



UCP-CRI001 Higher Education Declaration of Criminal Convictions Policy

1. INTRODUCTION

- 1.1 This purpose of this policy is to clearly define University Centre Peterborough's (UCP) processes regarding the declaration of relevant unspent criminal convictions by both applicants and students.

2 PURPOSE

- 2.1 Having relevant unspent criminal conviction(s) will not usually prevent an applicant from gaining admission to study at UCP. UCP's primary admissions selection criteria are those related to the qualifications, skills, abilities, and personal qualities they offer to their chosen course of study.
- 2.2 This policy outlines the process which will be followed by UCP when considering an applicant who holds a relevant unspent criminal conviction and when a registered student discloses that they have a relevant unspent criminal conviction.
- 2.3 The policy explains:
- the reasons why UCP requests relevant unspent criminal conviction declarations
 - the information required from the applicant/student for UCP to review a relevant unspent criminal conviction declaration;
 - how UCP reviews such information;
 - the possible outcomes of such review;
 - the appeals procedures; and the complaints process.

3 SCOPE

- 3.1 This policy applies exclusively to all Higher Education applicants and students at UCP. This also applies to sub contractual provision at ESPA and Addict.

4 RELATED DOCUMENTS

www.gov.uk/government/organisations/disclosure-and-barring-service

Rehabilitation of Offenders Act 1974: www.legislation.gov.uk/ukpga/1974/53

Charity Unlock: <https://hub.unlock.org.uk/information/rehabilitation-of-offenders-act-1974/>

<https://ucp.ac.uk/supporting-you/ucp-policies/>

UCP-REC001 Higher Education Recruitment and Admissions Policy

UCP-APL001 Higher Education Recognition of Prior Learning/Experience Policy

UCP-COM001 Higher Education Student Complaints Policy

UCP-ASS005 Higher Education Academic Appeal Policy

UCP-FIN01 Higher Education Tuition Fee and Refund Policy

Terms and Conditions of Admissions and Enrolment

UCP-DIS001 Higher Education Student Disciplinary Policy and Code of Conduct

UCP-FIT001 Higher Education Fitness to Practise Policy

5 RESPONSIBILITIES

- 5.1 UCP Admissions receives and enters application information. Any applicant who meets the course entry requirement is sent an offer of a place to study and is informed that they must disclose to UCP any unspent, relevant criminal conviction(s) within fourteen days of receiving their offer and prior to enrolment.
- 5.2 Disclosure of unspent criminal convictions is sent to academicoffice@ucp.ac.uk . The UCP Academic Officer Manager collates required information, tracks progress, and reports the outcome of the review to the applicant / student and UCP Admissions.
- 5.3 The relevant Faculty HE Manager reviews the disclosure and determines an outcome. A relevant HE Manager is one who is separate from the applicants offer and enrolment decision making process.

6 RISK ANALYSIS

- 6.1 This policy is required to ensure that correct procedures are in place and documented by all involved in the handling disclosure of criminal convictions by applicants and students of UCP.

Analyse risks of non-adherence to this policy

- 6.2 UCP seeks to identify whether any risks arise to the applicant/student in respect of their health, safety, or welfare or to the discharge of UCP's functions and/or to its reputation.
- 6.3 Where any such risks are identified, UCP will consider what steps it may reasonably put in place to manage those risks in practice.

Staff training needed

- 6.1 UCP will ensure that those who need to see the information will have received appropriate guidance and training in the relevant legislation such as the Rehabilitation of Offenders Act 1974.

7 DATA PROTECTION

- 7.1 UCP complies with the provisions of the General Data Protection Regulation Data Protection Act, 2018. As such, applicants' and student data are treated as confidential by all staff involved in this process and is not divulged unnecessarily or inappropriately. However, the Act requires UCP to release certain information to UK authorities upon request to assist those authorities with the prevention and detection of fraud or other crimes. We will release the requested information on receipt of an appropriate request from UK authorities such as (but not limited to) the police, Home Office (for immigration and related matters), local authorities, and the Department for Work and Pensions. We may use anonymised data collected as part of an individual's application and enrolment for the purpose of fulfilling statistical and reporting requirements.

