

MANCHESTER METROPOLITAN UNIVERSITY

RISK POLICY AND PROCEDURE FOR APPLICANTS WITH CRIMINAL CONVICTIONS

Introduction and Scope

In general, a criminal record is not to be regarded as an obstacle to studying at the University. The University is committed to promoting equality of opportunity in higher education.

The University must balance its responsibilities to provide a safe and secure environment for its staff, students, visitors and others. The University also has to take into account the demands of various Professional, Statutory or Regulatory body (PSRBs) requirements and has certain duties under the law to work to protect certain categories of people, e.g, children and vulnerable adults.

This Policy is designed to be used for the admission of students to all courses at the University, except for those courses which are exempt from the provisions of the Rehabilitation of Offenders [Act](#) ("ROOA") and which require disclosure of all criminal convictions (that are not filtered/ 'protected') and related information. For these courses, additional checks will be undertaken to ensure compliance with professional, statutory or regulatory body requirements and/or where Regulated Activity is involved as defined in the Protection of Freedoms Act 2012.

For courses requiring a DBS check, any disclosure made via the self-declaration process will be considered by a nominated representative or panel within the relevant School or Department ("Faculty Based Risk Assessment") and where relevant, by the University Risk Panel. Where appropriate, partner agencies may be consulted in the consideration of individual cases to meet the demands of professional regulation.

The University will not ask applicants to declare any relevant unspent criminal convictions unless and until they receive an offer which they wish to accept, unless the applicant is applying for a course to which the exception above applies. However, the University does encourage early voluntary disclosure (please see below).

The purpose of this Policy and procedure is to determine if a prospective student poses an unacceptable risk to the University or its community.

Applicants can access independent advice and guidance from: NACRO (www.nacro.org.uk): a charity providing support with resettlement and rehabilitation following criminal convictions or Unlock (www.unlock.org.uk): a charity providing trusted information, advice and advocacy for people with criminal convictions.

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, for example, the ability to join a professional body.

1. Definitions

1.1. Relevant Criminal Convictions:



Relevant criminal convictions include convictions, orders, and other community sentences or disposals (with no buffer period) (where applicable under the ROOA) involving one or more of those convictions listed below:

- Offences concerned with violent or threatening behaviour or the causing of physical or mental harm to others, whether or not such harm was intended or actually caused
- Sexual offences, including those listed in the Sexual Offences Act 2003
- Unlawful supply of controlled drugs or substances, including trafficking offences
- Offences involving firearms
- Arson
- Offences involving terrorism

Offer-holders should not be asked to provide information about any other criminal conviction or matter unless they are applying for a regulated course which is exempt from the provisions of the Rehabilitation of Offenders Act and which require disclosure of all criminal convictions (that are not 'protected'/ filtered) and related information.

1.2 Unspent Convictions:

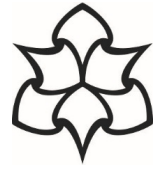
A criminal conviction can become 'spent' after a period of time. The length of time it takes to become spent is defined by the Rehabilitation of Offenders Act 1974 and depends on the sentence or disposal made by the court following the conviction. Until that period has passed, the conviction is considered 'unspent'. Further information can be found at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/299916/rehabilitation-of-offenders-guidance.pdf

1.3 Non-UK Convictions:

Applicants who have criminal matters on record in a country outside the United Kingdom should declare them where they are equivalent to matters they would be required to declare under this Policy if they had been imposed in the UK. The applicant may additionally be required to produce a Certificate of Good Character from the country that they have been resident in. This certificate is expected to provide any information on cautions and convictions from the country(ies) where they have resided. Advice on the process for obtaining a Certificate of Good Character for different countries can be found at <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>.

2. Policy

- 2.1 The University is committed to taking reasonable and appropriate steps to protect students, staff and visitors.
- 2.2 This Policy and procedure describes how the University assesses whether a prospective student declaring an unspent criminal conviction(s) presents an unacceptable risk or how any risks can be managed.
- 2.3 All applicants who declare relevant and unspent criminal convictions will be treated fairly and the University makes every effort to prevent unfair discrimination against such applicants, whilst satisfying its duty of care to its students, staff and visitors.



