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Please note that this policy does not apply to students accessing summer schools, short courses, International English Centre courses or other community education provision. Candidates for such courses are advised to consult with the relevant programme leader prior to making an application if they have a criminal conviction.

1.0 Introduction

- 1.1 Aberystwyth University aims to provide opportunities for prospective students who are capable of benefiting from, and successfully completing, a degree or other scheme irrespective of their background. The University also recognises that it has a duty of care in respect of students, staff and visitors. This policy aims to ensure that Aberystwyth University (“the University”) balances its legal obligations (as specified in the Rehabilitation of Offenders Act 1974 (as amended) with its duty to minimise risks to the safety of its students, staff and visitors.
- 1.2 This policy provides a framework to assess all individuals who declare criminal convictions, their suitability for their chosen course of study and the level of potential risk to the University community (as far as it is possible to ascertain).
- 1.3 This policy also outlines the University’s approach where students acquire criminal convictions after admission and during the course of their studies.

2.0 Purpose and scope

- 2.1 This policy is applicable to all individuals who:
- 2.1.1 apply for a programme of study at any level at the University, regardless of the application route (UCAS, direct or other). These individuals will be referred to in this policy as “applicants”;
 - 2.1.2 are studying any course at the University. These individuals will be referred to in this policy as “students”; and

- 2.1.3 are applying for, and studying on, University courses delivered by partner institutions within the United Kingdom. These individuals will be referred to in this policy as “applicants”.
- 2.2 The policy seeks to ensure that the University operates a fair, reasonable and transparent process in dealing with criminal convictions and that having a conviction is not an automatic bar to admission.
- 2.3 Applicants or continuing students who are under licence or serving custodial sentences are also assessed under this policy.
- 2.4 Two separate processes are in place for dealing with criminal convictions. Which process applies depends upon the nature of the course in question:
- 2.4.1 For individuals applying for and studying courses at the University which are not subject to professional, statutory and regulatory body requirements, referred to in this Policy as “general applicants”, **please see the procedure outlined in sections 6.0 and 8.0 below.**
- 2.4.2 For individuals applying for and studying courses at the University which are subject to professional, statutory and regulatory body requirements, referred to in this Policy as “Regulated Courses”, **please see the procedure outlined in sections 7.0 and 8.0 below.**
- 2.5 The point at which applicants are required to declare details of their criminal convictions and which convictions must be disclosed is different under each procedure.
- 2.6 The Rehabilitation of Offenders Act 1974 (referred to as “the Act” in this policy) is relevant to all applicants and students, regardless of nationality and/or place of residence. This means that spent convictions cannot be taken into account for courses other than those that require an enhanced criminal record check by the Disclosure and Barring Service. Convictions acquired outside of the UK will be assessed according to the corresponding offence in English law. Applicants who require a visa to allow them to study in the UK are expected to offer the same level of disclosure as UK or UK-resident applicants, but they are requested to declare all convictions on their visa application only.

3.0 Definitions

- 3.1 A list of terminology used in this Policy and their meanings are set out below:

3.1.1 Criminal “Conviction”

For general applicants, cautions, reprimands and final warnings are not considered as convictions. However, applicants for Regulated Courses will be required to declare all convictions and cautions, reprimands, and final warnings.

Penalty notices for disorder (PNDs), anti-social behaviour orders (ASBOs) or other orders are not considered convictions, unless a PND has been contested, or the terms of an ASBO or other order has been breached, and this has resulted in a criminal conviction.

3.1.2 “Relevant” criminal conviction

The following are considered to be “relevant” criminal convictions for the purposes of this Policy and the University’s related regulations, policies and procedures:

- Offences involving 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;
- Sexual offences including those listed in the Sexual Offences Act 2003 (as amended or replaced);
- The unlawful supply of controlled drugs or substances where the conviction concerns commercial drug dealing or trafficking;
- Offences involving firearms or arson;
- Offences involving terrorism including those listed in the Terrorism Act 2006 (as amended or replaced).

Convictions obtained outside of the UK for any of the offences listed above are also considered to be relevant offences.