8 PROCEDURE

The reasons why UCP requests relevant unspent criminal conviction declaration

- 8.1 It is necessary to take all reasonable steps to ensure a safe environment for other students, visitors, and staff, meet requirements of Professional Statutory Bodies and assess applicant's ability to undertake work placements and practice in their chosen profession.
- 8.2 UCP courses are studied where further education and secondary students, nursery and vulnerable adults are on site.
- 8.3 UCP therefore requires all applicants who hold an offer of a place to study to disclose to UCP any unspent, relevant criminal conviction(s) **within fourteen calendar days of receiving their**

offer to study and prior to enrolment. A fresh disclosure is required for any offer regardless of any previous disclosure and assessment of a criminal conviction.

- 8.4 For programmes closely linked to a profession which would be exempt from the Rehabilitation of Offenders Act (those which involve working with children or with adults in vulnerable situations), UCP expects that applicants and students have a successful enhanced Disclosure and Barring check (DBS; formerly the Criminal Records Bureau) before commencement of such a programme of study. For example, a DBS is required to study education programmes and for some specialist practice programmes. This must be undertaken by the student or an employer and UCP may require evidence for verification where applicable.
- 8.5 Possession of a criminal conviction will not necessarily mean that an application to study will be unsuccessful. However, as part of the admissions process, 'relevant' matters on an applicant's criminal record are risk assessed.

Failure to provide accurate declarations of relevant criminal convictions

- 8.6 Where information is received indicating that there may have been a failure to make a declaration the relevant HE Manager will be informed and shall take reasonable steps to establish whether there has been such a failure, including through communication with the applicant or student.
- 8.7 If the applicant has not yet received an offer, or the deadline for submission of self-disclosure has not yet passed, the applicant will be contacted by the relevant HE Manager. The HE Manager will make them aware that the information has been disclosed and inform them that they will need to make a self-disclosure by the relevant deadline should they accept the offer.
- 8.8 Where a failure to accurately declare a relevant conviction is identified after a student has enrolled, action under the Student Disciplinary Procedure or the Fitness to Practise Procedure may be taken. These can be found on the UCP website <https://ucp.ac.uk/supporting-you/ucp-policies/>
- 8.9 If at any time during their enrolment a student is convicted of a relevant criminal offence, they are required to report this immediately to their HE Manager.

The information required from those making a criminal conviction declaration

- 8.10 An applicant who is unsure whether their conviction is 'unspent' and therefore needs to be disclosed can seek advice from the charity NACRO <https://www.nacro.org.uk/>
- 8.11 If an applicant has a criminal conviction(s) and is unsure whether a criminal conviction(s) is a relevant criminal conviction(s), the applicant should obtain further advice from the UCP Academic Office academicoffice@ucp.ac.uk.
- 8.12 A 'relevant' criminal conviction is one which may have implications for UCP's duty of care towards the safety of its students, staff, and visitors. This includes, but is not limited to convictions concerning:
- 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;
 - Sexual offences, including those 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.

- 8.13 There is no requirement for an applicant to disclose a conviction which is 'spent' unless the application is for a course linked to a professional, statutory, and regulatory bodies (PSRBs). For these programmes a satisfactory Disclosure and Barring Service (DBS) check will be required as a condition of offer. 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'.

