

CRIMINAL CONVICTIONS DISCLOSURE POLICY (STUDENTS AND APPLICANTS)

1. Background and Scope

1.1 The University of Reading seeks to admit the widest range of students who may benefit from our programmes, seeing value in a broad range of talent, background and opportunity. The University is committed to a holistic approach to equality of access and equal opportunities.

1.2 Having a criminal record does not necessarily bar an applicant from studying or a current student from remaining at the University. However, the University has a responsibility to protect and promote the safety and wellbeing of all of its students, staff and other members of the community who engage with the University and to prevent unlawful acts. The University acknowledges its responsibility to consider the needs of each individual applicant and student, ensuring that they can receive the support they require, whilst also seeking to protect and support the University community as a whole. Consequently, information regarding an individual's criminal convictions may need to be taken into account when deciding whether that individual may begin or continue their studies. The University also acknowledges the specific responsibilities and duties that it holds in relation to certain professions that graduates of our programmes may enter or the requirements of some of our programmes leading to professional accreditation, where additional risks and responsibilities may apply.

1.3 In discharging each of the University's responsibilities in its consideration of criminal convictions declared by our applicants and students, the University will meet its legal obligations, including those set out in the Rehabilitation of Offenders Act and Data Protection legislation in the collection and processing of personal data relating to criminal offences, which is recognised as a sensitive category of personal data. The procedures outlined in this policy set out the mechanisms and approach taken by the University in the collection and processing of criminal convictions data.

1.4 The Director of Global Recruitment and Admissions will have responsibility for ensuring that this policy and the procedures operate effectively in respect of applications and admissions to the University. The Director of Student Services will have responsibility for ensuring that this policy and the procedures operate effectively in respect of re-enrolment and regarding existing students of the University.

2. Why does the University require this information?

2.1 The University acknowledges that information relating to relevant criminal convictions is a particularly sensitive category of personal data, and that as a data controller it has a responsibility to ensure that such personal data is processed in accordance with the Data Protection Act 2018.

2.2 The Data Protection legislation requires personal data to be processed in a fair, lawful and transparent manner. The legislation allows the University to process information on criminal convictions where this is necessary for the purpose of the prevention or detection of unlawful acts and to safeguard the welfare of the individual or third parties, and it does not require the consent of the individual where this is carried out in a fair and proportional manner. In addition, in relation those academic programmes, where students are engaged in an integral work placement, it may not be possible to complete a placement and the programme if a student has a criminal conviction, and such personal data may also be processed on the basis of the University's substantial public interest in ensuring the effective discharge of the University's statutory obligation to provide quality education services in a manner that protects the welfare of the wider community.

2.3 This policy sets out the specific purposes for which relevant criminal convictions data concerning students is collected and processed, and the University is committed to ensuring that information is only used in accordance with this policy.

2.4 The University considers that it is necessary for it to ask for information relating to relevant criminal convictions as part of its admissions and enrolment (sometimes referred to as registration) process for new and returning students to ensure the safety and wellbeing of students, staff and the community, and to enable it to implement additional supportive measures for affected students. Asking for relevant information at the point of acceptance of an offer (whether conditional or unconditional) in respect of applicants and at the point of enrolment/re-enrolment for all students at the start of each academic year, the University is seeking to balance any potential intrusion into the personal life of applicants and students against the protection of the welfare of the wider community. This does not override the obligation on all students to notify the University of any relevant criminal conviction in accordance with this policy at the point such conviction occurs.

2.5 By asking for relevant criminal convictions data as set out in the policy the University ensures that it is able to create and maintain an accurate and up to date record.

2.6 The University is required to retain relevant information whilst an individual remains a student at the University and will continue to hold information following completion of studies in accordance with the Data Retention Policy. This policy also sets out the procedures for the erasure of criminal conviction information when it is no longer required. These are set out below at section 9.5.

2.7 The University is required to process relevant criminal conviction information in a way that ensures appropriate security, and protects against unauthorised processing, and accidental loss of such information. Details of the specific measures that the University takes in relation to personal data concerning criminal convictions are set out below.

