

Criminal convictions best practice update

UCAS has reviewed its guidance on criminal convictions following the change made in 2018 and collected case studies from universities to highlight good practice in this area. These showcase a student-centric approach and a commitment to providing fair opportunities for applicants with criminal convictions. Key themes that emerged from this work include:

- Involving teams across the institution in developing policy and process to ensure all aspects are considered.
- Ensuring there is support at the correct level to make an informed decision; whilst numbers may be limited, the process of making an admissions decision can be lengthy and involved.
- Considering the impact of a “one deep approach” on staff involved – important to maintain confidentiality but this can lead to stress and delays in the process if a staff member is on leave.
- Thinking beyond admissions/academic issues – the criminal conviction may not be relevant for admission on to the course, but may become relevant in extra-curricular activities e.g. volunteering or student life e.g. accommodation; there is a need to ensure robust processes are in place across the institution and with partners.
- Storing information; whilst information about a conviction may need to be kept, this should be limited and kept separate from student record system.
- A need to ensure the process extends beyond admissions to ensure that new information is captured.

All colleagues we spoke to recognised that having a criminal conviction shouldn't be a barrier to exploring and accessing higher education, which can be genuinely life-changing for students. A survey of providers highlighted a desire to have more examples of how students with criminal convictions can be supported through the process and once in HE study.

Unlock have produced an updated toolkit to support institutions which can be found at <https://unlock.org.uk/toolkit/fair-study/>.

UCAS are supportive of the approach taken by Universities Scotland, which clearly separates the collection of relevant information on criminal convictions from the admissions process and affirms the importance of having processes in place to update this information on a regular basis as highlighted in our case studies.

Ruth Williams-Sharp, Admissions Support Manager, Cardiff University

Who was involved in developing and signing off the process?

Head of Admissions, policy side, legal team and Unlock. We consulted with other teams that might be affected, for example support services.

When do you ask for information on criminal convictions?

We send an automated email once the applicant has accepted their offer of a place – applicants are only required to disclose convictions if it could affect their ability to complete their studies. We haven't had a case yet where anyone has enrolled, and we've found out that they have a conviction they should have declared. If their trial is pending, they wouldn't need to declare that to us, but we would expect them to update us if they did get convicted and it's something that might be relevant.

What do you collect and why?

We look for information on restrictions that might impact their ability to do their degree - we're not here to judge, we want to make sure that applicants can successfully complete their studies. We store information about the conviction, and restrictions and relevant information and notes from the panel review. This is stored separately to the student record with limited access for the duration of their studies with us, and we instruct the panel members to delete all emails, documents etc. related to the review. The panel has members from relevant departments across the university including student support, academic representation, admissions and may involve other people for example the probation officer.

What happens next?

We want students to be able to come in, enrol and enjoy as much of the student experience as possible; we don't want them to feel different. We focus on what we can do to support the student, rather than the conviction itself.

Do you update the information?

Yes – this is part of the student conduct and procedures and something that the students have to sign up to every during enrolment. It says that if you offend you need to notify the student cases team immediately.

Have you made any changes to your original process?

No, but we have updated our policy to reflect that if you have a conviction that's not relevant to your course, you might need to disclose it at for certain extra-curricular activities, for example volunteering, or working in a Residence Life role. All of the applicants I've worked with have had a good experience, and we've had good engagement and feedback from probation officers and police as well. It's rewarding to see people come through, do really, really well and genuinely turn their life around.

Jo Hamilton, Head of Admissions, University of Exeter

Who was involved in developing and signing off the process?

Myself and our assistant director of Student Access, Recruitment and Admissions with support from our policy officer, who was on the UCAS group, were involved in writing it. It then went to our Admissions Policy Group, which is sanctioned by Senate to oversee entry requirements and other admissions matters – that has academic representation as well as representation from professional services staff. We also talked to our legal team – who update us when anything comes up on their forums that might be pertinent. We review it on an annual basis and review the decisions that have been made as part of it.