Declaration of an unspent criminal conviction

- 8.14 No declaration of criminal matters or associated information will be requested or considered until UCP has decided to issue an offer to the applicant on the basis of the standard admissions criteria for the relevant course. A criminal convictions declaration and instruction on how to complete the declaration is sent to the applicant with an offer of study. The offer-holder will be required to complete this declaration within 14 calendar days of an offer being made and before they are able to enrol on the course.
- 8.15 Once registered, all students are required to disclose any new relevant criminal conviction(s) on an ongoing basis and as soon as a relevant criminal conviction(s) is confirmed.
- 8.16 The declaration must be sent to academicoffice@ucp.ac.uk. It is important to note that a failure to declare a relevant unspent criminal conviction is taken very seriously, and could result in withdrawal of offers to study or/and withdrawal from study at UCP .
- 8.17 The UCP Academic Office will ensure that information provided in the declaration process will only be seen by those who need to consider it as part of the disclosure review and DBS checks and that it will not be retained for longer than is necessary for the purpose of admission. This will be in accordance with the UCP's document retention schedule.
- 8.18 Applicants are required to provide requested information within the stipulated timeframe as outlined by the Academic Office. Failure to provide information, in the absence of a good reason, may result in the imposition of conditions being applied (as outlined in 8.22) or adverse findings being made.

How the UCP reviews a criminal conviction declaration

- 8.19 Once returned to the UCP Academic Office, the Declaration Form is sent to the relevant Faculty HE Manager within two working days of receipt.
- 8.20 An assessment is led by the HE Manager with a member of Student Support present to record the findings. The assessment is conducted within 14 calendar days of receipt of the disclosure from the applicant/student. As part of this process the applicant will be given an appropriate opportunity to provide information and to identify any third parties who may be willing and able to provide relevant information.
- 8.21 In making an assessment the HE Manager considers whether there are unacceptable risks associated with admitting the offer holder or admitting the applicant without specific conditions. The following factors will be considered:
- information indicating that the offer-holder presents, or may present, an on-going risk to the safety or wellbeing of individuals with whom students come into contact on site, during work placements or is otherwise unlikely to be able to meet the profession's requirements and standards during that activity;
 - The overall offer-holder profile together with the following information:
 - The seriousness of the offence and its relevance to the safety of staff, students and individuals;

- Any pattern of offending;
- Any mitigating circumstances;
- The offer-holder's ability to reflect on the alleged offence and their motivation to change;
- Professional or statutory body requirements, including any requirements as to honesty and integrity;
- The recommendation of any referees.

The possible outcomes of a criminal conviction declaration review

8.22 One of the following outcomes is made.

1. The level of risk is determined to be unacceptable such that the offer holder may not be admitted to UCP. Where this is the decision, the Admissions team will contact the offer-holder to withdraw their offer. The applicant will be notified in writing including a brief description of the reasons for the decision. The applicant will be informed of the period for which the information relating to their conviction will be retained.
2. The level of risk may be managed by the imposition of specific conditions, such as exclusion from work placements. The applicant will be notified in writing including a full explanation of the conditions applied and brief description of the reasons for the decision. The applicant will be informed of the period for which the information relating to their conviction will be retained.
3. The level of risk is determined to be acceptable and the applicant may be admitted without any specific conditions. The applicant will be notified in writing including information about the period for which the information relating to their conviction will be retained.

8.23 A student may also be subject to further checks (before and/or after they complete a Regulated Course) by regulatory bodies and/or prospective employers who will make their own assessments regarding a Student's fitness to practise in the relevant profession or undertake the relevant occupation.

Disclosure Assessment Outcome

8.24 Applicants will be informed of the outcome of the consideration of their case by the UCP Academic Office within ten working days and informed of any conditions as outlined in 9.18 or that the offer is withdrawn/students registration ended.

Record keeping

8.25 Information relating to disclosure and assessment of a criminal conviction is recognised as subject to data protection legislation. All records and correspondence relating to a relevant criminal conviction disclosure will be recorded and disposed of as set out in the data retention schedule www.ucp.ac.uk/privacy-and-cookies/

The appeals procedures

8.26 If an offer to study or student's registration is withdrawn and they feel that the decision has not been reached fairly, they are able to submit an appeal under the UCP-ASS005 Higher Education Academic Appeal Policy found at <https://ucp.ac.uk/supporting-you/ucp-policies/>

The complaints process

8.27 Information about UCP's complaint handling process for Students can be found on the UCP website <https://ucp.ac.uk/supporting-you/ucp-policies/>. This procedure does not permit complaints to be made about admissions decisions.

