

# Criminal conviction policy

## Introduction

The University is committed to the fair treatment of its applicants and students regardless of background. We actively promote equality of opportunity for all applicants with the potential to succeed in the programmes for which they are applying and welcome applications from a wide range of candidates. Having a criminal record will not necessarily prevent an individual studying at the University. We select candidates based on criteria including skills, qualifications and experience. The relevance of a criminal record will be considered independently of the outcome of that selection process.

This policy and the [related procedures](#) aim to ensure that the University fulfils its responsibilities and obligations for the safety of the University communities and the safeguarding of children, young people and adults with whom students are in contact as part of their studies and work.

There are different procedures depending on whether the programme being applied for requires regulated activity with children or adults or whether it is a non-regulated programme, and these are outlined in separate sections of the procedure.

It is a requirement of the Disclosure and Barring Service (DBS) that all Registered Bodies have a written policy on the recruitment of those with criminal convictions, a copy of which can be made available to applicants. This policy is aimed at applicants and students and should be read alongside the University's Admissions Policy.

In implementing this policy the University is mindful of the requirements of the Rehabilitation of Offenders Act 1974, the Rehabilitation of Offenders Act 1974 (Exceptions Order 1975) as amended in 2013, the General Data Protection Regulation and the Data Protection Act (2018).

This policy is relevant for all UCAS and direct applications to the University.

## Policy

### Applicants for and students on programmes requiring **regulated** activity with children and adults

Programmes requiring regulated activity are those leading to professions or occupations exempt from the Rehabilitation of Offenders Act 1974. These include a number of programmes in our Faculty of Health and Applied Sciences and Faculty of Arts, Creative Industries and Education. Applicants on these programmes will be required to declare any convictions, cautions, reprimands or final warnings recorded on a police central record, that are not protected as defined by the Rehabilitation of Offenders Act 1974 (Exceptions Order 1975) as

amended in 2013. They will be asked to complete a self-declaration for any such criminal record at an early stage in the application process. Applicants will also be required to complete an Enhanced DBS check before being allowed to register as a student at the University and undertake placements. Our course information webpages will contain a statement that a DBS check is part of the programme selection criteria if relevant.

It is a criminal offence for a barred individual to undertake regulated activity and the University has an obligation not to permit this to occur.

Students accepted onto programmes requiring regulated activity will be required to complete an annual self-declaration to confirm that they have not received any police reprimands, warnings, cautions or convictions since the last DBS check or declaration. Students who subsequently receive one of these will be considered under the [Professional Suitability Policy and Procedure](#).

#### Applicants for and students on **non-regulated** programmes

Non-regulated programmes do not lead to professions or occupations exempt from the Rehabilitation of offenders Act 1974, and make up the majority of programmes offered by UWE Bristol.

Applicants will not be asked to declare any relevant unspent criminal conviction information during the initial application assessment and decision. Applications will be assessed solely on academic criteria and suitability.

Offer holders will only be asked to declare any relevant criminal conviction information when they accept UWE Bristol as their firm choice via UCAS or our Welcome Website. At this point they will be sent a communication with information on how and what to declare through UWE's Welcome Website, and outlined in full in the Procedure for Consideration of Disclosed Criminal Records below.

The information disclosed to the University regarding unspent criminal convictions will be used to allow the University to manage risk and provide a means of offering appropriate levels of support once they become a student. A risk assessment will be undertaken and considered under the Procedure for Consideration of Disclosed Criminal Records outlined below.

There may be some professions that carry out criminal records checks, for example some legal occupations, even when this would not be in the selection criteria for University entry and thus would not prevent applicants from successfully completing a degree programme. Applicants are advised to undertake their own research into different professions they may wish to progress into before accepting an offer of a place. However, should an individual consent to the University using the information for this purpose, we will provide advice to the student if they have chosen a course which indicates a choice of profession from which they are likely to be excluded.

