

Applying with a Criminal Conviction



APPLYING WITH A CRIMINAL CONVICTION

As part of our responsibility towards students and staff, we ask all applicants to the University, as well as our enrolled students, to disclose relevant, unspent criminal convictions. We do this in order to ensure effective support is in place for those who may require it and to assess whether a prospective or enrolled student poses an unacceptable risk to students and staff as safety and well-being is our top priority.

We are committed to the fair treatment of students during the application process and throughout your time studying with us.

This document sets out the information you are required to provide to us as well as what we do with this information.

What should I declare?

Applicants and enrolling students should disclose convictions, cautions, admonitions, reprimands, final warnings, bind over orders or similar involving one or more of the following:

- 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.

Offences listed in the Sex Offences Act 2003

- The unlawful supply of controlled drugs or substances where the conviction concerns commercial drug dealing or trafficking
- Offences involving firearms
- Offences involving arson
- Offences listed in the Terrorism Act 2006
- Offences involving stalking
- Offences involving hate crime
- Offences involving theft
- Offences involving computer hacking
- Offences involving fraud

Applicants and enrolling students are also required to declare any pending criminal charges which fall within one of the above categories. Please note, you only need to tell us about relevant, unspent criminal convictions in the categories noted above.

Convictions that are 'spent' (as defined by the Rehabilitation of Offenders Act 1974) or will be spent at the point of starting the course of study do not need to be declared unless your programme of study is exempt from the PVG Scheme. If you are uncertain as to whether your conviction is spent, please seek independent advice.

If you are applying from a non-UK country then you must tell us about any convictions or pending charges involving an offence similar to those set out above in any other country.

If you have declared a criminal conviction or pending criminal charge during your application to study with us (either directly or via UCAS) then we will have this information recorded and you do not need to declare this again at enrolment.

Who needs to make a declaration?

A criminal convictions declaration is requested by students on the following programmes (programmes which require membership of the PVG Scheme or which involve a placement where contact with children or vulnerable individuals will take place):

- All Social Work programmes (BA and MSc)
- MSc Career Guidance & Development
- BA Commercial Music
- MSc Drug and Alcohol Studies
- BSc Physics with Education
- BSc Chemistry with Education
- BSc Maths with Education
- PGDE Primary
- PGDE Secondary
- BA Education
- BA Childhood Studies
- BA Community Education
- All Health programmes except Integrated Health & Social Care
- All Sports programmes

In addition, all students who have applied for a place in University accommodation, regardless of your programme of study, will be asked to declare any relevant criminal convictions or pending criminal charges at the time you apply for accommodation. Any subsequent criminal convictions or pending criminal charges must be disclosed during your stay in University accommodation.

Do I have to undergo a criminal records check?

Applicants to courses which involve contact with vulnerable people, such as teaching, social work and nursing courses will be required to register with the PVG Scheme (Protection of Vulnerable Groups). These programmes are exempt from the Rehabilitation of Offenders Act 1974.

There is a separate process for this which is managed by the School you have applied to or by UCAS and is separate from the criminal conviction process described here.

EU and International Applicants

EU and International applicants to our programmes should also declare any criminal convictions or pending criminal charges where they involve an offence similar to those set out above. If you are unsure, you should declare the convictions or pending charges and a member of University staff will contact you for further information.

Any conviction involving an offence similar to those set out above, made by a court outside the UK, which would not be considered as spent under the Rehabilitation of Offenders Act 1974 is considered to be relevant and should be disclosed.

Do I have to declare pending criminal charges?

If you are a student or applicant and have pending criminal charges against you then you should also tell us about this if they relate to one of the categories above. This also applies if you are making an application from a non-UK country.

Why is this information needed by the university?

The University aims to maintain a safe environment for everyone and so we must take appropriate steps to protect our students, staff and other members of the University community. To allow us to do this, we collect and record information on any offences committed by applicants and our students as well as any ongoing criminal investigations or proceedings.

How will the university use this information?

If an applicant or enrolled student indicates they have a criminal conviction or have a pending legal charge it will be handled in line with our Criminal Convictions and Charges Procedure which can be found on the [Student Policies section](#) of the University's website.

Will the University take disciplinary action in addition to criminal proceedings?

If a student is found guilty of an offence in a criminal court or is subject to a criminal investigation the University may take disciplinary action against that student in respect of the same matter. This will happen where it relates to deciding whether or not the student is a fit and proper person to continue as a member of the University or to reside in University accommodation.

There may be circumstances where it is appropriate for the student to be suspended from the University until the outcome of any criminal proceedings or investigation is known. You can find out more about this in our Procedure for Student Discipline and our Student Suspension Procedure which can be found on the [Student Policies section](#) of the University's website.

What happens if the University is informed of an offence which has not been disclosed by the student?

All enrolled students are expected to declare criminal convictions to us in line with our Criminal Convictions and Charges Procedure. If the University receives information from a third party that an applicant or enrolled student has been responsible for a criminal offence we will contact the student or applicant to get further information. If the information received is correct the Criminal Convictions and Charges Procedure will be followed.

If an applicant or current student has failed to disclose details of a criminal conviction or proceedings this may be treated as a disciplinary matter under the University Code of Discipline.

Data Protection

You will find details about how we handle the information you provide to us during the application process and during your time as a student, in our [Privacy Notices](#). The information provided by applicants and enrolling students about criminal convictions or pending criminal charges is considered to be “sensitive personal data” under the General Data Protection Regulation so there are specific points that we want to make you aware of so that you can be assured we are handling this information appropriately.

Any information you provide to us about any criminal convictions you may have or any pending criminal convictions will be treated in the strictest confidence and only accessed by a limited number of University staff who are required to know this. We will make sure this information is stored and disposed of in a secure way.

We will only use this information for the purpose for which it was requested and provided and we will not use it in any way which is incompatible with that purpose.

If your application is unsuccessful, the information will be destroyed following our notification to you of the outcome of your application, although we will retain it for a short time to allow us to deal with any questions you might have.

If your application is successful we will retain the information you have provided to us separately from your main student record. Records will be held while you are an enrolled student, and for a subsequent 2 years after which time it will then be destroyed.

If you would like any more detail about how the information you provide to us will be processed you can contact us at dataprotection@uws.ac.uk