CRIMINAL CONVICTIONS TIMELINE

STAGE	TASK	RESPONSIBILITY	TIME FRAME
1	Contact relevant offer-holders to request information using the appropriate Declaration Form	UCP Admissions	With offer letter
2	Completes Disclosure Assessment Form and return to Academicoffice@ucp.ac.uk	Offer holder / Applicant	Within 14 calendar days of receipt of offer and prior to enrolment
3	Refer the completed Declaration Form to HE Manager	UCP Academic Officer	Within 2 working days of receipt
4	Completes Disclosure Assessment Liaises with applicant/student authorities/referees for further information.	HE Manager	Within 14 calendar days of receipt of disclosure from applicant/student
5	Acts as secretary for the Disclosure assessment.	Student Support Representative	n/a
6	Informs applicant of the final decision	UCP Academic Officer	Within 5 working days of assessment



What do I need to do?

If UCP has offered you a place on a course, we now need you to disclose to UCP any relevant unspent criminal convictions within **fourteen calendar days** of receiving your offer to study.

UCP has a duty of care to students, staff, and visitors, which is both moral – a general responsibility to promote the welfare of our students and staff – and legal, in the form of a duty to take appropriate steps to protect students, staff, and visitors. In the area of criminal convictions, UCP takes the view that it should consider all available information about whether an applicant who accepts an offer of study has a relevant unspent criminal conviction as part of a holistic assessment of an individual, their suitability to study the course of their choice and the impact upon the wider university community.

A 'relevant' criminal conviction is one that may have implications for UCP's duty of care towards the safety of our students, staff, and visitors. This includes, but is not limited to convictions concerning:

- 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.
- Sexual offences, including those 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.

This list is not definitive but seeks to outline the sorts of offences for which a conviction is considered relevant by UCP.

You do not need to declare any matters in these categories that would be "filtered" from the UK Disclosure and Barring Service conviction checks.

Further guidance on which matters would be filtered can be found here (external link):

<http://hub.unlock.org.uk/knowledgebase/filtering-cautionsconvictions/>

There is no requirement for an applicant to disclose a conviction that is 'spent' unless the application is for a course linked to professional, statutory, and regulatory bodies (PSRBs). For these programmes, a satisfactory Disclosure and Barring Service (DBS) check will be required as a condition of offer. An applicant who is unsure whether their conviction is 'unspent' and therefore needs to be disclosed can seek advice from the charity NACRO <https://www.nacro.org.uk/>

If I declare a relevant criminal conviction matter, what will happen next?

Completed disclosures must be emailed to academicoffice@ucp.ac.uk

A HE Manager will consider whether there is unacceptable risk associated with admitting you to study or admitting you without specific conditions in addition to your offer of study within fourteen calendar days of receiving your criminal conviction declaration. The following factors will be considered:

- Information indicating that the offer-holder presents, or may present, an on-going risk to the safety or wellbeing of individuals with whom students come into contact on site, during work placements or is otherwise unlikely to be able to meet the profession's requirements and standards during that activity.
- The overall offer-holder profile together with the following information:
 - The seriousness of the offence and its relevance to the safety of staff, students and individuals.
 - Any pattern of offending.
 - Any mitigating circumstances.
 - The offer-holder's ability to reflect on the alleged offence and their motivation to change.
 - Professional or statutory body requirements, including any requirements as to honesty and integrity. The recommendation of any referees.

One of the following outcomes is made:

- The level of risk is determined to be unacceptable such that the offer holder may not be admitted to UCP. Where this is the decision, Admissions will contact the offer-holder to withdraw their offer. The applicant will be notified in writing including a brief description of the reasons for the decision. The applicant will be informed of the period for which the information relating to their conviction will be retained.
- The level of risk may be managed by the imposition of specific conditions, such as exclusion from workplacements. The applicant will be notified in writing including a full explanation of the conditions applied and brief description of the reasons for the decision. The applicant will be informed of the period for which the information relating to their conviction will be retained.
- The level of risk is determined to be acceptable and the applicant may be admitted without any specific conditions. The applicant will be notified in writing including information about the period for which the information relating to their conviction will be retained.

