

Policy on requesting Criminal Conviction data from applicants to the University

1 Introduction

The main aim of the University of Liverpool's admissions policy is to admit students with the ability to benefit from the opportunities available at the University.

It is, however, important that this aim is achieved without prejudice to the safety and well-being of other members of the University community and there may be occasions where this has to be placed ahead of all other considerations.

The procedures described in this document are intended as a mechanism to ensure that decisions regarding the admission of an applicant with criminal convictions are taken fairly and only after the implications of any conviction have been fully explored.

To ensure the safety and protection of both students and staff, the following procedures apply to applications from any student applying for the study at the following campus's or following programmes:

- All clinical programmes, this information will be collected by UCAS
- Carmel College
- Wirral Metropolitan College
- Continuing Education and Open Languages extra-curricular short-courses that are open to 16 -18-year olds

Also, any students applying for University of Liverpool student accommodation.

Applicants for the above are required to declare a criminal conviction which has not been spent under the terms of the Rehabilitation of Offenders Act 1974.

Please note that, from early 2014, under the terms of this act, sentences of four years' imprisonment or more are never spent, while those of lesser duration do not have to be declared once spent. In practice, this means that the more serious offences must always be declared.

The clinical programmes offered by the Schools of Medicine, Dentistry, Health Sciences and Veterinary Science have separate procedures in place which are not covered by this document. Please see the departmental websites for full details of the procedures for applicants for the clinical subject areas.

2 Declaration of Criminal Convictions

The University will request information on any relevant criminal convictions either as part of the application process for the above programmes or via the accommodation application form.

Is the conviction for a 'relevant' offence?

This is the first element to the question we ask. Relevant offences include 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.*
- *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.*

If you were convicted outside the United Kingdom for an offence listed above, this is also considered a relevant offence.

For the purposes of this question, cautions, reprimands and final warnings are considered as convictions. Penalty notices for disorder (PNDs), anti-social behaviour orders (ASBOs) or other orders are not convictions, unless you have contested a PND or breached the terms of an ASBO or other order and this has resulted in a criminal conviction.

If your answer is 'No' to this question, because you don't have a relevant conviction, then you should indicate this. You don't need to consider whether your conviction is unspent because it is not relevant and should not be disclosed in answer to this question.

If your answer is 'Yes' to this question, because you have a relevant conviction, you must then go on to consider whether the conviction is unspent (see below).

Is the conviction 'unspent'?

You should only consider this question if you have a relevant conviction (see above), i.e. answered 'Yes' to the previous question.

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' and you must tick the box.

Further convictions can impact when other convictions become spent. Sentences of over four years in prison cannot become spent.

Most cautions, reprimands and final warnings become spent immediately, so will not normally be 'unspent'.

For more information on offences and rehabilitation periods, visit <https://www.gov.uk/guidance/rehabilitation-periods>

You can work out whether your conviction is spent by using an online tool – visit www.disclosurecalculator.org.uk. *This* only covers convictions made in England and Wales and is maintained by the charity, Unlock. Unlock cannot guarantee the tool's accuracy or completeness. Neither charity assumes responsibility or accepts liability for any damage or loss which may arise as a result of your reliance on it.

If you were convicted outside the United Kingdom, you will need to follow the same process above. If your conviction would be considered unspent under the Rehabilitation of Offenders Act 1974, you must tick the box.

Convictions that are spent do not need to be disclosed, it's only when you have one or more unspent convictions that you must tick the box.

How will the university or college handle my application if I declare a criminal conviction?

The information concerning criminal convictions will be passed to appointed persons at the university or college. In line with good admissions practice, they will consider your criminal conviction separately from the rest of your application. During this consideration, they may ask you to provide further information about your conviction. If they are satisfied, your application will proceed in the normal way although they may add certain conditions to any offer they may make. Otherwise they will notify you of their decision.

It is important to note that a failure to declare a relevant unspent criminal conviction is taken very seriously, and could result in expulsion from your university or college. You should therefore seek advice before answering this question if you are unsure how to answer it.

All information concerning criminal convictions will be treated sensitively, confidentially and managed in accordance with the Data Protection Act 1998. You may find further details about how a criminal conviction declaration is handled (including the right to appeal a decision) at the university or college website.

