

## **CRIMINAL CONVICTIONS AND CHARGES PROCEDURE**

### **1. Introduction**

- 1.1 The University is committed to ensuring that all applicants and students declaring a criminal conviction or pending charges are treated fairly and transparently with regard to their admission to UWS and continuing studies with the University.
- 1.2 The University of the West of Scotland (UWS) has a duty of care to its students, staff, visitors and clients to protect their safety and welfare. In order to discharge this duty, it is incumbent upon UWS to consider the impact of any criminal convictions declared by its applicants and students.

### **2. Scope**

- 2.1 This procedure applies to all applicants and UWS students, including those on taught and research degree programmes.
- 2.2 All information provided as part of this procedure will be considered objectively, assessing any risk to UWS staff, students, visitors and clients.
- 2.3 Any information disclosed by applicants or students will be processed in compliance with the GDPR and Data Protection Act 2018.

### **3. Procedure**

#### **3.1 Criminal Convictions – What must be declared**

- 3.1.1 Applicants and students who fall within the categories listed in section 3.2 of this Procedure are required to disclose relevant criminal convictions and pending criminal charges. For the purposes of this Procedure, relevant criminal convictions and pending charges are those which relate to 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 (or equivalent legislation for convictions outside of the UK)
  - 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 (or equivalent legislation for convictions outside of the UK)
  - Offences involving stalking

- Offences involving hate crime
- Offences involving theft
- Offences involving computer hacking
- Offences involving fraud

3.1.2 For the purposes of this Procedure, criminal convictions will be deemed to include cautions, admonitions, reprimands, final warnings, bind over orders or similar.

### **3.2 Criminal Convictions – Who is required to declare**

3.2.1 Applicants to and students enrolled on the following programmes (programmes which require membership of the Protecting Vulnerable Groups Scheme or which involve a placement) will be required to disclose relevant criminal convictions and pending charges:

- All Social Work programmes
- 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
- All Sports programmes

3.2.2 In addition, all students who live in or are applying to live in University accommodation are required to declare relevant criminal convictions or pending charges. This applies to all applicants and students regardless of their programme of study.

### **3.3 Disclosing Convictions - Applicants**

3.3.1 UWS requires applicants to declare all relevant criminal convictions and pending charges on application, through both UCAS and direct applications to the University.

3.3.2 Individuals who declare a criminal conviction at application will be asked to complete the 'Criminal Convictions Declaration Form' to [confidential@uws.ac.uk](mailto:confidential@uws.ac.uk).

3.3.3 To ensure fairness, applications are initially considered according to established academic admissions procedures and criteria, prior to consideration of any criminal convictions.

3.3.4 Applicants must inform UWS at the earliest opportunity if they receive any relevant criminal convictions or pending charges after submitting their application.

### **3.4 Disclosing Convictions - Students**

3.4.1 At enrolment, students will be asked to declare any relevant criminal convictions or pending charges.

3.4.2 Enrolled students are required to inform UWS of any relevant criminal convictions or pending charges during their time as a student of the University. Declarations should be made without delay.

3.4.3 Students should provide this information by completing the 'Criminal Convictions Declaration Form', which is available on Moodle and returning it to [confidential@uws.ac.uk](mailto:confidential@uws.ac.uk).

### **3.5 Failure to Disclose**

3.5.1 Where an applicant has failed to disclose a relevant criminal conviction(s) or pending charges, their application may be deemed to be fraudulent. This may lead to the application being rejected for non-declaration or partial disclosure. In addition to taking any relevant internal action, UWS will normally report such activity to the relevant external admissions body e.g. UCAS.

3.5.2 Students who fail to declare a relevant criminal conviction(s) may be subject to disciplinary proceedings, which may result in them being excluded from their programme of study.

### **3.6 Programme Requirements**

3.6.1 A number of programmes may be subject to an external validating agency's admissions policy, in relation to accepting applicants with criminal convictions.

3.6.2 Successful completion of certain programmes (such as Accounting, Psychology etc.) may lead to application for registration with professional bodies. Applicants and students applying for such programmes are encouraged to seek advice from such professional bodies, regarding the impact of criminal conviction(s) on their chosen career.

3.6.3 While UWS may be willing to admit an applicant on a programme of study or allow a current student to continue, successful completion of the programme does not guarantee that the applicant/student will be able to practise, or take up a related profession.

3.6.4 Students and applicants should be aware that if accepted onto the programme they will also be required to declare all relevant convictions on any application for registration to the professional body.