The processes which we follow are set out in the UCP-CR1001 Higher Education Declaration of Criminal Convictions Policy
<http://www.ucp.ac.uk/supporting-you/ucp-policies/>

What happens if I do not declare a relevant criminal matter?

Where a failure to accurately declare a relevant conviction is identified after a student has enrolled, action under the Student Disciplinary Procedure or the Fitness to Practise Procedure may be taken. If at any time during their enrolment a student is convicted of a criminal offence, they are required to report this immediately to their HE Manager.

Record keeping

Information relating to disclosure and assessment of a criminal conviction is subject to data protection legislation. The Criminal Conviction Assessment Form relating to an offer holder who has a declared a relevant criminal conviction will be securely stored by UCP Admissions and only accessible by authorised staff members. The details of any convictions disclosed to us will be deleted immediately after the completion of the Assessment Form.

Feedback and appeals

UCP is committed to the provision of high quality, fair and transparent admissions procedures for all our applicants.

If you have any concerns or complaints relating to the processing of your application, please contact the Admissions Office on 01733 214464 or by email admissions@ucp.ac.uk



Unspent, Relevant Criminal Conviction Declaration Form

This form should be completed by offer-holders for a course leading to a regulated profession who have declared a relevant criminal matter when accepting their offer.

Step one Read our declaration guide which explains what information you need to provide and why we need this information.

Step two Complete the form providing all relevant details (sections one and two are mandatory).

Step three Provide UCP Academic Office with the completed form within 14 calendar days from receipt of your offer to study.

1: PERSONAL DETAILS

Surname/Family Name: Student ID Number¹

First/Given Names:

Course for which offer received:

2: Declaration

A Place an X in this box if you do NOT have a relevant criminal conviction and you declared this by mistake: Return this form to academicoffice@ucp.ac.uk

B Please provide details of any criminal conviction, caution, reprimand or warning which would be included on (and not filtered from) an Enhanced UK Disclosure and Barring Service Certificate if they were imposed within the UK. Refer to page 1 of this form for guidance on what this includes.

Date of Offence	Nature of offence	Sentence or fine imposed	Date of conviction	Further comments surrounding the incident(s) with any you may wish to add

¹ Your student ID number can be found at the top of your offer letter.

3: Third Party Confirmation

In order to determine whether we can confirm your offer of a place, we would like to discuss the background of your “relevant criminal conviction(s)” with a third party. This will be a probation officer or social worker assigned to you or any other third party who could provide information relevant to our assessment.

Please provide the full name, position, and contact details below.

Full name of referee:

Position:

Email address:

Telephone number:

Please use this box to provide any other information you think may be relevant to our assessment.

Please confirm all information supplied is true, accurate and complete.

Privacy Notice: UCP complies with the provisions of the General Data Protection Regulation Data Protection Act, 2018. As such, applicants’ and student data are treated as confidential by all staff involved in this process and is not divulged unnecessarily or inappropriately. However, the aforementioned Act requires UCP to release certain information to UK authorities upon request in order to assist those authorities with the prevention and detection of fraud or other crimes. We will release the requested information on receipt of an appropriate request from UK authorities such as (but not limited to) the police, Home Office (for immigration and related matters), local authorities, and the Department for Work and Pensions. We may use anonymised data collected as part of an individual’s application and enrolment for the purpose of fulfilling statistical and reporting requirements.

Applicants Signature:

Date:

Third Party Signature:

Date:

SUBMIT YOUR FORM TO: Academic Office, University Centre Peterborough, Park Crescent Campus, Peterborough, PE1 4DZ - 01733 214463 academicoffice@ucp.ac.uk

GDPR:20-003

Criminal Conviction Assessment Form



This form is used to identify risk to the safety of individuals within the professional environment where an applicant has applied for a regulated course.