3. What is a "relevant criminal conviction"?

3.1 For the purposes of this policy, a relevant criminal conviction is an unspent conviction for:

- a) 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;
- b) Sexual offences;
- c) The unlawful supply of controlled drugs or substances where the conviction concerns commercial drug dealing or trafficking (offences concerning only possession are not relevant criminal convictions for the purposes of this policy);
- d) Offences concerning firearms;
- e) Offences concerning arson; and
- f) Offences involving terrorism.

3.2 A "spent" conviction is one that does not have to be disclosed in accordance with the Rehabilitation of Offenders Act 1974. All cautions and convictions eventually become spent, with the exception of prison sentences of over 4 years. In considering whether a conviction is considered 'spent' applicants are advised to consult the Ministry of Justice guidelines available at: www.justice.gov.uk/offenders/rehabilitation-of-offenders-act.

3.3 Spent convictions are not relevant criminal convictions and do not need to be disclosed unless the specific course or programme requires such a disclosure.

4. Applicants

4.1 Having a criminal record does not necessarily bar an applicant from studying at the University, and the University's decision to admit and register applicants declaring a prior criminal conviction will depend on the circumstances and background to the offence(s).

4.2 The type of disclosure that applicants must make, and the timing of that disclosure, will depend upon the course being applied for, as the University is required to undertake additional criminal convictions checking for applicants to some regulated programmes. An indicative list of these programmes is set out at Appendix A.

4.3 All Applicants (except those applying for Regulated Courses – see below)

4.3.1 All applications will be initially assessed on their academic merit against the normal entrance requirements for that programme in accordance with the Admissions Policy. If an application is unsuccessful on academic grounds, the University will not request any criminal convictions disclosure, and any voluntary disclosures will be retained for up to 12 months.

4.3.2 An applicant for any course that leads to an award of the University other than a Regulated Course, who is given a conditional or unconditional offer of a place at the University will be asked to disclose any relevant criminal convictions that they may hold as part of the University's pre-enrolment checks. Details of the process of disclosure will be sent to you on your acceptance of an offer from the University.

4.3.3 Where a disclosure of a relevant criminal conviction is made following the acceptance of an offer, the Admissions Office will promptly contact the individual to request further information about the relevant offence. The University will require individuals to confirm whether they hold a relevant criminal conviction and, if so, to provide information about their conviction(s) as set out in appendix B to this policy, to a named individual by a reasonable deadline.

4.3.4 Any additional information provided by the individual about the offence and the original disclosure will be used to determine whether or not the applicant should be admitted or whether any conditions should be imposed on the applicant. Information will be collated and referred in the first instance to the relevant Senior Admissions Manager, who may request clarification or any further details as appropriate. The Senior Admissions Manager will pass details of the offence to the Head of Admissions who will undertake a risk assessment using the template at appendix C to this policy. The Head of Admissions can decide to:

- a) Admit the applicant without additional conditions;
- b) Admit the applicant with conditions; or
- c) Convene a meeting of the Criminal Convictions Panel (see paragraph 6 below).

4.3.5 The Head of Admissions will notify the applicant of the decision made under paragraph 4.3.4 within 15 working days.

4.3.6 If a disclosure is made in error, no further information will be obtained, and the University will erase the erroneous disclosure declaration from the applicant's record within 12 months. This will include where a spent conviction has been incorrectly disclosed.

4.3.7 If a disclosure is made, but no further information is provided by the relevant deadline, the University will notify the applicant that their offer is withdrawn for failure to provide the required information.

4.4 Regulated Courses

4.4.1 Regulated Courses are detailed in the indicative list at Appendix A and include certain programmes in Clinical Language Sciences, Education, Pharmacy, Psychology and Speech and Language Therapy, as well as programmes or modules involving work with children or work with adults in regulated activity. It is a legal requirement to have a Disclosure and Barring

Service (DBS) check prior to engaging in this regulated activity.

4.4.2 A DBS check is a necessary requirement for enrolment onto a Regulated Course, either as a result of the professional regulations or a high standard of care and welfare which is applicable to the role. These programmes may be exempt from the Rehabilitation of Offenders Act 1974, meaning disclosure of spend convictions is requirement, and different requirements apply with regard to the consideration of criminal convictions.

