

## Applicant Criminal Convictions Declaration Policy

### **1. Principles**

- 1.1 This policy outlines the University's approach to applicants who hold a criminal conviction, caution, reprimand or warning and how it may impact you if you choose to make an application to us.
- 1.2 The University of Bath is committed to providing flexible, high quality and student-centred teaching, doctoral and professional education, and to offering equality of opportunity to anyone with the ability to benefit. We are also committed to ensuring that students are appropriately supported during their studies, regardless of their circumstances. Having a criminal conviction will not necessarily prevent you from gaining admission to the University of Bath.

The University has certain obligations to safeguard the wellbeing and safety of its community, including its staff, students and visitors. The University campus is host to a wide range of people on a daily basis, many of whom are under the age of 18, to whom the University has additional safeguarding responsibilities.

In order to meet these obligations and commitments, the University has put in place procedures and policies to assess appropriately the risk of harm to members of our community or visitors to our premises. This includes requiring applicants to complete a mandatory declaration regarding any relevant convictions at an appropriate point in their admission.

The University also recognises that if you have a previous conviction you may have additional support needs; e.g. you might require support to feel confident and comfortable joining the University community and we might need to consider practical adjustments, (such as those arising from parole restrictions) or other steps to manage any perceived risk.

- 1.3 In considering a case where you are an applicant who has a conviction, caution, reprimand or warning, we will always:
- make any academic assessment relating to your application completely independently of any disclosure you have made to us
  - ask you to disclose or provide additional information regarding a conviction where it is relevant and when you have reached the appropriate stage of your application (this will vary from course to course)
  - treat any disclosure in strict confidence and share it with staff at the University only where one or more of the following applies:
    - it is deemed necessary under the procedures outlined in this policy
    - as a result of an the outcome of a process where it has been clearly communicated to you
    - with your express consent
  - reach any decisions relating to your case in accordance with our assessment of the relevant risks
  - refuse or withdraw an offer of study in only in exceptional cases

### **2. Disclosure of relevant criminal convictions**

2.1 In keeping with the principles in section 2, we will ask you to declare whether or not you hold any unspent convictions, reprimands or warnings (or pending cases) so that we can make a suitable assessment.

Unless you are applying to a course with professional practice requirements (see section 4) you will only be asked to declare any unspent convictions, reprimands or warnings (or pending cases) in the following areas:

- Offences for violent behaviour, including (but not limited to) threatening behaviour, intention to harm or actual bodily harm
- Sexual offences, including those listed in the Sexual Offences Act 2003
- Drug dealing or trafficking
- Offences involving firearms
- Arson
- Fraud or identity theft
- Terrorism offences, as listed in the Terrorism Act 2006

You will not be asked to declare any other offences or any conviction which is defined as spent under the Rehabilitation of Offenders Act 1974.

2.2 When and how this declaration will be asked will vary depending on your chosen study:

- Undergraduate degrees – you will be asked to complete a declaration once you have accepted an offer with us as either your firm or insurance choice. This will usually be through our secure applicant portal. This declaration is mandatory.
- Postgraduate degrees – you will normally be asked to complete a voluntary declaration as part of your application form. If you choose not to answer the question at this stage you will be asked to complete it as a mandatory part of accepting an offer with us. For online or distance learning degrees we may ask the question only at a later stage (such as during registration).
- Apprenticeships – if you are applying to study a degree apprenticeship with an employer they may ask you questions about past criminal convictions as part of their application processes.
- Other study (such as skills programmes, student exchanges or CPD) – the need for a declaration will be considered by the team responsible for administering these arrangements on a case-by-case basis dependant on the particular nature of study but in accordance with the principles of this policy.

2.3 When asked to make a criminal convictions declaration you will only be asked whether or not you hold one or more relevant unspent convictions. If you answer this question affirmatively we will contact you to ask you to provide further details on the nature of your offence. This will usually include:

- an independent account of what happened and the subsequent penalties (which may be a pre-sentence report or statement from your legal advisors)
- a statement from you on the circumstances surrounding your conviction
- supporting information from a probation officer or another person connected with your case (if you wish).