- 2.4 Applicants who accept the offer of a place to study at the University are required to disclose any relevant, unspent criminal convictions. However, earlier disclosure is permitted to allow the risk assessment process to be completed as soon as possible. Whenever an applicant discloses a relevant and unspent criminal conviction, the procedure set out below should be followed. No prospective student will be denied enrolment at the University solely on the grounds that a relevant conviction has been disclosed. Should an applicant choose to voluntarily self-declare early, (therefore prior to acceptance of an offer), the applicant will not be excluded from the application process solely on the basis of their declared criminal conviction.
- 2.5 If information relating to relevant convictions is not given or is incomplete, then the University reserves the right at any stage to reject the application. Applicants also agree where required to submit to appropriate additional criminal record checks and other relevant enquiries.
- 2.6 In addition to the requirement to disclose relevant, unspent criminal convictions once an offer is accepted, offer holders and students are obliged to bring to the University's attention any relevant convictions they would be required to disclose under this Policy and that they receive as from application including whilst a student. As part of the online enrolment process all new and returning students to the University will also be asked to confirm whether they have relevant, unspent convictions and if so, to confirm that these have been disclosed via the process set out below. Any disclosures may be taken to the Risk Panel.
- 2.7 The University may withdraw, or amend any offer of admission to study at the University, regardless of academic merit, if the outcome of the procedure set out below is that the University reasonably considers that such action may reduce the risk of harm to the University community.
- 2.8 The University may withdraw any offer of admission to study at the University or exclude from the University any student, in cases where an applicant or student has deliberately failed to disclose a relevant unspent conviction or has deliberately misrepresented the circumstances/seriousness of the offence(s).

3. Confidentiality

- 3.1. 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 members of academic/professional services staff who may need to know of the information if an applicant is admitted as per the requirements of Sensitive information in accordance with the [Information Classification Procedure](#). This may include appropriate members of Residential Services staff and the Head of the Department or Programme Leader (or other appropriate academic staff members) responsible for the course to which the applicant is being admitted.
- 3.2. Where the University Risk Panel determines that it is necessary to share information regarding criminal convictions with members of staff as outlined in 3.1, applicants will be advised accordingly within appropriate privacy notice information.
- 3.3. Applicants are asked to provide an appropriate third-party contact (e.g. probation officer) which the University can contact directly to discuss relevant convictions and their



suitability for study at the University This will usually be provided as part of the Criminal Conviction Self-Declaration Form. If such information is not provided in a timely manner, the University will not be able to gather sufficient information to assess admission and complete the risk assessment process in which case the offer may be withdrawn/terminated.

- 3.4. Information about the declared conviction and the Panel's decision may be shared within the University and with third party accommodation providers only as necessary to enable any risk arrangements imposed by the Panel to be applied and monitored.

4. Records Management and Data Protection

- 4.1. The Criminal Conviction Self-Declaration Form and any correspondence concerning an applicant's criminal conviction disclosure, will be securely stored in a central point in the University, separate from the course application record, to ensure only those permitted to access the information can see it.
- 4.2. All records and correspondence concerning an applicant, who has disclosed a relevant criminal conviction, will be securely stored according to the [DPIA – Self Declaration Conviction Data](#) and the [University's data protection policy](#).
- 4.3. The University maintains a [Records Retention and Disposal Schedule](#), setting the periods for which records containing Personal Data, including disclosure of criminal convictions, are to be retained. After the requisite period, disclosure information will be destroyed by secure means and in line with the University guidance on handling confidential waste.

5. Information Received from a Third Party

- 5.1. 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.

6. Procedure

- 6.1. Applicants who accept an offer of a place are required to disclose to the University, any relevant, unspent criminal convictions. Applicants are advised of this requirement within the standard offer letter issued by the Admissions Office.
- 6.2. Disclosure of convictions is made via the relevant University Criminal Conviction Self-Declaration Form. Forms and guidance for applicants are available at www.mmu.ac.uk/disclosure.
- 6.3. Completed forms are reviewed by the University's Head of Admissions, to determine that the disclosed convictions are both relevant and not spent (as defined by the Rehabilitation of Offenders Act 1974). Any disclosed convictions that fail to meet these criteria are excluded from further consideration by the University Risk Panel and disposed of accordingly.
- 6.4. For courses requiring an enhanced Disclosure and Barring (DBS) check, offer holders are asked to disclose all spent and unspent convictions as part of the self-declaration



process. Any disclosure will be shared with appropriate representatives within the faculty to undertake the Faculty Based Risk Assessment.