4.4.3 Academic Schools have operational responsibility for ensuring that robust procedures are in place for conducting disclosure checks on students to that School's programmes of study that require a DBS check. Applicants for Regulated Courses will be provided with details of the process that they will need to follow to obtain a DBS check or equivalent process for overseas applicants from either the relevant School or via the Admissions Office.

4.4.4 Where it is a condition of the offer of a place to secure a DBS check, failure to obtain a DBS check is likely to result in the withdrawal of your offer of a place at the University.

4.4.5 Further details of the relevant processes employed by each department running programmes of study requiring a DBS check are provided via the webpages referenced in appendix A to this policy.

4.5 Optional placements

4.5.1 Some programmes that are not Regulated Courses have optional modules for which a DBS check is required before the module can be undertaken. This may include placements or research involving regulated activity with children or vulnerable adults.

4.5.2 The University will not require applicants to have a DBS check prior to enrolment on a programme that is not a Regulated Course but where such an optional module is available, but students will be required to have the DBS check prior to commencement of the module. If the DBS check discloses information meaning the student cannot undertake the optional module, an alternative module will be available so that student.

4.5.3 Students will be advised of the process for undertaking the DBS check by their academic school or supervisor at the appropriate point before their optional module.

4.6 Applications through Clearing and Adjustment

4.6.1 Applicants accepting an offer through Clearing and Adjustment will be required to disclose details of any relevant criminal convictions as articulated in this policy. The time available during Clearing and Adjustment may not be sufficient for the full procedures outlined in this policy, such as obtaining external reports. In such cases it may be necessary to require the applicant to defer their application for a year.

4.7 University Accommodation

4.7.1 Applicants or students with a relevant criminal conviction who, following the procedures outlined in this policy, are permitted to enroll or re-enroll with the University may not be permitted to apply or reapply for University Accommodation. The individual will be informed of this condition as soon as reasonably possible.

4.7.2 Where an applicant or student notifies UPP (the University's accommodation partner) directly of any relevant criminal conviction following the allocation of University accommodation, UPP will notify the University, and the terms of this policy will apply to such disclosure.

4.8 All new students enrolling at the University will be required to confirm the information given on criminal convictions at the point of enrolment. If that information has not been provided to the satisfaction of the University, the student will not be permitted to complete enrolment and may, ultimately, not be able to proceed as a student of the University.

5. Existing students

5.1 All students agree in the contracts that they enter into with the University that they will notify the University if they are in receipt of a relevant criminal conviction during their period of registration with the University.

5.2 This means that all students re-enrolling for subsequent years of study will be required to make a disclosure of any relevant criminal conviction at the point of re-enrolment, to ensure that the information held by the University remains accurate and up to date, and ensure appropriate arrangements are maintained for the welfare of all students, staff and the wider community.

5.3 Additionally, any new relevant criminal conviction received by a student must be promptly disclosed to the University in accordance with this procedure. Such disclosures should be made to the Student Welfare Team in Student Services.

5.4 Where a disclosure of a relevant criminal conviction is made by an enrolled student in accordance with paragraphs 5.2 or 5.3, the Student Welfare Team will promptly contact the individual to request further information about the relevant offence. The University will require individuals to confirm whether they hold a relevant criminal conviction and, if so, to provide information about their conviction(s) as set out in appendix B to this policy, to a named individual by a reasonable deadline.

5.5 Any additional information provided by the individual about the offence and the original disclosure will be used to determine what steps, if any the University should take, including whether any conditions should be imposed on the student. Information will be collated and referred in the first instance to the Director of Student Services who may request clarification or any further details as appropriate. The Director of Student Services will pass details of the offence to the Head of Admissions who will undertake a risk assessment using the template at appendix C to this policy. The Head of Admissions can decide to:

- a) Make no recommendations, meaning the student continues with the programme with no further action;
- b) Set out conditions that will apply to the student's continued enrolment;
- c) Recommend welfare or other support is put in place for the student; or
- d) Convene a meeting of the Criminal Convictions Panel (see paragraph 6 below).