Do you collect information about criminal convictions for non-regulated courses?

No, but we will have information if someone contacts us; it's kept very vague - especially as a lot of people will tick the box by mistake. We ask applicants to disclose if they are subject to conditions that may impact on their ability to complete their degree, for example if they have restrictions relating to use of computers or the internet.

When do you ask for information on criminal convictions?

After application for UG and PG; we have self-declaration forms and we have DBS checks if required; ideally applicants share it as early on as possible because then we can review it and consider it with plenty of time. The later it gets the more likely it is to be problematic - it can imply that they either they've forgotten, or that they're trying to hide something. Recruiting applicants in Clearing for regulated programmes can be challenging with resources; and for international applicants who can't get a DBS until they're in the UK, although we do ask for international police clearance certificates in advance for international applicants.

What do you collect and why?

With pre-applicants we don't store anything, so if they get in touch, there would be nothing except for an e-mail trail in the criminal convictions email box. The priority is making sure that that they can succeed and flourish on the course, whilst thinking about everyone else's well-being and safeguarding as well.

Once something has been disclosed it is referred to me. I review them and log them; if it doesn't warrant any further action, for example driving offences, I would still log that a conviction has been declared and it's been looked into and cleared. This is so that the DBS team can see if a self-declaration matches up with what's on the DBS and refer it back to me if it doesn't.

If it is a more serious case, I'll discuss it with the fitness to practice lead in whichever area it's for. If a panel is required, I will go back to the applicant and ask them for their version of events surrounding the conviction and a reference from someone who knew them then and now, and then convene a panel.

The panel normally has senior admissions representation, someone from the relevant faculty, legal, student support and maybe someone from, for instance, accommodation. It's chaired by the DVC for education and we store the panel notes in the log alongside who was on the panel and the outcome, along with any other notes which might help us to understand why that decision was made if we need to

look back on it. Visibility is restricted by sharing permissions and there are no names, just a code. After seven years, we delete the records.

What happens next?

Accommodation providers, including our own, don't ask if someone has criminal convictions - I don't think we should be making decisions on admissions that relate to accommodation, I think accommodation should be asking that question because otherwise we end up being a bit like UCAS was, which is gathering information but not for our direct means. We have had people who have declared things, for example, drinking-related offences, and we help them as they may not have many people in their lives providing that helpful advice. For example, we have recommended that they look for their own studio, so they aren't in shared accommodation.

Do you update the information?

As part of annual registration, we state that people have to declare that they haven't had any convictions or are being investigated for any convictions in the last year. In terms of investigating, it is a case-by-case basis because somebody could be investigated for something very minor, for example someone who's being investigated for misconduct at work, but that has raised a fitness to practice question. Things could even change during the application process – it's only ever a snapshot.

Nicky Stecker-Doxat, Associate Director Admissions and VISAS, University of Southampton

Who was involved in developing the policy at your institution and why?

We worked closely with Unlock to look at what removing the information meant for our existing processes. I also involved my team leaders – they had more detailed operational knowledge of the day-to-day implications and nuances depending on the subject area. We wanted to make sure that we were separating the academic consideration of the applicant from what they were disclosing to us. We tried to narrow it down and be clear about why we're asking, because if we weren't going to do anything with information, then we decided that we didn't need to know.

Do you routinely collect information for non-regulated courses about criminal convictions?

No - building on the good practice guidance and advice from Unlock we refreshed our policy and guidance to put the onus on the applicant to disclose. We mapped out and made it very clear about circumstances that we need to know about depending on your type of conviction; the most important thing is that a criminal conviction shouldn't be seen as a barrier to applying.

What happens when an applicant discloses a criminal conviction?

We look first to see if they are academically suitable with our regular selection criteria and processes and then if we want to make them an offer we contact the applicant and ask for clarification. The outcome of that initial conversation determines what the next steps are and who else we need to inform. We would consider whether it was a professionally regulated course, and whether any restrictions would impact on the core aspects of their degree. It's certainly not a no from the outset; it becomes partnership working with the student to explore options and how we can support the student before making a final decision.