This policy will also apply where students on other programmes are engaged in situations and activities which involve regulated activity with children or adults within, organised or overseen by the University. These may include students undertaking work experience or placements involving regulated activity, students undertaking research as part of their programmes of study, or students acting as Student Ambassadors, mentors, tutors or volunteers. The level

of the check will be determined by appropriate managers, supervisors or Heads of Department and will depend on the nature of the activity.

These checks will not usually be repeated during a single programme of study, unless a student breaks their studies for a year or more. However, returning students who are continuing the activity will be required to confirm at the start of each year that their criminal record has not changed. They are also obliged to inform the University immediately of any change in their criminal record that might affect their participation in regulated activity.

### Overseas applicants requiring a Tier 4 Visa to study in the UK

Where an overseas applicant is applying for a programme of study which requires a DBS check, and particularly if they have not previously been resident in the UK, the University will follow DBS and relevant professional guidance to reassure itself about any criminal record. The University may also require the applicant to provide information from their home country equivalent to a DBS certificate and a statement of good character.

Applicants who require a Tier 4 Visa to study in the UK will be required to disclose a criminal record, including spent convictions, at the time of applying for their Confirmation of Acceptance of Studies (CAS).

Tier 4 students who require a new CAS to extend their stay to confirm their programme will also be asked to disclose a criminal record, including spent convictions, at the time of reapplying.

## **General information**

Where the University determines the information disclosed on a criminal record poses a safeguarding risk, or where restrictions and conditions mean an applicant would not be able to successfully study on their programme of choice and no suitable alternative can be found, UWE Bristol reserves the right to withdraw the offer of a place.

In the event that an applicant knowingly withholds criminal conviction information, UWE Bristol reserves the right to either withdraw the offer of a place, or consider it under the University's Professional Suitability and Professional Conduct Policy, which in turn could lead to the requirement for the student to withdraw from their programme of study.

## **Payment**

UWE Bristol will pay the initial fee for an Enhanced DBS check where this is required, however as part of the application process applicants will need to pay a small fee at the Post Office for document checking.

We encourage students to subscribe to the DBS Update Service, although they will need to pay for the annual subscription themselves.

## **Storage, retention and disposal of information relating to criminal records**

The University complies fully with the DBS Code of Practice regarding correct handling, use, store, retention and disposal of Disclosures and Disclosure information. It also complies fully with its obligations under the Data Protection Act 2018 and other relevant legislation.

Access to your data is strictly controlled to a limited number of authorised staff within the University. They will be suitably trained to identify and assess the relevance and significance of offences and their circumstances.

All data will be confidentially and securely saved on a University SharePoint site with restricted access to relevant senior members of staff. No sensitive data will be held on the applicant or student record.

For students who proceed to enrol/register at the University, data will be kept securely for the duration of their studies.

For applicants who do not commence studies at the University, data will be confidentially deleted from the SharePoint site post-registration period of the academic year of entry.

## **Appendix A**

### Relevant Policies and Procedures

- [Admissions Policy](#)
- [DBS Code of Practice](#)
- [Professional Suitability and Professional Policy](#)
- [Safeguarding Policy and Procedures](#)

### Other useful links:

- [Disclosure and Barring Service](#)
- [Rehabilitation of Offenders Act 1974](#)

## **Appendix B**

# **Declaration of criminal offences Privacy Notice**

## **Introduction and purpose of this Privacy Notice**

This Privacy Notice informs you about how and why the University (the data controller) processes personal data relating to relevant unspent criminal convictions listed below which you have been asked to declare as part of our admissions process.

- Violent behaviour related offences 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 where the conviction concerns commercial drug dealing, trafficking, possession with intent to supply.
- Offences involving firearms, knives and weapons.
- Offences involving arson.
- Offences listed in the Terrorism Act 2006

Your personal information will be processed by the University in accordance with the provisions and principles of the General Data Protection Regulation (GDPR) and the Data Protection Act 2018. This Privacy Notice should be read in conjunction with our general [Admissions Privacy Notice](#), our Criminal Conviction Policy and the UWE Data Protection: processing special category and criminal convictions data – appropriate policy document.

