Disclosing Criminal Convictions Policy

Introduction
Royal Holloway, University of London (the College) does not wish to debar individuals with criminal records from taking advantage of the opportunities offered by higher education. We actively promote equality of opportunity for all with the right mix of talent, skills, and potential this includes welcoming applications from a wide range of applicants, including those with a criminal conviction record. A criminal record may not be an obstacle to studying at the College or participating in extra-curricular activities, but we must balance our responsibilities to provide a safe and secure environment for our staff, students, visitors and others. In order to do this we will consider the nature of the programme and the circumstances and background of the offence(s) as outlined in this policy, alongside the demands of various professional bodies and requirements under law to protect special categories of people.

Scope
This policy applies to all students, who are required to disclose unspent convictions as outlined below. Additionally students on professional programmes that entitles them to work in a profession that is exempt from the Rehabilitation of Offenders Act 1974, or students undertaking other work with children or vulnerable adults either as part of their course or independently (including volunteering activity) may also be required to declare spent convictions in accordance with the relevant guidance.

All students
The College requires all applying and enrolled students to disclose on application, as a condition of enrolment and on a continuing basis, a criminal conviction, warning, caution or bind-over that is not spent (as defined by the Rehabilitation of Offenders Act 1974). The student must inform the College in a timely way in order so that it can introduce any appropriate safeguards for the security of other members of the College community as well as supporting the student against any likelihood of reoffending. College will be duly supportive of a student’s desire for rehabilitation, especially if the conviction etc. has been obtained before the commencement of the period of study.

If a conviction etc. is obtained during study, and in particular but not exclusively if the offence is committed in connection with being a student, College disciplinary action and restrictions may also follow; however the College will aim to take fair and proportionate steps and not to place unnecessary additional penalties on a student who has already received a criminal sanction for their behaviour. If the conviction etc. predates the student’s application, a student may alert the College through the application procedure; otherwise the student must notify directly the Head of Support and Advisory Services. In the latter case, even if a student has notified another section of the College, the matter should also be reported to the Head of Support and Advisory Services; it is the student’s responsibility to ensure this has happened. Where a student is uncertain if a conviction etc. is spent or not, advice can be obtained from Support and Advisory Services. Alternatively, the independent charity Unlock may also be able to advise, see www.unlock.org.uk. To aid rehabilitation, all disclosures of criminal records by students will be treated with a high degree of discretion and will not be disclosed to other members of College staff unnecessarily. The College may consider attempted or actual avoidance of relevant disclosures at the appropriate time a disciplinary offence.

Applicants with Criminal Convictions
The College has a duty of care to its staff and students and therefore all applicants are required to disclose any relevant unspent criminal convictions. The decision on whether to accept an applicant who has declared a criminal conviction will be based on the risk posed to staff and students and the well-being of the College. Any applicant who declares a criminal conviction as a part of the admissions process will firstly have their application assessed on academic grounds. If the relevant assessor determines that the applicant is eligible for an offer of a place at the College, their application will be placed on hold whilst the criminal conviction is investigated further. Applicants who are eligible for an offer and have disclosed unspent criminal convictions will be asked to provide further information about the offence. Such further information may include:

- A statement from the Probation Service or Senior Prison Officers.
- A character reference from a member of staff at the applicant’s school, college or equivalent.
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- A statement from the applicant setting out any information which may be considered relevant to the decision.
- Any other background information it is reasonable for the College to require to make a proper evaluation of risk.

Those considering the application will not normally contact a third party without specific written consent from the applicant in advance, as information about criminal convictions is considered sensitive personal data and as such its use is subject to the greater protection of the Data Protection Act 1998. In the absence of consent being given, the College reserves the right to decline to continue consideration of the application. The declaration and any additional information will be considered and assessed for potential risk by a Criminal Convictions Panel. The Criminal Convictions Panel will be comprised of the following members of College staff:

- Assistant Director of Admissions and Applicant Services
- Head of Support and Advisory Services
- The relevant departmental Admissions Tutor
- The relevant Head of Department

Applicants to courses that require a Disclosure and Barring Service (DBS) check are required to disclose all convictions, whether spent or unspent including cautions, reprimands, warnings and bind-overs and will be required to obtain a satisfactory disclosure from the DBS. The relevant forms and notes will be sent to the applicant with their initial offer.

For the purposes of this policy, a relevant criminal conviction is defined as convictions, cautions, admonitions, reprimands, final warnings, bind over orders or similar involving one or more of the following:

- 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 Sex Offences Act 2003
- The unlawful supply of controlled drugs or substances
- Offences involving firearms or other weapons
- Offences involving arson
- Offences listed in the Terrorism Act 2006
- Offences involving dishonesty

Students on Professional Programmes

When a student is studying on a programme which leads to a qualification that entitles them to work in a profession that is exempt from the Rehabilitation of Offenders Act 1974 and when the determination of Fitness to Practise is part of this programme, or when the student is undertaking while at College other work with children or vulnerable adults either as part of their course or independently for which criminal record disclosure is appropriate, they will be advised of the additional checks necessary. These checks may require the disclosure not only of relevant unspent convictions, but of spent convictions, cautions and other warnings etc. as specified at the relevant time and also of other relevant personal circumstances. The Rehabilitation of Offenders Act 1974 (Exceptions Order 1975 (Amendment)) (England and Wales) Order 2003 now provides that certain spent convictions and cautions are ‘protected’ and are not subject to disclosure. Guidance and criteria on the filtering of protected cautions and convictions can be found on the Disclosure and Barring Service website: https://www.gov.uk/government/organisations/disclosure-and-barring-service/about. Please note that the following are never filtered out:

- Cautions given less than 6 years ago (where individual over 18 at the time of cautions)
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- Cautions given less than 2 years ago (where individual under 18 at the time of caution)
- Cautions and convictions relating to an offence from a prescribed list
- Where the individual has more than one conviction offence, all convictions will be included on the certificate (no conviction will be filtered)
- Convictions that resulted in a custodial sentence (regardless of whether served)
- Convictions given less than 11 years ago (where individual over 18 at the time of conviction)
- Convictions given less than 5.5 years ago (where individual under 18 at the time of conviction)

A student following such a course of study or such an additional activity is required to cooperate fully with the appropriate instructions given concerning disclosure. The College may consider attempted or actual avoidance of relevant disclosures at the appropriate time a disciplinary offence as well as an indication of lack of fitness to practise in the defined area.

Further relevant guidance may also be found in the College’s Fitness to Practise Procedures and in the Student Disciplinary Regulations, which should be read in conjunction with this Policy.

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