

## **Guidelines for the recruitment of students with a criminal conviction**

### **1. Introduction**

1.1 Having a criminal record does not necessarily preclude an individual from studying at the University of Bristol. This will depend on the nature of the programme of study, the outcome of any Disclosure and Barring Service (DBS) check, and the circumstances and background of the offences. The University encourages self-disclosure by applicants.

1.2 These procedures should be read in the context of the University's Policy Statement on the Recruitment of Staff and Acceptance of Students with a criminal conviction and are designed to ensure that any application from an applicant who has a criminal record is fairly assessed, taking into account the interests of the individual concerned, the wider university community, legislative requirements and (where appropriate) the particular requirements of relevant professional bodies.

1.3 These Guidelines apply only to applicants to the University, and apply to all individuals applying for a place on foundation courses and foundation degrees, lifelong learning courses (excluding short courses), undergraduate, postgraduate taught and postgraduate research programmes, regardless of duration, mode of study, or qualification aim. These Guidelines apply irrespective of how the University becomes aware of an applicant's criminal convictions, and therefore includes self-disclosure by the applicant, DBS checks, information in the media and/or a search of the DBS barred lists.

1.4 If a student is convicted of a criminal offence whilst currently enrolled at the University the guidelines for Current Students with a Criminal Conviction will apply.

### **2. Disclosing criminal convictions**

2.1 The University requires information concerning unspent criminal convictions to be disclosed, as it must assess, as part of the admissions process, whether it is appropriate to permit an individual to join the University community. In some circumstances, where for example an applicant is applying for a programme of study that is regulated by a professional body, the University is also obliged to consider details of the applicant's spent convictions.

2.2 When an applicant applies to the University he/she is required to disclose all relevant criminal convictions, i.e. any unspent convictions as [defined by the Rehabilitation of Offenders Act 1974](#).

Where an applicant is applying for a programme of study which involves [Regulated Activity](#) or leads to a role which is listed in the Rehabilitation of Offenders Act (Exceptions) Order 1975 or the Police Act Regulations, applicants are required to disclose spent and unspent convictions. See the [Ministry of Justice website](#) for definition of spent and unspent convictions and details of rehabilitation periods.

2.3 All applicants will be required by the University to disclose to it any unspent criminal convictions. Where the applicant is applying for a programme of study which involves Regulated Activity, the applicant will also be required by the University to disclose to it any spent criminal convictions.

2.4 If an applicant has an unspent criminal conviction, or a spent criminal conviction if the programme of study involves Regulated Activity, the procedures set out at paragraphs 3-5 should be followed.

### **3. Guidelines for the assessment of the application by applicants with an unspent criminal conviction(s) and who are applying to a programme that does not involve Regulated Activity**

AND

#### **Guidelines for the assessment of the application by applicants who are on a DBS list of barred individuals and who are applying to a programme that does not involve Regulated Activity**

3.1 A decision should be made in the normal way as to whether or not the applicant should be offered a place on academic grounds. This may include an interview or attendance at a school open day. However, it must be made clear to the applicant that a final decision may not be taken without the separate consideration of any unspent criminal convictions. If it is proposed that a place be offered, the application should be brought to the attention of either the Admissions Office (for full-time undergraduate applicants) or the relevant faculty office (for postgraduate applicants, part-time undergraduate applicants, foundation degree applicants, and all other applicants). Before any offer is made, these offices will send an email to the applicant, asking for information about the declared criminal conviction, and seeking the applicant's consent to obtain extra or corroborating information from other sources, such as the Probation Service. Alternatively, the applicant may be asked to provide such information themselves.

3.2 When making admissions decisions about the applicants, staff should disregard any convictions which are for a road traffic offence for which the individual received a fixed penalty fine with a maximum of three penalty points, or which are deemed spent under the Rehabilitation of Offenders Act 1974. Visit the [DBS website](#) for definition of spent and unspent convictions and details of rehabilitation periods.

3.3 Applications are initially reviewed by the Deputy Head of Admissions (undergraduate) (for full-time undergraduate applicants) or appropriate Faculty Education Manager (for postgraduate applicants, part-time undergraduate applicants, foundation degree applicants, and all other applicants).

If, after reviewing the information provided about the criminal conviction (including any information from external sources) the DHoA/ FEM considers this a minor criminal conviction (i.e. a conviction which would have no or little impact upon the University community), the DHoA/ FEM may reach a decision in consultation with the Selector and the School admissions tutor (and/or Head of School) on whether the offer should be made, and if any special conditions should be attached to the offer.

3.4 If the DHoA/ FEM considers the offence is major (i.e. a conviction which may impact upon the University community), or feels that more extensive investigation into the nature of the offences or conviction is required, and/or there are any concerns that the person might put members of the University community at risk, the case would be referred to a group convened by the Director of Student Recruitment, Access and Admissions (the "Group").