3.1.3 “Spent” and “Unspent” Convictions

After a specified period of time most criminal convictions become “spent”. The amount of time that must pass before a conviction is considered spent is set out in the Rehabilitation of Offenders Act 1974 and depends on the sentence passed by the court upon conviction. Further convictions obtained can impact when other convictions become spent. Subject to certain exceptions, once the conviction is spent the individual is treated as if the offence was never committed and they are not required to disclose spent convictions. Most cautions, reprimands and final warnings become spent immediately, so will not normally be 'unspent'.

If the relevant period of time has not passed then the conviction will be “unspent”.

Further guidance on the distinction between spent and unspent convictions can be found [here](#).

3.1.4 Regulated Courses

Regulated courses are those which are subject to professional, statutory and regulatory body requirements. Such courses may also involve undertaking placements with children and/or vulnerable adults. Examples include PGCE and Nursing.

Applicants for Regulated Courses will be required to obtain a satisfactory enhanced Disclosure & Barring Service check (referred to as “a DBS check”) in

order to be able to enrol on the course. Further information on DBS checks can be found [here](#).

4.0 Key principles

4.1 The following key principles apply to the University's processing of information about criminal convictions:

4.1.1 Assessment of Applications

The University does not make moral judgements in its assessment of applications. It assesses all applications objectively, based on available evidence, regarding whether a person poses an unacceptable risk to students, staff or visitors, whether legal restrictions in place render it not feasible to study the proposed course, and (for Regulated Courses) whether a person can meet the statutory or particular professional requirements.

All applications to the University are initially assessed for their academic suitability regardless of criminal convictions. If the applicant fails to meet the required academic criteria or professional course criteria, the application will be rejected through the standard Admissions process.

Where a relevant criminal conviction has been disclosed, if the initial assessment of academic suitability of the application is satisfactory, the application will be passed onto the Deputy Registrar (Admissions), or nominee, and the process outlined in sections 6 or 7 below will be followed. The process to be followed is dependent upon whether or not the application is for a Regulated course.

4.1.2 Compliance with the Data Protection Action 2018 and GDPR

Information related to criminal convictions of an applicant or continuing student is held securely and confidentially, and only accessed by University staff who are directly involved in processing the information under this Policy.

Documentation relating to criminal convictions will be kept for no longer that is necessary for the purpose for which it was provided, namely decision on admission.

If an applicant who has disclosed a criminal conviction enrolls on a course which does not fall under the category of regulated/professional, information relating to the criminal conviction/s will be destroyed within six months of the commencement of the course unless conditions attached to admission necessitate that information is retained until after the course has been completed (for example, if admission requires for a separate risk assessment to be undertaken should the student decide to apply for halls of residence at any point during their registration period). For students on regulated courses, information relating any criminal conviction will be destroyed by the University six months after the student's graduation. This is to enable the University to assist with the student's application for professional registration upon completion of their course with the relevant regulatory body (such as the Nursing and Midwifery Council or the Health and Care Professions Council).

Following enrolment, all records held by the Admissions Office that relate to criminal convictions will either be destroyed, or transferred securely to the Academic Registry shared drive for student discipline as appropriate to the individual case.

In the event that an applicant is refused admission, documentation will be destroyed within six months of the proposed course commencement date.

If an applicant does not accept their place or commence their studies at the University or a University partner, copies of any information pertaining to a criminal conviction will be destroyed within six months of the proposed course commencement date.

4.1.3 Obligation to Disclose

It is the responsibility of individual applicants and students to declare any legal restrictions which may impact their own studies and/or present a risk to the safeguarding of University staff, students or visitors. Applicants and students have the responsibility to disclose any legal reasons that limit or prevent them entering university property, and/or working with individuals, and/or working with groups, and/or accessing the internet via the University's systems and facilities. Failure to declare this information to the University may be deemed a breach of the University's Disciplinary Procedures and penalties may be imposed accordingly.

Applicants who are convicted of any criminal offence between applying for a place and enrolling on their course must inform the Academic Registry Admissions Office admitdisclose@aber.ac.uk immediately (and in any event no later than 48 hours following receipt of the conviction). The conviction will then be considered following the processes outlined in sections 6.0 and 7.0 below as appropriate.

If an applicant is expected to be under licence or custodial sentence at the intended start date of their chosen course, the University reserves the right to defer any decision on an application until the terms of the licence or custodial sentence are completed.

Continuing students who are convicted of an offence whilst enrolled at the University must immediately inform the University of the offending, regardless of its nature at admitdisclose@aber.ac.uk. The conviction will then be considered following the process outlined in section 8 below.

