

Criminal Convictions Policy and Procedure for Undergraduate and Postgraduate Admissions

Scope

1. This policy applies to applicants applying to courses leading to certain professions or occupations which are exempt from the Rehabilitation of Offenders Act (1974). These courses involve working 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 Service¹. Applicants to these courses may be required to complete a self-disclosure in advance of a DBS check. Self-disclosure information will be considered in accordance with this policy and procedure.
2. The requirement for a DBS check will be set out in the entrance requirements for individual degree programmes provided in the Undergraduate Prospectus and Postgraduate Prospectus and other publicity documents. The Newcastle University central website will have the most up to date information at any given time². 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.
3. This policy and procedure **does not apply** to the following circumstances:
 - a) Where an applicant has applied for a course that does not require a DBS check, and the applicant is currently on licence or under probation conditions. These applicants are not required declare a conviction as part of their 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. This is particularly pertinent 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. These 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 Senior Undergraduate Admissions Manager, or Senior Postgraduate Admissions Manager, Student and Academic Services.
 - b) Where the university requires registered students to agree to submit to criminal record checks by the Disclosure and Barring Service prior to working with children and vulnerable

¹ The Disclosure and Barring Service is a Government organisation which carries out criminal record checks for specific positions, professions and employment included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975.

² www.ncl.ac.uk

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 optional module.

- c) 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 degree³.

Principles

4. All applicants who disclose warnings, reprimands, cautions, criminal convictions and licence conditions should be treated with respect and fairness, regardless of the type of conviction they disclose. No applicant shall be automatically excluded from the application process.
5. This procedure will be followed in every case where an applicant discloses any warnings, reprimands, cautions and criminal convictions during the application process. However, it is recognised that the scale of applications is such that, exceptionally, a disclosure may be initially overlooked, or an offence may occur and therefore be disclosed after the offer is made. In such a case, when the issue is identified after an offer is made and before enrolment, the procedure described below will be applied from the time that the issue is subsequently identified.
6. An applicant may be rejected on the grounds of any warnings, reprimands, cautions and criminal convictions, regardless of academic merit, if the outcome of the procedure described below is that rejection is judged necessary: in relation to the rules of the relevant accrediting or professional body, and/or fitness to practice; or where the applicant's licence conditions make their first choice of course impractical.
7. 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.
8. 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.
9. Information relating to any warnings, reprimands, cautions and/or 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 disclosure, 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 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.

³ This includes, for example, Law students applying to join a Legal Practice Course, and students applying for registration with the Institute of Chartered Accountants in England and Wales or the Chartered Institute of Management Accountants

11. If the information is found to be incorrect, no further action will be taken.
12. 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 Senior Undergraduate Admissions Manager or Senior Postgraduate 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 declaring warnings, reprimands, cautions and/or criminal convictions shall be forwarded to admissions selectors 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 selector's academic decision.
14. 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.
15. 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 Office shall write to the applicant asking for details of the warnings, reprimands, cautions and/or criminal convictions 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 (or nominee). The Panel will consist of the Academic Registrar (or nominee), a member of staff with specialist professional knowledge (nominated by the Dean of Undergraduate/Postgraduate Studies in the relevant Faculty), an academic member of staff and a representative from the Professional Services (the latter two being drawn from the University's Admissions Committee on each occasion that a Panel is needed). 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 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.

In reaching a decision, the Panel may request further information and/or interview the applicant if it is felt appropriate.

- e) The Panel shall 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 electronic record to explain where documents relating to the disclosure are being kept.
- 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 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.
- g) 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 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 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.
- 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, 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.
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, the relevant Head of School and the relevant admissions selector of the outcome of a successful appeal.

Queries about Procedure

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

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