5.6 The Head of Admissions will notify the student of the decision made under paragraph 5.5 within 15 working days.

5.7 If a disclosure is made in error, no further information will be obtained, and the University will erase the erroneous disclosure declaration from the student's record. This will include where a spent conviction has been incorrectly disclosed.

5.8 If a disclosure is made, but no further information is provided by the relevant deadline, the Director of Student Services may refer the matter to the Student Discipline Officer to consider if further action should be taken.

6. Criminal Convictions Panel

6.1 Following a risk assessment, the Head of Admissions may refer the student to the Criminal Convictions Panel.

6.2 The Criminal Convictions panel will comprise:

- a) the Director of Global Recruitment and Admissions (who will act as Chair);
- b) a Teaching and Learning Dean;
- c) the Director of Student Services; and
- d) the Director of Campus Commerce

or a suitable nominee in respect of each of them. The Head of Admissions may attend meetings of the Criminal Convictions Panel at its request.

6.3 The Criminal Convictions Panel will be convened as soon as possible following the referral and in any event within 10 working days.

6.4 The Criminal Convictions Panel will consider all the relevant information provided to it, including the risk assessment and any representations from the applicant or student, which may be provided by the applicant or student in writing or in person (at the Criminal Convictions Panel's discretion). It will take into account a number of factors including but not limited to:

- The nature of the conviction, including the seriousness of any offence or other matter revealed;
- The nature of the degree programme and learning environment;
- The relevance of the offence to the University's activities, students and staff;
- The length of time that has elapsed since the last offence;
- Whether the offence was a 'one-off' or if the applicant has a pattern of offending behaviour;
- Whether the applicant's circumstances have changed since the offending behaviour, or other relevant matters making re-offending less likely;
- The circumstances surrounding the offence and the explanation(s) offered/degree of remorse expressed by the convicted person and their motivation to change;
- Any mitigating circumstance or other relevant issues raised in any references;
- Whether the offence has since been decriminalised by Parliament.

6.5 The Criminal Convictions panel may decide to:

In the case of an applicant:

- a) Admit the applicant without conditions;
- b) Admit the applicant with conditions; or
- c) Withdraw the offer made to the applicant; and

In the case of an enrolled student:

- a) Make no recommendations, meaning the student continues with the programme with no further action;
- b) Set out conditions that will apply to the student's continued enrolment;
- c) Recommend welfare or other support is put in place for the student;
- d) Refer the student to the Student Discipline Office for action to be taken under the Student Disciplinary Policy, which may include withdrawal from the University.

6.6 The Criminal Convictions Policy will notify the applicant or student of the decision made under paragraph 6.5 within 15 working days.

7. Appeals

7.1 Where an applicant is not satisfied with a decision made concerning their application or admission to the University, they may appeal using the Admissions Appeals and Complaints procedure available on the University's Admissions Policy website at <http://www.reading.ac.uk/15/Study/admissions/admissions-policies.aspx>.

7.2 Where a student is not satisfied with a decision made concerning their continued enrolment at the University or conditions applied to their enrolment, they may appeal using the Student Complaints Procedure at https://www.reading.ac.uk/web/files/stdserv/Master_copy_-_Student_Complaints_Procedure.pdf.

8. Confidentiality

8.1 It is the University's aim is to deal with criminal conviction disclosures sensitively and with due respect for the privacy of any individuals involved.

8.2 All individuals involved in the operation of this policy must treat as confidential any information communicated to them in connection it, subject to the need to seek appropriate advice and guidance and to put into effect any decisions or recommendations made in accordance with the procedures set out above.

9. Data Protection

9.1 The University is entitled to request individuals make a relevant conviction disclosure in accordance with this policy and to take reasonable steps based on the information disclosed and/or a refusal to provide the information.

9.2 The procedures set out in this document are designed to ensure that information about criminal convictions is only collected and processed where it is appropriate do so for the safety and welfare of all those on the University campus, or where necessary for the purpose of a specific academic programme. All information is retained and processed in accordance with the University's Fair Processing Notices <http://www.reading.ac.uk/internal/imps/DataProtection/imps-d-p-privacynotices.aspx>.