What if I receive a relevant criminal conviction after I have applied?

If you are convicted of a relevant criminal offence after you have applied, you must tell us. Do not send details of the offence; simply tell us that you now have a relevant criminal conviction. We may then ask you for more details.

Further information on filtering can be found at:
www.gov.uk/government/collections/dbs-filtering-guidance.

UCAS will ask applicants who are applying for certain courses if they have a criminal conviction. Programmes leading to professions or occupations such as (but not limited to) teaching, medicine, dentistry, law, accountancy, actuarial, insolvency, healthcare, social work, veterinary medicine, veterinary science, pharmacy, osteopathy, chiropractic, optometry and those involving work with children or vulnerable adults, including the elderly or sick people. These professions or occupations are exempt from the Rehabilitation of Offenders Act (1974) or involve regulated activities.

The full text advising applicants on the completion of this question is as follows:

Criminal conviction declaration

This course has entry requirements which may require you to disclose further information regarding any spent or unspent convictions or any past criminal activities, and may also require a criminal records check.

Further checks may also be required under the Disclosure and Barring Service.

If you have spent or unspent convictions from a court outside Great Britain, additional checks may be carried out depending on the records available in respect of the applicable country.

A criminal records check may show all spent and unspent criminal convictions including (but not limited to) cautions, reprimands, final warnings, bind over orders or similar and, to the extent relevant to this course, may also show details of any minor offences, fixed penalty notices, penalty notices for disorder, ASBOs or VOOs.

Please tick if you have any spent or unspent convictions or other punishments that would show up on a criminal records check.

If you tick the box you will not be automatically excluded from the application process.

Finally, it is recommended that you read the [click for help text] accompanying this question and if these issues are in any way relevant to you, you should obtain further advice from appropriate bodies. UCAS will not be able to assist you in this respect.

You will be asked this question each time you add a course that requires a criminal conviction declaration.

Help text for applicants applying for courses that a provider flags are exempt from the Rehabilitation of Offenders Act, or involve regulated activities.

Criminal conviction declaration

Certain professions or occupations such as (but not limited to) teaching, medicine, dentistry, law, accountancy, actuarial, insolvency, healthcare, social work, veterinary medicine, veterinary science, pharmacy, osteopathy, chiropractic, optometry and professions or occupations involving work with children or vulnerable adults, including the elderly or sick people, are exempt from the Rehabilitation of Offenders Act (1974) or involve regulated activities.

Different rules apply to such professions or occupations with regard to disclosure of information about criminal convictions. You may be required to disclose information regarding any convictions even if they are spent.

Some courses in respect of such professions or occupations involve an integral work placement and you may not be able to undertake such placement and complete your studies if you have criminal convictions.

Further, while you may be permitted to study for one of the above professions or occupations, you may not be able to register and practice upon completion of your course.

You should not declare convictions, cautions, warnings or reprimands which are deemed 'protected'

under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013). A conviction or caution can become 'protected' as a result of a filtering process. Guidance and criteria on the filtering of convictions and cautions can be found on the DBS website. Further information on filtering can be found at: www.gov.uk/government/collections/dbs-filtering-guidance.

You should be aware that in respect of these courses:

1. The university or college may ask you to provide further information regarding any convictions (including spent convictions), and/or may ask you to agree to a Disclosure and Barring Service (DBS) check.
2. Where required, the university or college will send you instructions regarding how to provide the information they require. They may send you documents to fill in. Where such documents come from will depend on the location of the college or university that you are applying to. Please see the table below for further information.
3. Depending on the type of check, different levels of information will be revealed. The information revealed may include unspent convictions and spent convictions (including cautions, reprimands and final warnings or similar). Information about minor offences, penalty notices for disorder (PNDs), anti-social behaviour orders (ASBOs) or violent offender orders (VOOs) and other locally held police information may be revealed where it is appropriate to the course for a particular occupation or profession. The information may be disclosed irrespective of when it occurred (unless it is filtered).
4. This means that if you have a criminal conviction (spent or unspent) or, in certain circumstances, any minor offence, this information may be made known to the university or college (but not UCAS) as part of the check (unless it is filtered).
5. If the check reveals that you have had a conviction, (including any caution, reprimand, final warning, bind over order or similar) or any other relevant information including (in certain circumstances) any minor offence, PND, ASBO or VOO, the university or college will need to assess your fitness to practise in the profession or occupation to which your course relates. Applicants to medicine, for instance, should be aware that the General Medical Council will not permit students deemed unfit to practice to be entered on the medical register and so they will not be able to practice as doctors. Similar restrictions may be imposed by other professional bodies including (but not limited to) those connected with law, teaching, accountancy, social work, healthcare, veterinary services, pharmacy, financial and insurance services and the armed forces.
6. You may also be subject to further checks (before and/or after you complete your course) by prospective employers who will make their own assessments regarding your fitness to practise in the relevant profession or undertake the relevant occupation.
7. If these issues are in any way relevant to you, you should obtain further advice from appropriate bodies.
8. In England and Wales you may also be required to complete documentation and maintain a registration with the Disclosure and Barring Service (DBS). The DBS scheme is designed to allow universities and colleges to identify any individual that is barred from working with children and vulnerable adults, including elderly or sick people.