<p>1. What was the sentence? (E.g., custodial, suspended, warning)</p>	<input type="checkbox"/> High <input type="checkbox"/> Medium <input type="checkbox"/> Low	<p>Custodial Suspended, Community, Conditional Discharge Warning, Caution, Reprimand, Fine, Absolute Discharge</p>
<p>2. How serious is the offence?</p>	<input type="checkbox"/> High <input type="checkbox"/> Medium <input type="checkbox"/> Low	<p>Very serious Moderate Low</p>
<p>3. Does the nature of the offence indicate a potential risk to the safety of individuals within the regulated professional environment?</p>	<input type="checkbox"/> High <input type="checkbox"/> Low	<p>Yes No</p>
<p>4. Is the offence of a type and level potentially relevant to professional body/regulatory requirements (including general requirements as to honesty and integrity) and the individual's suitability for entry to the profession?</p>	<input type="checkbox"/> High <input type="checkbox"/> Low	<p>Yes No</p>
<p>5. How much time has elapsed since the offence?</p>	<input type="checkbox"/> High <input type="checkbox"/> Medium <input type="checkbox"/> Low	<p>Under 5 years 1-5 years 5 years or more</p>
<p>6. Has the offer-holder's circumstances changed since the offence was committed, making re-offending less likely?</p>	<input type="checkbox"/> High <input type="checkbox"/> Medium <input type="checkbox"/> Low	<p>Yes Some No</p>
<p>7. Is there evidence of a risk of reoffending? Does official documentation provided or evidence of behaviour indicate a risk of reoffending?</p>	<input type="checkbox"/> High <input type="checkbox"/> Medium <input type="checkbox"/> Low	<p>Significant evidence Some Evidence Little or no evidence</p>
<p>8. Does the applicant offer any mitigating circumstances? i.e. domestic or financial difficulties</p>	<input type="checkbox"/> High <input type="checkbox"/> Medium <input type="checkbox"/> Low	<p>No Some Yes</p>
<p>9. How does the referee rate the applicant's suitability for attendance and participation in the HE community?</p>	<input type="checkbox"/> High <input type="checkbox"/> Medium <input type="checkbox"/> Low	<p>Referee declares applicant unsuitable Referees share some reservations Referees declare applicant suitable</p>
<p>10. Did the offer-holder disclose past convictions/cautions as required when accepting their offer? If no, did mitigating circumstances prevent applicant from declaring?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<p>Detail of circumstances if no:</p>

Enter number of risks identified:

	High
	Medium
	Low

Disclosure outcome

- The level of risk is determined to be unacceptable such that the offer holder may not be admitted to UCP. Where this is the decision, the Admissions team will contact the offer-holder to withdraw their offer. The applicant will be notified in writing including a brief description of the reasons for the decision. The applicant will be informed of the period for which the information relating to their conviction will be retained.

- The level of risk may be managed by the imposition of specific conditions, such as exclusion from workplacements. The applicant will be notified in writing including a full explanation of the conditions applied and brief description of the reasons for the decision. The applicant will be informed of the period for which the information relating to their conviction will be retained.

Details of specific conditions:

- The level of risk is determined to be acceptable and the applicant may be admitted without any specific conditions. The applicant will be notified in writing including information about the period for which the information relating to their conviction will be retained.

Please see our **Privacy Notice** to understand more about our legitimate interests in using your data for this purpose www.ucp.ac.uk/privacy-and-cookies

HE Manager Signature

Assessment Date:

Once completed, return this form to Academic Office, University Centre Peterborough, Park Crescent Campus, Peterborough, PE1 4DZ - 01733 214463 academicoffice@ucp.ac.uk

Please note that the documents, including the Criminal Conviction Declaration Form relating to this assessment must be stored/shredded/deleted inline with the UCP Data Retention Schedule <https://www.ucp.ac.uk/privacy-and-cookies/>