Any information provided will then be considered as outlined in section 3.

The request for additional information will give you details on how to supply it. You will usually be asked to provide it in hardcopy to ensure your information is handled securely and confidentially at all times.

- 2.4 If you are on the Sex Offenders Register but your related conviction is spent you do not need to declare it to us as part of any declaration we ask (except for courses outlined in section 4). However, if the police feel that there is any risks to the University that need to be managed, they may require you to disclose or they may make a decision to disclose relevant information to us. Any disclosures of this nature will be handled using the same processes as a disclosure of a criminal conviction as in (2.1).

If you or the Public Protection Unit wish to contact us regarding this matter you should contact the relevant Director of Admissions using the contact details outlined at the end of this policy.

- 2.5 The University has a designated email service (see section 7) where you can ask any questions in confidence regarding your circumstances, including any criminal history you may have or this policy. Any disclosures you make to that line that fall outside the scope defined in (2.1) will be treated in the strictest confidence and will not be used as part of any admissions or registration process (except where the University judges it has a legal obligation to act on the information you have disclosed).

If during the course of your application to us you voluntarily disclose details of any conviction, caution, reprimand or warning that falls outside the scope defined in (2.1) we reserve the right to consider it using the processes outlined in this policy.

- 2.6 This policy primarily concerns cases where you have received a formal conviction, caution, reprimand or warning. However, in circumstances where we become aware (through a disclosure from you or otherwise) of any behaviour or activities on your part that might reasonably lead or have led to formal legal penalties and fall under the scope of (2.1) then we may consider it under this policy as if it had led to a formal conviction, caution, reprimand or warning.

- 2.7 The University will not seek to obtain or coerce any disclosures regarding any criminal Offences except as we have explicitly outlined in this policy. If you believe that anyone at the University has acted counter to this during your application to us you should let us know immediately under our [Applicant Complaints and Appeals Procedure](#).

- 2.8 You have a responsibility to disclose to the University any relevant conviction, reprimand or warning you receive between any mandatory disclosure and registering as a student. Once registered, you will continue to be required to disclose any relevant convictions, reprimands or warnings. Any disclosures made after you have registered will be considered in line with the University's Regulations for Students and associated policies.

- 2.9 If at any point we discover you have failed to be honest as part of a mandatory or voluntary disclosure question your offer of a place or subsequent registration as a student (including any immigration sponsorship) may be cancelled. In these cases we also reserve the right to refuse any future application to study with us without the right of appeal under our admissions policy.

### **3. Assessment of disclosures**

3.1 Any disclosure you make will only be considered as necessary to implement or deliver the principles of this policy. The assessment of any disclosure and any evidence submitted will always be done entirely separately from any academic assessment of your application we make.

3.2 Once you have provided the relevant information regarding your case it will initially be assessed by the Head of Admissions responsible for your chosen course, who will determine whether or not it falls within the scope of this policy. Where it is deemed that it does not your application will proceed as normal and you will be notified that no further action is required.

3.3 If the relevant Head of Admissions deems that your case requires further consideration it will be referred to the Director responsible for admissions to your course:

- Undergraduate degrees: The Director of Undergraduate Admissions & Outreach
- Postgraduate taught degrees: The Director of PGT Recruitment & Admissions
- Postgraduate research degrees: The Academic Director of the Doctoral College
- All other courses: The Director of Undergraduate Admissions & Outreach

The Director, working with a representative of your chosen department (usually an Admissions Tutor or Director of Studies) will then determine whether you are suitable for admission without the need to take any further action or whether your case needs to be considered by a Standing Committee. The Director may decide to convene a Standing Committee even where they determine that you are suitable for admission without further action if they believe that it might be useful for the Committee to consider whether the University could put in place additional support for you.

You will be notified of the outcome of this stage. The workings of a Standing Committee are outlined in section 5.

### **4. Special arrangements for degrees with professional or clinical practice elements**

4.1 We offer certain degrees which include contact with vulnerable adults or children, for example through professional or clinical practice elements (usually in partnership with public services or related charities) during your course. These elements are essential and compulsory components of these degrees and may not be accessible to you if you have some types of convictions, reprimands or warnings in your past.