How will the university or college handle my application if I declare a criminal conviction? If

you tick the box you will not be automatically excluded from the application process.

The information concerning criminal convictions will be passed to appointed persons at the university or college. In line with best admissions practice, they will consider your application

separately from your academic and achievement merits. During this consideration, they may ask you to provide further information about your conviction. If they are satisfied, your application will proceed in the normal way although they may add certain conditions to any offer they may make. Otherwise they will notify you of their decision.

It is important to note that a failure to declare a criminal conviction is taken very seriously, and could result in expulsion from your university or college. You should therefore seek advice before answering this question if you are unsure how to answer it.

All information concerning criminal convictions must be treated sensitively, confidentially and managed in accordance with data protection legislation.

You may find further details about how a criminal conviction declaration is handled (including the right to appeal a decision) at the university or college website.

In addition, you may also find the details below useful.

Region	Agency	Website Address
<i>England and Wales</i>	<i>Disclosure and Barring Service</i>	www.gov.uk/disclosure-barring-service-check/contact-disclosure-and-barring-service
<i>Scotland</i>	<i>Disclosure Scotland</i>	www.disclosurescotland.co.uk
<i>Northern Ireland</i>	<i>Access Northern Ireland</i>	www.nidirect.gov.uk/accessni

You will be asked this question each time you add a course that requires an enhanced criminal conviction declaration.

If an applicant declares a conviction as part of a clinical application but has applied for other programmes at the University, the applicant will be contacted for further information for all programmes applied for.

2.2 Offences not deemed relevant

Applicants may find it helpful to have some examples of offences which are not deemed to be relevant and should not be disclosed on their application form (unless they are applying for programmes such as teaching, medicine, etc – see above). The following are *examples* only; if applicants are in any doubt as to whether or not their conviction is relevant, they should disclose the offence:

- Minor road traffic offences such as speeding
- Shoplifting
- Possession of small amounts of cannabis

3 Procedure

The Admissions Team within Student Recruitment, Admissions and Widening Participation (SRAWP) or within the School or Department is responsible for identifying the individuals who have declared a criminal conviction.

Applicants will be contacted during the Admissions process and asked to confirm if they have a criminal conviction. This request will either come directly from the Admissions team or from the Accommodation team if the applicant is applying for University owned accommodation.

Where an applicant has identified themselves as having a criminal conviction (or is found subsequently to have such a conviction), the applicant will be contacted and a request will be made for the applicant to provide more details.

The request will seek further information from the applicant regarding the nature of the offence, the date it was committed, and the result of the offence in terms of sentence received, etc. This may involve seeking permission from the applicant to involve a third party, such as a Probation Officer, in order to obtain full details. Standard communications and forms are in use to initiate the process of obtaining further information. See the separate appendices for copies of these documents.

If an applicant declines to provide further information about the offence or offences the University may withdraw the application for the academic programme for Carmel or Wirral Metropolitan College or where the applicant is applying for University accommodation this may be denied.

Subsequent action depends on the nature of the offence. Minor offences may be dealt with under the 'low-risk' offences procedure. This allows the University to note that an offence has been disclosed, but does not require a meeting of the Admissions Risk Assessment Panel. More serious offences require a meeting of the Admissions Risk Assessment Panel, whose purpose is to consider the nature of the offence and to determine the level of risk that might be associated with admitting the applicant. Applicants who are advised that they have convictions which will be subject to consideration by the Admissions Risk Assessment Panel should ensure that all relevant information is provided to the University as quickly as possible. It is also important that information about ALL relevant offences is disclosed, not merely the most recent offence.

