

RECRUITMENT AND ADMISSIONS

RISK POLICY AND PROCEDURE FOR APPLICANTS WITH CRIMINAL CONVICTIONS

1. Definitions

Relevant Criminal Convictions:

- 1.1 Relevant criminal convictions include Cautions, Admonitions, Reprimands, Final Warnings, Bind-Over Orders, or similar, involving one or more of those listed below:
- 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.
 - Offences listed in the Sexual Offences Act 2003.
 - The unlawful supply of controlled drugs or substances where the conviction concerns commercial drug dealing or trafficking (drug offences only involving possession are not relevant offences).
 - Offences involving firearms.
 - Offences involving arson.
 - Offences involving terrorism.

Unspent Convictions:

- 1.2 A criminal conviction can become 'spent' after a period of time. The length of time it takes to become spent is defined by the Rehabilitation of Offenders Act 1974 and depends on the sentence or disposal made by the court following the conviction. Until that period has passed, the conviction is considered 'unspent'. Further information can be found at:
<http://hub.unlock.org.uk/information/rehabilitation-of-offenders-act-1974/>

2. Scope of Policy

- 2.1 This policy is designed to be used for the admission of students to all courses at the University, except those courses which are exempt from the provisions of the Rehabilitation of Offenders Act and which require disclosure of all criminal convictions and related information. For these courses, other checks will be undertaken to ensure compliance with professional, statutory or regulatory body requirements. These checks are not within the scope of this policy.
- 2.2 Applicants are strongly advised to make their own checks as to whether a previous conviction (whether or not deemed to be spent) may have an effect on future study or professional career progression, e.g. the ability to join a professional body.

3. Policy

- 3.1 The University is committed to taking reasonable and appropriate steps to protect students, staff, visitors, the University community, University property and individuals with which the student may come into contact with as part of their studies or time at University.
- 3.2 This policy and procedure allows the University to assess whether an applicant declaring one or more unspent criminal convictions presents an unacceptable risk.
- 3.3 All applicants who declare relevant and unspent criminal convictions will be treated fairly and the University makes every effort to prevent unfair discrimination against these applicants, whilst ensuring the need to protect its students, staff, visitors, property and reputation.
- 3.4 Whenever an applicant discloses a relevant and unspent criminal conviction during the application process, the procedure set out below should be followed. No applicant will be excluded from the application process solely on the grounds that a relevant conviction has been disclosed.
- 3.5 An applicant may be rejected on the grounds of a relevant and unspent criminal conviction, regardless of academic merit, if the outcome of the procedure set out below is that rejection prevents harm to the University community, prevents disruption to the University and/or protects the reputation of the University.
- 3.6 The University may withdraw any offer of admission to study at the University, or exclude from the University any student, in cases where applicants or students have deliberately failed to disclose without good reason or deliberately misrepresented the circumstances/seriousness of the offence(s).

4. Confidentiality

- 4.1 Access to information will be carefully controlled and strictly limited to those for whom it is necessary in order to make a decision on admission and to limited, appropriate senior members of academic/professional staff who may need to know of the information if an applicant is admitted. This may include an appropriately senior member of Accommodation staff and the Head of the Department or Programme Leader responsible for the course to which the applicant is being admitted.
- 4.2 Applicants will be asked to declare that they provide consent for this on the Disclosure Form.
- 4.3 Consent will also be sought for any disclosures to third parties, e.g. Probation Officer, alongside permissions to seek further information about the applicant from these third parties.

5. Records Management and Data Protection

- 5.1 All records and correspondence concerning an applicant who discloses details of a criminal conviction will be securely stored in a central point in the University, separate from other applications, to ensure only those permitted to access the information can see it.

- 5.2 All records and correspondence concerning an applicant who may have a relevant criminal conviction, or requires disclosure, will be securely stored according to the University's data protection policy.
- 5.3 After the requisite period, disclosure information will be destroyed by secure means and in line with the University guidance on handling confidential waste.

6. Information Received From a Third party

- 6.1 Information received from a third party alleging that an applicant has a criminal conviction will be treated with great caution. External verification will be sought and obtained, and discretion is reserved to seek verification of credible anonymous information.

7. Procedure

- 7.1 Applicants respond to a question regarding relevant and unspent criminal convictions on the respective application form (UCAS/GTTR or direct application form).
- 7.2 Applicants who disclose a relevant and unspent conviction will be considered against academic entry criteria in the normal way. No contact will be made with the applicant at this stage concerning the disclosed conviction and the conviction will have no bearing in the academic decision.
- 7.3 If a decision is made to reject the application on academic grounds, no further action will be taken in respect of the conviction and the reject decision will be processed in the normal way.
- 7.4 If a decision is made on academic grounds to either request a portfolio, invite to interview or make an offer then:
 - a) The Admissions Officer dealing with the application will send a Disclosure Form to the applicant requesting details of the offence and the penalty incurred.
 - b) Once the form has been returned, an assessment will be made by the Head of Admissions, or their nominee, to determine if the conviction is relevant and unspent.