- 6.5. For those convictions that are determined to be both relevant and unspent:
- i) further information may be sought from a Probation Officer or other agency;
 - ii) the information disclosed will be considered by the University Risk Panel, to assess the level of risk to the University community and to decide upon the applicant's admission to the University.

The Risk Panel comprises:

- The Director of Recruitment and Admissions.
 - A senior academic member of staff.
 - A senior representative from Student Services.
 - A senior representative from Residential Services.
- 6.6. The Head of Admissions or nominee will also be present at Panel meetings and will take notes of the discussion.
- 6.7. The Risk Panel will consider the level of risk the individual may pose to the University community based upon the information before it and decide whether it is appropriate for the applicant to study at the University and/or reside in University accommodation. The Panel will consider factors identified in this Policy, Appendix 1 and any other agreed risk assessment framework from time to time. The Risk Panel may decide that:
- a) The level of risk is considered to be acceptable and no mitigating action is required. In such cases the standard admissions process will resume;
 - b) The level of risk can be managed through mitigating action. In such cases, the offer of a place may be amended to include additional non-academic conditions, for example (but not limited to) restrictions relating to the provision of student accommodation restrictions on access to particular facilities, services or study arrangements. The applicant will then have a choice as to whether to accept their new offer subject to those conditions/restrictions;
 - c) the level of potential risk to the University community is not acceptable and cannot be managed through mitigating action. Where after reasoned consideration and where deemed in the University's opinion to be appropriate and proportionate, the Panel may decide that the applicant cannot be admitted to a course, the decision may be taken to withdraw the offer of a place (or terminate the student contract, post acceptance).
- 6.8. The Panel may request further information to inform its decision. This may include seeking information on the content and nature of the course, on a confidential basis, to establish whether there are any additional risks to be considered, specific to the chosen course of study.
- 6.9. Criteria to inform the decision are set out in Appendix 1.



6.10. The Head of Admissions will write to inform the applicant of the Panel's decision.

7. Appeal

7.1. Requests for appeal of the outcome of a decision of the Risk Panel can only be made on the following grounds:

- i) maladministration or impropriety in the conduct of the policy and procedure;
- ii) new evidence which was not available at the time of the original consideration of the disclosure;
- iii) evidence of bias or prejudice in the way the decision was made.

7.2. 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.

7.3. Appeals will be considered by the Academic Registrar or suitable senior nominee, whose decision will be final. Applicants should address their appeal to: The Academic Registrar, Manchester Metropolitan University, 6 Great Marlborough Street, Manchester, M1 5AL.

8. Non-disclosure of a Relevant Criminal Conviction

8.1. Applicants who accept the offer of a place are required to disclose all relevant facts and information that have a bearing on their admission to the University.

8.2. Where an applicant is found to have a relevant unspent offence that was not declared following acceptance of their course offer, the University will contact them to request further information.

8.3. If false information is provided deliberately, or if information regarding relevant criminal convictions is withheld, the offer of a place may be withdrawn. This is in accordance with the University's Student Recruitment and Admissions [Policy](#).

8.4. If it were discovered after a student has registered at the University that relevant facts or information in connection with their application has been omitted or falsified, this would be investigated in accordance with

- the 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>.

9. Monitoring and Review



9.1. 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.

9.2. Next review date: May 2023

Version	1.0	Author Name & Job Title	Beverley Whitehead, Head of Admissions
Approved date	2 June 2021	Approved by (Board/Committee)	Academic Board
Date for review	May 2023		



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 if an offer should be amended or withdrawn 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;
- the nature of the sentence and whether the sentence is still being served;
- the number and frequency of offences;
- whether there is or was a pattern of offending behaviours;
- the level of intent and harm caused;
- a Probation Officer Report or other appropriate professional or agency evidence, 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 proportionate decision.;
- the comments and representations of the applicant/offer holder;
- 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

Including but not limited to:

- Does the offence indicate any particular risks may arise in any part of the University or course environment, e.g. teaching accommodation, teaching methods, such as group working, working with equipment or work placements?
- Whether any current restrictions imposed by the criminal justice system on the applicant/student would affect completion of the programme of study or require adjustments to be necessary.
- Constraints prescribed by a partner organisation.