The Admissions Risk Assessment Panel will normally consist of:

- Assistant Director of Legal Services
- Associate Director, Admissions, Enquiries and Fulfilment
- The Head of the relevant academic Department/School or his/her nominee Any other relevant party

The Admissions Risk Assessment Panel will complete the *Risk Assessment Form for Disclosure of Criminal Convictions* and will attempt to quantify objectively any risk posed by the applicant concerned. The Risk Assessment form will include the recommendation of the Panel as to whether or not it is deemed acceptable for the application to proceed.

Depending upon the nature of the offence, the Admissions Risk Assessment Panel may decide either that the application should be allowed to proceed without restriction; or to proceed with certain conditions intended to mitigate any risk; or to refuse to allow the application to proceed. In the event that an application is not allowed to proceed, the University will record an unsuccessful

decision either via UCAS (for undergraduate applicants), or directly to the applicant (for postgraduate and continuing education applicants), as appropriate.

Applicants should be aware that the Admissions Risk Assessment Panel may invite the applicant to come to the University to discuss their circumstances before making a final decision on whether their application for the academic programme or accommodation may proceed.

Occasionally, the Admissions Risk Assessment Panel receives requests from applicants to attend the meeting of the panel which is considering their case; such requests will be dealt with on a case-by-case basis and attendance will be permitted only at the discretion of the Panel.

4 Appeals

The decision of the Admissions Risk Assessment Panel is a judgement based on the facts presented to it for consideration, and the University will not allow appeals which seek to challenge the decision of the Panel. However, in exceptional cases, the University may reconsider a case if the applicant comes into possession of material evidence relevant to their case ***which was not available at the time of the original meeting of the Panel***. Any appeal must be made within fourteen days of the date on which the applicant was notified of the Panel's decision.

Any such appeal should be made in writing as soon as the additional evidence becomes available. The new evidence will be considered by the Director of Student Experience and Enhancement of the University, together with the information originally presented to the Admissions Risk Assessment Panel. The decision of the Director of Student Experience and Enhancement is final and there is no further right of appeal.

5 Procedure where there is reason to suspect that an applicant has unspent criminal convictions which they have not declared

The University may be alerted to the possibility of an offence by a third party. The University has a duty to investigate such claims and will then seek further information from the applicant.

If the University has a reason to suspect that the applicant may have a conviction that has not been declared based on their permanent address the Admissions team will follow this up and raise it with the applicant directly.

If a conviction has been declared on a previous application the University has the right to use this information and contact the applicant for further details.

6 Recording information relating to Criminal Convictions

All correspondence relating to the declaration of criminal convictions by an applicant will be held confidentially by the Admissions Team.

Any correspondence relating to an applicant's/student's criminal convictions will be accessible only on a strictly 'need to know' basis. This includes any relevant or potentially related non-academic disciplinary issues that may occur during the students time registered at the University.

7 Convictions received after Application but before Registration as a Student

If an applicant is subject to an investigation that may lead to them being charged with a relevant criminal offence, or if they receive a police caution, or if they are arrested by the police and charged with or convicted of a criminal offence, they should inform the Interim Head of Admissions at the University, Dr Stephanie Geary (sgeary@liverpool.ac.uk) as soon as possible. This will then trigger the procedure outlined in section 3 of this document.

8 Convictions received after registration as a student

The University has a duty of care to its staff and students and thus it needs to be informed of any alleged criminal activity by its staff or students. If at any time during their registration on a programme of study at the University a student is subject to an investigation that may lead to them being charged with a criminal offence, or if they receive a police caution, or if they are arrested by the police and charged with or convicted of a criminal offence, they are required to report this immediately to the Director of Student Administration and Support.

For more information on declaring criminal convictions, please see the University website at:

<http://www.liv.ac.uk/student-administration/student-administration-centre/policies-procedures/conduct-discipline/#criminaloffences>

9 Further Information

Any queries about the University's criminal convictions procedure during the application process may be referred to:

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