University's reputation.
7. Admissions tutors are required to comply with any decision made under this policy and procedure, whatever their academic decision in a particular case.
8. The University may withdraw any offer of admission to study at the University or exclude from the University any student in cases where applicants or students are found to have failed to disclose a relevant criminal conviction during the application process.
9. Information relating to the criminal convictions of an applicant is to be treated confidentially and only released to staff on a need to know basis. Where it is decided that staff other than those referred to in this procedure need to be given information about an applicant's criminal conviction, the applicant must be informed that information is being passed on and to whom.

#### Information Supplied by a Third Party

10. If the University receives information from a third party accusing an applicant of having a relevant conviction which the applicant has not declared, external verification will be sought.
11. If the accusation is found to be incorrect, no further action will be taken.
12. If the accusation 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 Senior Undergraduate Admissions Manager (hereafter referred to as 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.

#### Procedure

13. Applications from people who declare relevant criminal convictions shall be forwarded to admissions tutors in the usual way for an academic decision, with a request not to make contact with the applicant at this stage and a reminder that the conviction is to have no bearing on the admissions tutor's academic decision.

14. If an admissions tutor decides to reject an applicant on academic grounds, no further action in respect of the criminal conviction shall be taken and the reject decision shall be processed in the usual way.
15. If an admissions tutor decides that an offer should be made on academic grounds or wishes to interview an applicant in order to make the academic decision:
  - a) The Admissions Office shall write to the applicant asking for details of the conviction including the date and penalty imposed. The applicant shall be invited to include in the response a letter from a Probation Officer or other relevant person;
  - b) The Admissions Officer shall forward the applicant's response to the Head of School (or nominee) to which the applicant has applied and invite comment.
  - c) The response from the applicant and any comments received from the Head of School (or nominee) shall be considered by a Panel convened by the Admissions Officer. The Panel will consist of the Academic Registrar, an academic member of staff and a representative from the Professional Services (the latter two being drawn from the University's Undergraduate Recruitment and Admissions Monitoring Committee on each occasion that a Panel is needed). In cases where special professional issues are at stake, the Panel may be extended to include a member of staff with specialist professional knowledge, nominated by the Dean of Undergraduate Studies in the relevant Faculty. Notes of the Panel's discussion will be taken by a member of staff chosen by the Academic Registrar.
  - d) 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
    - ii) decide that the offer may be made to the applicant but with certain conditions, for example concerning 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 on the ground of the criminal conviction.

To help reach a decision, the Panel may request further information and/or interview the applicant if it is felt appropriate. Criteria that may be used to determine the decision are set out in the appendix.

- e) The Panel shall inform the Admissions Officer in writing of the decision and reason(s) for the decision and the notification shall be kept on the applicant's/student's file which shall be retained in accordance with the University Records Retention Schedule.
- f) 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 criminal conviction, 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.
- g) The Admissions Officer shall inform the relevant admissions tutor and Head of School of the outcome. If the applicant is to be made an offer, the Head of School and admissions tutor will be asked to decide whether anyone else within the School needs to be informed about the conviction. The Admissions Officer will let the applicant know who else is to be informed.

## Appeal

16. 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
  - ii) Procedural irregularity
  - iii) Bias or prejudice on the part of the Panel.
17. 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.
18. 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.
19. The Disciplinary Panel member may, in determining the appeal, confirm or quash the original decision.
20. 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.
21. The Admissions Officer shall inform the appellant and the relevant admissions tutor of the outcome of the appeal.

## Queries about Procedure

22. Any queries about this policy and procedure should be directed to the Senior Undergraduate Admissions Manager, Marketing and Student Recruitment Directorate, Newcastle University, King's Gate, Newcastle upon Tyne, NE1 7RU.

Undergraduate Admissions  
Marketing and Student Recruitment Directorate

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**CRITERIA FOR DETERMINING WHETHER AN APPLICANT'S CRIMINAL CONVICTION(S) SHOULD PREVENT ADMISSION TO THE UNIVERSITY**

In coming to a decision about whether or not to reject an applicant on the grounds of the criminal conviction declared, a Panel may, amongst other things, consider:

i) The Potential Risk of Harm To Staff and Students

Is there a real risk of a repeat offence that would be so serious that the University cannot run that risk?

The likelihood of a repeat offence might be assessed by considering:

- how long ago was the offence committed?
- was the offence one of a number committed over a period of time, or a one-off?
- where applicable, what does the Probation Officer say about rehabilitation?
- how do the current circumstances of the applicant compare with those at the time of the offence?
- is the University environment likely to encourage the kind of offence the applicant has committed, or to discourage it?
- what are the reasons for the applicant entering Higher Education at this point?

ii) The Potential Risk to the University's Reputation

The potential risk might be assessed by deciding:

- would the presence of the student be unacceptable to the student community and thus to the University, or otherwise bring the University into disrepute?

iii) Any special issues relating to the particular programme applied for

Are there particular rules laid down by an accrediting or partner body that would be broken by admitting the applicant?