9.3 Unless otherwise set out in this policy owing to a requirement of a course, the University will not in the first instance seek personal data concerning relevant criminal convictions from any source other than a student or applicant in accordance with this policy, but it may require additional information is sought from a third party (such as the Police or the Disclosure and Barring Service) to enable the University to reach a decision on admission, enrolment, re-enrolment or other measures set out in this policy. Should prior to, or during enrolment with the University, the University be made aware of information by other means the information will be dealt with on a case by case basis by the Head of Admissions.

9.4 The University recognises that personal data relating to criminal offences, including relevant criminal disclosures, is a particularly sensitive category of personal data. In order to protect this category of personal data, the University has in place additional organisational measures to ensure that this data is accessed only by those who need to see it and that it is held securely and protected from unauthorised or unlawful processing.

9.5 Retention of Data

9.5.1 For individuals who apply for, but do not take up an offer of a place at the University, personal data concerning criminal convictions data will be retained for 12 months.

9.5.2 For those students who enroll at the University, personal data concerning criminal convictions data will be retained for the duration of the relevant academic programme. On completion of the period of academic study, the nature of the information held will be reviewed, and may be retained for so long as is necessary and no longer than 6 years following completion of the programme.

<i>VERSION</i>	<i>KEEPER</i>	<i>REVIEWED</i>	<i>APPROVED BY</i>	<i>APPROVAL DATE</i>
1.0	Director of Admissions	Annually	UBTL	7 December 2015
1.1	Director of Admissions	Annually	UBTL	16 May 2017
2.0	Director of Global Recruitment and Admissions and Director of Student Services	Annually	UBTL	11 June 2019

Appendix A: Programmes requiring a DBS disclosure

The list below is designed to be an indicative list for applicants of programmes offered by the University which require an enhanced Disclosure and Barring Service (DBS) check. Whilst the list is subject to annual review, this list is non-exhaustive and may be subject to changes or additions. Any new programmes requiring DBS disclosure will state this information when advertised on the University's website/relevant programme specification and should be considered as included in this list for the purposes of this policy. Applicants are encouraged to contact the Admissions Office if any clarification is required.

Subject Area	Level of Study	UCAS Code	Degree/Programme of Study	Further Information
Education	UG	X1W1	BA Primary Education with Art	http://www.reading.ac.uk/admissions/ad-DBSdetails.aspx
		X1Q3	BA Primary Education with English	
		XG11	BA Primary Education with Mathematics	
		X1W3	BA Primary Education with Music	
		X1S2	BA Primary Education	
		N/A	PGCert Early Year Practice	
		Various	PGCE Postgraduate Certificate of Education (Teacher Training)	
Various	School Direct (non-salaried & salaried) programmes			
Clinical Language Sciences	UG	B62M	MSci Speech and Language Therapy	To be confirmed
	PG	N/A	MSc Speech and Language Therapy	
		1Q66	BSc Language Sciences and Psychology	
Psychology	UG	C801	MSci Applied Psychology (Clinical)	To be confirmed
		N/A	MSc in Theory and Practice in Clinical Psychology	
Pharmacy	UG	B230	MPharm Pharmacy	http://www.reading.ac.uk/pharmacy/ug/pharm-ugfitnessstopractise.aspx
	PG	N/A	MSc and PGDip Physician Associate	

Appendix B: Example Criminal Conviction Declaration form

Confidential

Criminal Conviction Disclosure Form

Please complete and return this form to the address given on the accompanying email. If you are unsure about whether or not you need to declare a conviction please read our accompanying email or contact the person who sent you this form to complete.

Copies of our policy on criminal convictions disclosure is available on request, or on the [Admissions Policy & Procedure webpages](#).

Section A: Personal details

Your full name	
Reading ID No.	
Programme applied for or currently enrolled on	
Year and month of entry	

Please complete either section B or section C, as appropriate

Section B: Declaration made in error

- I confirm that I do not hold any protected or unspent criminal convictions and the positive declaration was made in error.

Section C: Further details of relevant convictions

Please provide further details beneath of all relevant criminal convictions. A relevant criminal conviction is an unspent conviction for:

- a) 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;
- b) Sexual offences;
- c) The unlawful supply of controlled drugs or substances where the conviction concerns commercial drug dealing or trafficking (offences concerning only possession are not relevant criminal convictions for the purposes of this policy);
- d) Offences concerning firearms;
- e) Offences concerning arson; and
- f) Offences involving terrorism.