3.5 The Group will consist of the following (or their nominees):

- The Director of Student Recruitment, Access and Admissions (Chair);
- The Director of Legal Services or nominee;
- The Head of the relevant School (or both heads if it is a joint programme);
- The admissions selector for the programme;
- The Director of Student Services.

The Group may also include, where relevant:

- The admissions tutor from the relevant School;
- The admissions tutor from any partner organisation.

3.6 In making a decision, the factors to be taken into account may include:

- The nature of the offence(s);
- An assessment of risk to members of the university community;
- How long ago the offence(s) took place;
- In the event of more than one offence, whether each was a single occurrence or part of a series of similar occurrences;
- The potential impact on fellow students, staff and others with whom the applicant will have contact;
- Evidence of the efforts that have been made to elicit extra information from the applicant and from other bodies, such as the Probation Service, and the applicant's co-operation with this process;
- Any initial decision received from a Unit under paragraph 4.6.

3.7 All these factors must be balanced against the rights of the applicant to be treated fairly.

3.8 The Group should also consider any specific conditions that may be required to be attached to the offer, for example, whether notwithstanding the accommodation guarantee, they should be offered a place in a university residence.

3.9 The Group will aim to reach agreement but, if no consensus is reached, a majority decision may prevail.

3.10 If an applicant is asked to give additional information concerning their conviction(s), a reply will be expected by two weeks, unless there is good reason for the delay. Normally the Group will make its decision within four weeks of receipt of the additional information requested.

3.11 Ideally, the number (and identity) of people who are informed of the criminal record will be agreed with the student. If agreement cannot be reached then the Group will decide who should be informed as a condition of any offer.

#### **4. Guidelines for the assessment of the application by applicants with an unspent or a spent criminal conviction(s), who are not on a DBS list of barred individuals, and who are applying to a programme that involves Regulated Activity**

4.1 Where a programme or research project meets the definition of Regulated Activity or leads to a role that is listed in the Rehabilitation of Offenders Act (Exceptions) Order 1975 or the Police Act Regulations, a satisfactory criminal records disclosure will be required. Some programmes also require a check of the DBS Barred Lists.

4.2 There are a number of programmes where more rigorous investigation of criminal convictions is required in order to ensure compliance with external professional bodies' rules and regulations.

4.3 Organisational Units ("Units"), which currently undertake such investigations for some of their programmes, are:

- Graduate School of Education;
- School for Policy Studies;
- Faculty of Medicine and Dentistry.

4.4 In these cases, responsibility for investigation of the criminal conviction will initially be undertaken at Unit level. The relevant Unit must obtain all information about the conviction(s) and seek the applicant's consent to obtain extra or corroborating information from other sources such as the Probation Service. Information about the process used by a unit to undertake these investigations must be explained on the Unit's website. Prior approval of Units' processes must be obtained from the Director of the Directorate of External Relations and by the Director of Legal Services.

4.5 In making an initial decision as to whether or not a unit wishes to proceed with an offer to an applicant, the factors to be taken into account may include, where the course is vocational, whether the offence/s would influence the difficulty with which the student would obtain placements required as part of the programme.

4.6 If, having followed these procedures, a Unit wishes to proceed with an offer to an applicant, the decision to proceed must be approved. Each unit will follow its own procedure for approval of the decision to make an offer.

## **5. Guidelines for the assessment of the application by applicants who are on a DBS list of barred individuals and who are applying to a programme that involves Regulated Activity**

5.1 Since October 2009 it is a criminal offence for the University knowingly to permit a barred individual to undertake Regulated Activity. An applicant who applies to a programme that involves Regulated Activity, and who is on a DBS list of barred individuals must be automatically rejected.

## 6. Confidentiality

6.1 Any disclosure obtained through the DBS or by other means must be kept, and ultimately disposed of, in accordance with the current guidance from the DBS on the secure storage, handling, use, retention and disposal of disclosures and disclosure information (see [DBS website](#)). All other documentation should be kept securely and in accordance with the University's Guidelines on the Data Protection Act. Any DBS disclosure should not be kept on the student file, but, if necessary, one copy may be kept in the Director of Student Recruitment, Access and Admissions' Office separately in a locked filing cabinet with restricted access, for a maximum six-month period. Permission will need to be obtained from the DBS if it is necessary to hold the DBS disclosure for longer. Similarly, other (non-DBS disclosure) information on a person's criminal record should not be kept on the student file, but one copy should be kept in the locked filing cabinet in the Director of Student Recruitment, Access and Admissions' office. All other copies should be destroyed. All Schools who obtain DBS disclosure or any other information relating to an applicant's criminal conviction(s) must follow the same practice.

## 7. Further Information and Advice

7.1 Further information and advice on implementing these procedures can be obtained from:

Full-time undergraduate applications: Deputy [Head of Admissions \(undergraduate\)](#)

Part-time undergraduate applications, postgraduate applications, and all other applications: [relevant Faculty Education Manager](#).

[See government guidance on Regulated Activity](#)