Such degrees currently offered are:

- MPharm Pharmacy
- MPharm Pharmacy with integrated pre-registration year
- BSc Social Work and Applied Social Sciences
- FdSc Addictions Counselling
- BSc Addictions Counselling (top-up year)
- PG Cert, PG Dip or MSc in Clinical Pharmacy Practice
- Doctorate in Clinical Psychology

In the case of Pharmacy and Social Work these degrees are also regulated by independent regulators (General Pharmaceutical Council and Health Care Professions Council [pending replacement by Social Work England] respectively) who set expectations in accordance with the standards and practices of their respective professions. These expectations include a culture of honest and transparent disclosure throughout the profession.

Due to the nature of these degrees, the processes and scope of disclosures is different from other courses.

- 4.2 If you apply to one of these undergraduate degrees you will be asked about any convictions, reprimands or warnings you have as part of your initial UCAS application. Unlike other courses, this declaration includes all spent or unspent Offences and is not limited to the areas outlined in (2.1).

Places on our Doctorate in Clinical Psychology are funded by the NHS and if you apply for this course you will do so through Clearing House. They may ask you additional questions regarding criminal Offences as part of this process.

If you answer this question affirmatively we will contact you to ask you to provide further details on the nature of your offence, as outlined in (2.1). You will only be contacted once your applications has been considered on academic grounds and has been assessed as suitable for an offer, but you may be contacted before you progress to the interview stage of the process.

- 4.3 Any declaration you make and subsequent evidence provided will be considered using the process as outlined in section 4, taking into account any additional requirements of the relevant regulators as appropriate.

If a Standing Committee deems that you are unsuitable for the professional or clinical practice elements of your chosen course it may decide to refuse to offer you a place on those grounds. If during the process of considering any offences we determine that you are otherwise barred from professional practice in the chosen field (for example, by prior finding of the relevant regulator) the Director of Undergraduate Admissions & Outreach may refuse to offer you a place without first establishing a Standing Committee. You have the same right to appeal this decision as a decision of a Standing Committee (as outlined in section 6).

- 4.4 You may be asked for further disclosures, or more detailed questions regarding any disclosure you have made, as part of any interview or other assessment practices for these courses.

- 4.5 Should you be successful in securing a place on these degrees you will also be required to complete a Disclosure & Barring Service (DBS) check. Any offense revealed as part of this check will be considered under this and relevant Department policies in conjunction with relevant professional regulator requirements.

If you are joining the Doctorate in Clinical Psychology you will normally be expected to meet any DBS check requirements through your employment with the NHS.

## **5. Standing Committee on the Admission of Students with Criminal Convictions**

- 5.1 When reviewing the evidence you have provided the Director may decide to convene a *Standing Committee on the Admission of Students with Criminal Convictions* to more formally consider your request for admission.

5.2 If your case is referred to a Standing Committee you will be invited to attend the Standing Committee meeting to present and discuss your circumstances in person and you may be accompanied by a parent, teacher or advisor if you choose. You are not required to attend the meeting if you do not wish to do so, and you also will have the opportunity to submit a written statement in place of attending.

If you do wish to attend but are unable to do so on the scheduled date the University will make every effort to rearrange to a more suitable time for you, however, we cannot guarantee this will be possible and the Committee reserves the right to meet even if you are unable to attend.

5.3 The membership of a Standing Committee will normally be as follows:

- A chair appointed by the Pro-Vice-Chancellor (Learning & Teaching) or Pro-Vice-Chancellor (International & Doctoral) as appropriate:
  - Taught degrees: an Associate Dean (Learning and Teaching) or Director of Teaching
  - Research degrees: an Associate Dean (Research)
- A Director of Studies appointed by the Pro-Vice-Chancellor (Learning & Teaching) or Pro-Vice-Chancellor (International & Doctoral) as appropriate
- The Director responsible for admissions to the relevant course:
  - Undergraduate degrees: Director of Undergraduate Admissions & Outreach
  - Postgraduate taught degrees: Director of PGT Recruitment & Admissions
  - Postgraduate research degrees: Academic Director of the Doctoral College
  - All other courses: Director of Undergraduate Admissions & Outreach
- Director of Student Services (or nominated deputy)
- Head of Security Services (or nominated deputy)
- Deputy Chief Executive of the Students' Union (or nominated deputy)