#### Your personal information

You have been asked to disclose the following details of specified unspent criminal convictions:

- Nature of offence(s)
- Date(s)
- Sentence(s) imposed
- Name of court and if applicable conviction notices

We have asked you to disclose this information directly yourself. We may also ask third parties such as probation officers to supply additional contextual information where applicable. Referees that you have provided may also refer to this information, and provide us with details of your convictions.

#### Using your personal information

The University will only process your data for the purposes of carrying out a risk assessment, which will inform decisions about your suitability to study at and/or be housed by, the University.

The GDPR Article 6 lawful basis for processing this information about you is the University's public interest task. The specific public interest task is fulfilling its safeguarding duty of care to its students and staff. The additional lawful basis required under Article 10 of the GDPR for the lawful processing of criminal offence/conviction data is that the processing is necessary in the substantial public interest. The specific substantial public interest conditions that apply under Schedule 1, Part 2 of the Data Protection Act 2018 are:

- Preventing or detecting unlawful acts

- Safeguarding of children and individuals at risk

Where you have agreed to this, we will use the information provided to assess your suitability for the particular course chosen, and any additional support you might require.

The Article 6 lawful basis, and additional condition required to allow the university to use the information for this purpose is consent. As has been explained to you, your consent to us using the information for this purpose is entirely voluntary, and refusal to give consent will not affect the risk assessment carried out above. You can withdraw consent to us holding and using your data for this purpose at any time, by notifying us by email: [admissions@uwe.ac.uk](mailto:admissions@uwe.ac.uk)

#### How long do we keep your data for?

Details will be kept for the duration of your studies at UWE, Bristol and then securely deleted. Should you not enrol at UWE, Bristol, data will be securely deleted in the post-registration period of the academic year of entry.

#### Sharing your personal information

Access to your data is strictly controlled to a limited number of authorised staff within the University.

It will only be shared outside the University if we have a legal requirement to share the information, or one or more of the following circumstances apply:

- If further contextual information is required, your information will be shared with a relevant probation officer or reference provider;
- If you have consented to us using the information for the purposes of providing support, we may share the information with those who need to know in order to provide this support;
- In connection with a placement involving contact with children or vulnerable adults, where we may be required to provide the information.

Your personal data may also be processed on UWE's behalf by third party IT system and software providers. We require third parties to respect the security of your data and to treat it in accordance with the law. We do not allow our third-party service providers ("data processors") to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions.

#### International transfers

Your data will not be transferred outside the European Economic Area (EEA).

#### Automated decision making

Although the University may make a decision about you based on the information that you provide, it will not be an automated decision.

#### Your rights and choices

Alongside your right to be informed via this Privacy Notice, you also have a number of other rights and choices in respect of your personal data held by us. UWE, Bristol is the data controller and you have the following qualified rights to:

- access it
- data portability
- rectify it if it is not accurate or complete
- erase it, for example by removing your consent
- restrict its processing
- object to its processing
- object to automated decision making and profiling, and
- complain to the Information Commissioner's Office (ICO).

#### How to contact us

To exercise any of your rights please contact the Data Protection Officer by email at [dataprotection@uwe.ac.uk](mailto:dataprotection@uwe.ac.uk) or in writing to the Data Protection Officer, UWE Frenchay Campus, Coldharbour Lane, Bristol, BS16 1QY.

For further information on entry requirements, general advice or the University Admissions Policy contact: Admissions Office University of the West of England, Bristol Frenchay Campus Coldharbour Lane Bristol BS16 1QY

Tel: 0117 32 83333

Email: [admissions@uwe.ac.uk](mailto:admissions@uwe.ac.uk)