Please attach additional pages if required

Date of offence	
Date of conviction	
Age at time of offence	
Country/court where convicted	

Please provide full details of the offence (e.g. theft, possession of drugs, assault)

Please provide full details of sentence/fine/other penalty received or community order

Please provide details of any extenuating or mitigating circumstances you wish to be considered

Please provide full details of any subsequent treatment or change of circumstances you wish the University to be aware of

Depending on the severity and nature of the conviction, the University may require a formal letter of reference from a probation officer, social work or other suitable third party to advise on your suitability to join the University community. Once we receive this form, we will contact you if we require such a reference.

Section D: Declaration

I confirm that the information provided on this form is true, complete and accurate and that no relevant information has been omitted. I understand that failure to declare information about an unspent relevant conviction, or the provision of false or inaccurate information about a conviction may lead the University to refuse admission or to terminate my registration.

Signed:

Date:

Please return this form as instructed in the covering letter, marked as confidential. Once received, the University will contact you with our decision within 15 working days. If you have not received a decision within 15 working days, please contact the person who sent you this form.

Appendix C: Example Criminal Conviction Risk Assessment form (for internal use only)

To be completed by the university staff member assessing criminal conviction declarations made by applicants for or students currently studying on programmes not requiring an enhanced DBS check. This template may also be used by academic departments when assessing criminal conviction declarations made by applicants to programmes requiring an enhanced DBS check, although content may vary according to programme and any requirements of professional or regulatory bodies.

Name of Applicant/Student:	
Reading ID No.:	
Course:	Year of Entry:
What was the offence? (use additional forms if more than one offence and not sufficient space here)	

RISK LEVEL IN RELATION TO QUESTIONS:			HIGH	MEDIUM	LOW
What was the sentence?			High Custodial	Medium Suspended, community, conditional discharge	Low Fine, absolute discharge
When was the offence committed?	Date:		High In the past 3 years	Medium Between 3 and 10 years	Low More than 10 years before
			Risk Assessment		
	Additional Notes				
Is the type/nature of the offence directly relevant to the course applied for or studying on? If yes, in what way?	Yes	No	High Yes	Medium Some link between offence and aspects of course of study	Low No
Is there a pattern of specific offences? If yes, state nature of pattern:	Yes	No	High Yes	Medium Some instances	Low No pattern

Has the applicant supplied additional references?	Yes	No			<p>High</p> <p>Referees declare unsuitable for course</p>	<p>Medium</p> <p>Referees share some reservations</p>	<p>Low</p> <p>Referees declare suitable for course</p>
How do the referees rate suitability for attendance at the university and participation in the life of the university?	Yes	No					
Does the applicant/student/ referee offer any mitigating circumstances concerning past offence/s?	Yes	No			<p>High</p> <p>No</p>	<p>Medium</p> <p>Some mitigating circumstances</p>	<p>Low</p> <p>Yes</p>
Any aggravating factors to take into account (e.g. intent/harm/exploitation/breach of trust):				<p>What has changed since offence occurred? (e.g. treatment etc)</p> <p>Attitude towards offence/s?</p>			
Who else has been consulted about this disclosure (partner agencies/probation officer etc):				<p>Name:</p> <p>Position:</p> <p>Date consulted:</p> <p>Reply:</p>			
Does the pre-sentencing report or any other official documentation provided indicate a risk of reoffending?				<p>High</p> <p>Medium</p> <p>Low</p>			

Criminal Convictions panel – Declaration and Decision

The panel understands the University's policy on the enrolment of applicants with criminal convictions and has recognised this in its deliberations.

On consideration of the risk assessment form and other materials submitted by the applicant and others the Group believes that the applicant should/should not be invited to proceed with the admissions process or continue on their current programme for the following reasons:

Signed: _____

Date: _____

Date applicant informed:

Copy of letter appended? Y/N

Details of additional attachments/appendices/reports/letter from applicant or referee or probation officer or similar

Form completed by:

(name)

(signed)

(date)