

UNIVERSITY OF WOLVERHAMPTON

CRIMINAL CONVICTIONS POLICY 2019/20

1. Introduction

Applicants are required to declare any unspent, relevant criminal convictions within 14 days of accepting an offer of a place to study at the University. From September 2019, this requirement is made clear to all applicants in offer letters. The exception to this is professional programmes where the relevant Professional/Statutory/Regulatory Body requires criminal convictions to be declared earlier (e.g. in the application form) and/or greater restrictions apply.

2. Rationale

The basis for asking all applicants to declare relevant, unspent criminal convictions is the University's moral and legal duty of care to its students, staff and visitors. Applicants with a relevant, unspent conviction will not automatically be rejected. The nature of the offence and all relevant information pertaining to the conviction should be considered in order to determine whether there is any unacceptable risk of harm to the wider University community involved in allowing admission to a course and/or to University accommodation.

3. Scope

Relevant criminal convictions are defined as including, but not limited to:

- Any kind of violence, including threatening behaviour, offences concerning intent to harm and offences resulting in actual bodily harm;
- Sexual offences, including those listed in the Sexual Offences Act 2003;
- The unlawful supply of controlled drugs or substances, where the conviction concern commercial drug dealing or trafficking;
- Offences involving firearms;
- Offences involving arson;
- Offences involving terrorism.

There is no requirement for an applicant to disclose a conviction which is 'spent' (unless it is required by a specific PSRB with stricter regulations for entry onto a professional course).

4. Criminal Convictions Panel

Following the initial declaration, an assessment of the relevance of the conviction will be made by the Head of Admissions. If the conviction is deemed not be relevant, the applicant will be informed of this decision and the record of the disclosure will be deleted. If the conviction is deemed to be relevant, further information will be requested from the applicant.

An initial assessment will then be carried out by the Head of Admissions who may seek advice from the Academic Registrar. The Head of Admissions may determine that no further action is required. If the Head of Admissions determines that there is a potential risk to the University community, a Criminal Convictions Panel will be convened to assess this risk. This panel will comprise the Head of Admissions, the Head of the Conduct and Appeals Unit, the Head of Legal Services (or nominee), the

Head of Student Support and Wellbeing and a representative of the relevant Faculty. The panel may consider the case virtually/by correspondence without a formal meeting.

The Panel will consider whether there are unacceptable risks to the University community, considering:

- The nature of the offence;
- The course applied for;
- Any pattern of offending;
- The recommendations of any referees and/or the probation officer;
- Any mitigating circumstances;
- Any aggravating circumstances;
- Any comments in the official documentation about the risk of re-offending.

The Panel will draw one of the following conclusions:

- I. The applicant can not be admitted to the University at the present time, in which case the offer will be revoked.
- II. The level of risk can be managed by the imposition of specific conditions, e.g. exclusion from University accommodation. If the applicant fails to agree or comply with any of these conditions, the University may withdraw the offer or enrolment.
- III. The applicant can be admitted without any specific conditions.

5. Applicant Appeals

Applicants who wish to appeal a decision of the Criminal Convictions Panel may do so by writing to the University Registrar. The University Registrar will normally respond to any such appeal within 14 days and this decision will be final.

6. Criminal Convictions occurring after Acceptance of Offer

Students are required to declare any new, relevant criminal convictions they incur following acceptance of an offer to study or whilst they are registered as a student of the University, and this is made clear in the University's terms and conditions. Therefore, students are asked to declare at their annual re-enrolment whether or not they have received any such criminal convictions.

Any such convictions deemed relevant by the Head of Conduct and Appeals (in accordance with the criteria outlined above) will be considered via the Criminal Convictions Panel. This panel will comprise the Head of Admissions, the Head of the Conduct and Appeals Unit, the Head of Legal Services (or nominee), the Head of Student Support and Wellbeing and a representative of the relevant Faculty. The panel may consider the case virtually/by correspondence without a formal meeting.

The Panel will consider whether there are unacceptable risks to the University community, considering:

- The nature of the offence;
- The course applied for;
- Any pattern of offending;

- The recommendations of any referees and/or the probation officer;
- Any mitigating circumstances;
- Any aggravating circumstances;
- Any comments in the official documentation about the risk of re-offending.

The Panel will draw one of the following conclusions:

- I. There is an unacceptable risk to the University Community in allowing the student to remain registered as a student, in which case the Student Disciplinary Procedure will be invoked with a view to terminating the student's registration.
- II. The level of risk is manageable with the imposition of specific restrictions, for example access to University accommodation or other University facilities or services. Any such restrictions will be agreed with the student as a condition of continued registration. If the student fails to agree or comply with any of these restrictions, the University will invoke the Student Disciplinary Procedure.
- III. The level of risk is acceptable and the student can remain registered and continue their studies.

7. Student Appeals

Where the decision of the Criminal Convictions Panel results in the Student Disciplinary Procedure being invoked, the appeal process is as set out in the Student Disciplinary Procedure.

8. Records Retention

Information regarding relevant, unspent criminal convictions and any decisions of the Criminal Convictions Panel will be retained by the University with access restricted only to members of the Criminal Convictions Panel, the Academic Registrar and the University Registrar, until the student completes the course or the conviction becomes spent. In the case of any restriction to the University Accommodation, the fact of this restriction will be shared with relevant staff members managing the University's accommodation services.