Note that if studying a Regulated Course, you may be required by the Codes of Conduct or guidance issued by the relevant professional, statutory or regulatory body to notify the University in the event of your arrest or upon being charged with an offence (not just when you are convicted). Students on Regulated Courses should seek advice from their academic department at the earliest opportunity.

If at any stage an applicant or enrolled student fails to accurately disclose information required, this non-disclosure may result in the offer of a place being withdrawn/withdrawal of the student from their course.

5.0 Anonymous Disclosures

- 5.1 The University recognises that information regarding an applicant's or student's alleged offending which is received anonymously, or from a third party, might be inaccurate or of a vexatious nature. The University will seek to verify the information given and revert to the procedure outlined in this Policy. If it is deemed that an applicant withheld information intentionally, their application may be withdrawn along with any offer of a place. If an existing student is deemed to have withheld information intentionally, they may be withdrawn from their course. Any claim made anonymously or by a third party which cannot be verified, will not be considered further.

6.0 Procedure for General Applicants

- 6.1 The University's procedure for dealing with applicants with criminal convictions (other than those applying for Regulated Courses) is set out below.
- 6.1.1 Successful applicants are signposted to the requirement to declare any legal restrictions that may impact on their own studies and/or present a risk to the safeguarding of University staff, students and visitors, as noted in the Student Terms and Conditions of the appropriate level of study, and/or noted within the offer letter. Students confirm their awareness of this requirement annually at the point of registration, and also when completing licence packs to live in University managed accommodation.
- 6.1.2 The Academic Registrar is the designated officer with overall responsibility for considering disclosures of legal restrictions. Their deputies are the Deputy Registrar (Admissions), Assistant Registrar (Undergraduate Admissions) and Assistant Registrar (Postgraduate and Non-Standard Admissions).
- 6.1.3 Upon receipt of a disclosure relating to an applicant, the Academic Registrar (or one of their deputies) may request further details of the criminal conviction(s).
- 6.1.4 The Academic Registrar (or one of their deputies) will report all applications from persons with criminal convictions to the Director of Student Support and Careers Services, together with the details supplied by the applicant, and the criminal conviction risk assessment process will be initiated.
- 6.1.5 The University's Criminal Conviction Panel is headed by the Pro Vice-Chancellor for Learning, Teaching and Student Experience and also comprises the Academic Registrar, the Deputy Registrar for Admissions and Head of Student Support and Careers services, or their nominees. Members of the Criminal Conviction Panel will conduct a risk assessment to determine whether the applicant can be admitted to the University and whether any conditions must be attached to enrolment. The possible outcomes are as follows:
- i. Permit the applicant to enrol with no conditions related to the criminal conviction;
 - ii. Permit the applicant to enrol but subject to conditions related to the offending, for example in relation to University accommodation, access to areas of the campus or the use of IT equipment;
 - iii. Permit the applicant to enrol but on an alternative course; or

- iv. Withdraw the application/offer and prevent enrolment by the applicant.
- 6.1.6 The final decision of whether or not to permit the applicant to continue to progress through the admissions process is confirmed by the Pro Vice-Chancellor for Learning, Teaching and Student Experience.
- 6.1.7 If it is decided that an applicant may be admitted, but that conditions should be set (for example that they may not access certain facilities or that a separate risk assessment would be required should the applicant choose to apply for University managed accommodation), then such conditions will be made explicit in writing. This letter will also indicate if it is a condition of acceptance that the information is passed to certain members of staff of the University on a 'need to know' basis.
- 6.1.8 Where the Pro Vice-Chancellor for Learning, Teaching and Student Experience concludes that refusal of admission is "necessary in the interests of ... public safety... for the prevention of disorder or crime, for the protection of health or morals, or for the protection of rights and freedoms of others" (Human Rights Act, 1998), the applicant will be advised that admission has been refused because of their criminal record.
- 6.1.9 Applicants will be informed in writing of the reasons for the outcome of the Criminal Convictions Panel process, and also of their right of appeal to the Vice-Chancellor should they be dissatisfied with the process.