How do you support students with a criminal conviction?

Our social mobility team felt that there could be a cross section between those from under-represented backgrounds and those coming in with a criminal conviction and they have support packages in place to support our widening participation work. We haven't put a support package in place for those that have solely disclosed a criminal conviction as we work with each student individually.

Do you update this information?

Students on professionally regulated course have to complete a good character form regularly, which acts as safety net. If it's a non-professionally regulated programme, the onus is on the student to disclose. We might find out depending on what that they're doing as part of the whole student life and experience – for example if they're applying to be a student ambassador and they have a DBS check, it's picked up at that point.

Do you have a similar process for PG?

Our focus has been very much on UG, but we've tried to replicate the process for PGT; we do exactly the same and separate the academic judgement from any disclosure as our starting position.

Has anything changed since you originally set up the process?

A recent issue is what happens if a student who has undergone disciplinary proceedings in another institution transfers in, but hasn't disclosed this because it isn't a criminal conviction.

Carolyn Mindos, Head of Student Recruitment and Admissions, Arts University Plymouth

Do you collect information about criminal convictions for non-regulated courses?

We don't collect this as part of the admissions process (except if there are visa considerations for international applicants), however we do ask students to disclose any unspent convictions or ongoing criminal proceedings as part of the registration process; we do this as we have a duty of care to our staff and students and have a large cohort of 16-19 year olds in our pre-degree provision.

Who was involved in developing the process?

Our registrar, Head of Compliance and Head of Recruitment and Admissions, alongside guidance from UCAS.

What do you collect and why?

As part of the registration process, we ask all students to disclose information on sexual harm prevention orders, and current unspent convictions and licencing conditions to ensure that students can engage fully with their programme and the wider university community, alongside any ongoing police investigations. This allows us to decide whether we can proceed with registration, how best to support the student and to ensure that we consider any safe-guarding issues. This information is kept confidentially and access to it is limited to staff that are involved in making any decisions about additional support required by the student. We require students to inform us of any proceedings or convictions that may arise once they are registered – again this is so we can support the student.

Gillian Simmons, Head of Admissions, The University of Edinburgh

Who was involved in developing the process?

Deputy Secretary (Student Experience), Head of Legal, Head of Admissions, with policy and academic services colleagues

What do you collect and why?

In admissions, we collect information on convictions for regulated courses i.e. those where applicants are required to join Disclosure Scotland's Protecting Vulnerable Groups (PVG) scheme as part of the admissions process. We do this once we have considered their application and want to make an offer. At matriculation all students are required to disclose any relevant pending charges or unspent convictions – we do this to ensure that we can carry out appropriate risk assessments and put support in place if necessary to make sure that any licencing conditions can be met.

What do you do with the information obtained in admissions?

Once we have considered the information, we may need to take the decision to a panel which decides whether the conviction or restrictions will impact on the student's ability to complete their degree, for example by restricting placements. If the panel decides it would, we offer an alternative degree where possible. We may also receive guidance from the police or probation service to help with this.

How do you support applicants with criminal convictions?

When it would be helpful, we provide students with a mentor – this is generally someone from their academic department but who isn't directly involved in teaching the student. The mentor knows about the student's background (unlike most staff members), and gives the student someone to talk to if stress increases during their degree.

Do you update this information?

Students are required to tell the university about any new convictions or charges that happen during their studies; this is highlighted during matriculation.

How has the process worked so far?

Since we stopped asking applicants about convictions during the admissions process (other than for regulated courses), the number of admissions panels we've had has reduced from four or five a year to two to three, and we haven't seen any negative impact. As before, we only investigate positive declarations, so there is a possibility that students are not disclosing convictions; the PVG scheme acts as a buffer to this for regulated courses.