If the conviction is determined to be either not relevant or is spent then the application will be allowed to progress in the normal way.

- 7.5 If the conviction is relevant and unspent, then:
 - i) further information may be sought from a Probation Officer or other agency, and;
 - ii) the application will be considered by the University Risk Panel, which comprises the Director of Recruitment and Admissions, a senior member of academic staff and a senior representative from Student Services.
 - iii) information on the content and nature of the course may be sought on a confidential basis to establish whether there are any additional risks to be considered by the panel.

The Risk Panel may decide that:

- a) there is no significant risk to the University community and the application can continue to be processed in the normal way.
- b) there is no significant risk to the University community and the application can continue to be processed in the normal way, but with particular non-academic conditions (e.g. restrictions relating to accommodation) being added to any offer;
- c) there is significant risk to the University community and the application cannot be progressed.

The Panel may request further information to inform its decision.

Criteria to inform the decision are set out in Appendix 1.

- 7.6 Notes of the Risk Panel's discussion will be taken by a member of staff selected by the Director of Recruitment and Admissions. The Head of Admissions or nominee will also be present at the meetings of the Panel.
- 7.7 The Head of Admissions (or nominee) will inform the Admissions Officer of the Panel's decision in writing.
- 7.8 Where, after reasoned and reasonable consideration, the Panel decides that the applicant cannot be admitted to a course, the Head of Admissions will write to inform the applicant of the Panel's decision.

8. Appeal

- 8.1 Requests for appeal against the outcome of a decision of the Risk Panel can only be made on the following grounds:
 - i) maladministration in the conduct of the policy and procedure;
 - ii) new evidence has emerged, which was not available at the time of the original consideration of the disclosure;
 - iii) the decision was unreasonable in light of the particular facts and circumstances of the case.
- 8.2 Any appeal must be made in writing within 10 working days of receipt of the Panel's decision and should refer to the grounds for appeal.
- 8.3 Appeals will be considered by the Academic Registrar, whose decision will be final. Applicants should address their appeal to: The Academic Registrar, Manchester Metropolitan University, Business School & Student Hub, All Saints Campus, Manchester, M15 6BH.

9. Non-Disclosure of a relevant criminal conviction

- 9.1 Applicants are required to disclose all relevant facts and information which have a bearing on their application for admission.

- 9.2 Where an applicant is found to have a relevant offence that was not declared at the point of application or at any stage throughout the application process, the University will contact them to request further information.
- 9.3 If false information has been deliberately provided, or if information regarding criminal convictions has been withheld, the application may be considered fraudulent and may therefore be withdrawn. This is in accordance with the University's Student Recruitment and Admissions Policy.
- 9.4 If it is discovered after a student has registered at the University that relevant facts or information in connection with their application have been omitted or falsified, this would be investigated in accordance with Student Code of Conduct:
<http://www.mmu.ac.uk/academic/casqe/regulations/assessment/docs/code-of-conduct.pdf>

or the

Procedure for Expulsion on the Grounds of Professional Unsuitability: -
<http://www.mmu.ac.uk/academic/casqe/regulations/assessment/docs/Professional-Suitability.pdf>

10. Monitoring and Review

- 10.1 This document will undergo periodic review and may be updated at any time to ensure clarity, accuracy and to reflect best practice and changes to legislation.
- 10.2 Next review date September 2018.

Version	1.0	Author Name & Job Title	Karen Varty, Director of Recruitment and Admissions
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Appendix 1.

Consideration of criminal convictions by the Panel

The Panel will determine the nature of the offence, the circumstances surrounding the offence and the penalty received before considering risk.

When considering whether an applicant can be admitted or should be rejected because of the criminal conviction(s) disclosed, the Panel will take into account the following:

1. Potential Risk Of Harm To Staff And Students:

- The length of time that has elapsed since the offence(s).
- The nature and seriousness of the offence(s), and its relevance; the level of supervision received by the applicant; opportunities for the student to re-offend.
- The nature of the sentence and whether the sentence is still being served.
- The number and frequency of offences.
- Whether the applicant has a pattern of offending behaviours.
- The level of intent and harm caused; the circumstances of the offence(s) and the explanation(s) offered by the applicant.
- A Probation Officer Report, including comments concerning the applicant's rehabilitation and risk of re offending.
- Any further character reference(s) which may be required in order to enable the Panel to make a reasoned and reasonable decision. Reports and references will usually be requested via the applicant.
- Any changes in lifestyle, circumstances or attitudes on the part of the applicant subsequent to the offence(s).

2. Any Specific Concerns Relating To The Course Being Applied For:

- Concerns in relation to teaching accommodation.
- Concerns in relation to the teaching methods of the course.
- Constraints prescribed by a partner organisation.

3. Potential Risk Of Disruption Or Harm To The University's Reputation:

Whether the admission of the applicant would be unacceptable to the student community, or otherwise adversely affect the University's reputation.