7.0 Procedure for Applicants for Regulated Courses

- 7.1 Regulated courses operate within professional, statutory and regulatory frameworks and the University, in conjunction with our practice partners, have a responsibility to assess the risk posed by applicants/newly enrolled students who have a criminal record. An integral part of some Regulated Courses are placements which often involve regular contact with children, young people or other vulnerable groups. On this basis, the University requires applicants for Regulated Courses to declare a wider range of offences and to obtain an enhanced DBS check. Degree scheme information will note courses that are regulated and where an enhanced DBS check is required.
- 7.2 The University's procedure for dealing with applicants with criminal convictions seeking entry to Regulated Courses is summarised as follows:
- 7.2.1 Applicants make the criminal convictions declaration upon application to the University (whether via UCAS or direct application);
 - 7.2.2 An enhanced DBS check is undertaken;
 - 7.2.3 If the DBS check reveals details of criminal convictions or other relevant information, i.e. there was a "positive disclosure" then the University will request a copy of the full certificate.
 - 7.2.4 The positive disclosure is assessed by a DBS panel, which will conduct a risk assessment to determine whether the applicant can be admitted to the University.

7.2.5 If applicants are dissatisfied with the outcome of the DBS Panel process then they may appeal.

7.3 Applicants should be aware that obtaining a satisfactory DBS check is a condition of the student contract with the University and that they may be prevented from enrolling until the outcome of the check has been received and considered. Students will not be able to proceed with any placement until a satisfactory DBS check has been received or (in cases of positive disclosure) permission to enrol has been confirmed by a DBS Panel.

7.4 The University reserves the right to withdraw a student in the event that a DBS check is completed after enrolment and subsequent assessment under this procedure deems a student unsuitable for their chosen course.

7.5 The Outcome of the DBS Check

7.5.1 Once the DBS check has been completed, if there are no entries on the certificate then no further action will need to be taken in relation to criminal convictions at this stage. However, students should be aware of the ongoing obligation to disclose any criminal convictions throughout the duration of their studies at the University (see 4.1.3 above).

7.5.2 If there is a positive disclosure (convictions or other information is recorded on the DBS certificate) then the University will request a copy of the full certificate, and this will be referred to a University DBS Panel.

7.6 Consideration by the University's DBS Panel

The University's DBS Panel will review the details of the criminal convictions and determine:

- whether the applicant is able to comply with regulatory requirements for their chosen course;
- the applicant's suitability to study on the regulated course;
- whether the applicant poses an unacceptable risk to students, staff or visitors at the University

The possible outcomes are follows:

- i. Permit the applicant to enrol but subject to the student obtaining two satisfactory professional references;
- ii. Permit the applicant to enrol with no conditions related to the criminal conviction;
- iii. Permit the applicant to enrol but subject to conditions related to the offending, for example in relation to University accommodation, access to parts of the campus or the use of IT equipment;
- iv. Permit the applicant to enrol but on an alternative course; or
- v. Withdraw the offer/terminate and prevent enrolment by the applicant.

7.7 Appeal

If the applicant is dissatisfied with the outcome of the Panel's decision they are able to request an appeal.

8.0 Continuing Students

8.1 Continuing students are under an obligation to make the University aware of any criminal convictions they may acquire during their studies at Aberystwyth. Students on Regulated Courses may be required to notify the University in the event of their arrest on suspicion of committing an offence, not just when they are convicted. See Obligation to Disclose in section 4.1.3 above.

8.2 The University should be notified of criminal convictions by contacting admitdisclose@aber.ac.uk as soon as possible. You will then be asked to provide the University with more information about the nature of the offending. Unless you are a student on a Regulated Course, your conduct will then be considered under the University's Disciplinary Procedure. For students studying Regulated Courses, any criminal conduct or alleged criminal conduct will be considered under the University's Fitness to Practise Procedure.

8.3 If you are a continuing student on a Regulated Course and take a temporary withdrawal for six months or more, you will be required to obtain another enhanced DBS Disclosure before undertaking any placement learning. In some cases, students on Regulated Courses will be required to provide an annual enhanced DBS Disclosure at their own expense to ensure that they have not had any further involvement with the Police and/or Social Services.

9.0 Help and Support

If you would like to discuss your circumstances with someone at the University prior to making an application, or during the application process, please contact admitdisclose@aber.ac.uk and we will be in touch as soon as possible.

[Unlock](#) is an independent charity that provides information, advice, and support to people with convictions.

[UCAS guidance on criminal convictions.](#)