If you are applying to one of the following degrees, the Director responsible for admissions to the chosen course may appoint appropriate professional representatives from outside the University to join the committee:

- BSc Social Work and Applied Social Sciences
- MPharm Pharmacy
- MPharm Pharmacy with integrated pre-registration year
- FdSc Addictions Counselling
- BSc Addictions Counselling (Top-up year)
- PG Cert, PG Dip or MSc in Clinical Pharmacy Practice
- Doctorate in Clinical Psychology

Academic members of the committee will not be from the department you are applying to join. Two representatives of your department (normally the Head of Department and a Director of Studies) will be invited to attend the Committee to comment as appropriate.

5.4 A Standing Committee will consider any risks your case poses to you or others and in doing so may reach any of the following decisions regarding your case:

- confirm your offer of a place with no further action to be taken
- impose additional requirements on your offer, either to support you in undertaking your studies or to safeguard the University and its community or manage any resulting risk

- offer you an alternative course where your conviction, caution, reprimand or warning makes you unsuitable for your chosen study
- Withdraw or refuse an offer of a place to study at the University of Bath.

The outcome of a Standing Committee will normally be communicated to you in writing no more than 7 calendar days after it has met. You will be notified if a Committee is unable to reach a decision in this timescale (for example, because they requiring further evidence before reaching a conclusion) you will be told of this within 7 days.

## 6. Appeals

6.1 You have the right to appeal the decision of a Standing Committee to withdraw or refuse an offer of a place for you to study at the University. You do not have the right to appeal any other decisions made by the Standing Committee. The appeal must be made to the Director of Policy, Planning and Compliance and must be based on one or more of the following grounds for your appeal:

- that the processes and procedures outlined in this policy have been incorrectly followed
- that there is new evidence or circumstances not previously considered by the committee
- that the committee has reached its decision through inadequate assessment or has acted with prejudice or bias.

6.2 Your appeal must be made in writing to the Director of Policy, Planning & Compliance on the email given below no more than 14 calendar days after formal notification of the Standing Committee's decision.

## 7. Confidential advice

7.1 To help you when considering making an application to the University, we provide a confidential support service where you can ask questions regarding this policy and any convictions, reprimands or warnings you may hold. We will also endeavour to provide guidance on the support that may be available to you during your studies related to your circumstances.

If you would like to access this advice you should contact confidential-declarations-advice@bath.ac.uk.

7.2 Anything you discuss through this route will be treated in strictest confidence and will not be considered as part of any process pertaining to your application. The only exception to this is where you make a disclosure that the University has a legal requirement to act on, such as where we believe there is a risk of immediate harm to others or we have a legal obligation to act on it.

## 8. Retention of data

8.1 The answers to any voluntary or compulsory declaration questions that you make during your application will be stored securely and confidentially and will be retained alongside other personal data as outlined in our Applicant Data Privacy Statements<sup>1</sup>.

8.2 Any further information and evidence you provide as part of any assessment, and any documentation pertaining to any Standing Committee process, will be stored securely only in hardcopy with a stricter retention schedule as outlined in the Privacy Statements.

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<sup>1</sup> <https://www.bath.ac.uk/corporate-information/undergraduate-applicant-privacy-notice/>

## **9. Training and staff development**

9.1 The University will ensure that all staff involved in admissions are aware of this policy and that staff dealing directly with this policy have suitable training. This will include suitable knowledge of the Rehabilitation of Offenders Act 1974 and other relevant legislation.

### **Contact details:**

#### **Director of Undergraduate Admissions & Outreach**

Mike Nicholson  
Wessex House 6.37  
University of Bath  
Claverton Down  
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#### **Academic Director of PGT Recruitment & Admissions**

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#### **Academic Director of the Doctoral College**

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#### **Director of Policy, Planning & Compliance**

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**Owner: Director of Undergraduate Admissions & Outreach**

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