**3.7 Procedures Following Disclosure of Convictions – Applicants**

- 3.7.1 Upon receipt of a criminal conviction disclosure from an applicant, Recruitment, Admissions and Participation may request further information. Applicants are normally required to provide this further information within 21 working days of the request. If no response is received, the application may be rejected or considered based on the information currently available.
- 3.7.2 Recruitment, Admissions and Participation will conduct an initial assessment of the case to determine whether it should be referred to the CCP for consideration.
- 3.7.3 Cases which are considered to be sufficiently serious may be referred to the CCP.

**3.8 Procedures Following Disclosure of Convictions – Students**

- 3.8.1 After receiving a completed Criminal Convictions Declaration Form from a student, Student Administration may request further information. Students will normally be given 21 days to respond to a request for information. If no response is received, the case may be considered based on the information available.
- 3.8.2 Student Administration will conduct an initial assessment of the case to determine whether it should be referred to the CCP for consideration.
- 3.8.3 Cases which are considered to be sufficiently serious may be referred to the CCP.

**3.9 Criminal Convictions Panel (CCP) [Details of membership and remit can be found in the Appendix]**

- 3.9.1 The CCP will consider all cases referred to it. In doing so, the CCP will take into account the individual circumstances, the University's duty of care to others and the requirements of fairness.
- 3.9.2 Applicants will be given the opportunity to provide written representations to the CCP. All information provided will be treated as confidential and processed in compliance with the GDPR and Data Protection Act 2018.
- 3.9.3 The CCP will consider all information provided and will assess whether the declared relevant conviction(s) or pending charges pose any risk to UWS staff, students, visitors or clients.
- 3.9.4 The CCP will consider if the conviction or pending charges affect any aspect of the individual's programme of study or could bring the University into disrepute. This includes consideration of any relevant Codes of Practice and/or Government legislation.

3.9.5 The CCP may:

- Seek advice from professional/academic members of staff or external representatives to assess the implications of the criminal conviction(s) or pending charges on the University and the individual's programme of study, placement or future career
- Request additional information

3.9.6 After consideration of the disclosed criminal conviction(s) or pending charges, the CCP may take the following actions in relation to **applicants**:

- Reject the application
- Defer entry to the programme for a defined period
- Advise the applicant to consider an alternative programme of study
- Accept the application

3.9.7 After consideration of the disclosed criminal conviction(s) or pending charges, the CCP may take the following actions in relation to **enrolled students**:

- Decide that no further action is necessary
- To refer the matter to the University's Disciplinary Procedure

3.9.8 Notes of decisions will be taken and reasons will be given for the decision. These notes will be made available to the individual on request. Verbatim minutes will not be recorded.

3.9.9 The decision of the CCP will be communicated to the applicant in writing. The applicant will also be advised of their right to appeals process.

### 3.10 Appeals

3.10.1 Applicants can appeal against the decision of the CCP. The appeal must be submitted to the Secretary to the Appeals Committee within 10 working days of receiving the CCP's written decision. The Secretary to the Appeals Committee will determine whether the appeal discloses prima facie grounds to be referred to the Appeals Committee.

Procedure Author – University Solicitor	Procedure Owner – Director of Student Life
Parent Policy Statement - Student Success Policy Statement	Public Access or Staff Only Access – Public
Version 1 – June 2019	Changes and Reason for Changes – New Procedure

**Appendix****Criminal Convictions Panel Composition****Membership of the University Criminal Convictions Panel**

- The Chair, normally drawn from a pool that includes, the Chair of the Disciplinary Panel, Dean of School, Deputy Dean of School and the Director of Student Life.
- Depute Head of Recruitment, Admissions and Participation.
- Admissions Officer from the School relevant to the individual.
- Member of academic staff from the School concerned.
- The Panel will be supported by either UWS Lead Signatory or a Counter Signatory for Disclosure Scotland who will ensure an accurate record of the proceedings is made.
- Quorum will be Chair and two other members of the Panel.

**Remit of Criminal Convictions Panel**

- The University Criminal Convictions Panel will meet when required.
- The Panel may request advice and attendance from appropriate members of UWS staff and where applicable external representatives.
- The Chair will act as the final arbiter in the matter after considering the opinions of all panel members.
- The Criminal Convictions Panel will assess whether the applicant poses an unacceptable risk by taking a 'reasonable' view as to the risk that the applicant would pose to the institution, its members and visitors.
- The CCP will consider if the conviction or pending charges affect any aspect of the individual's programme of study or could bring the University into disrepute. This includes consideration of any relevant Codes of Practice and/or Government legislation.