CRIMINAL CONVICTIONS POLICY AND PROCEDURES

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1. Principles and Aims

A criminal conviction will not necessarily prevent an offer of admission to the University. However, to ensure the safety and protection of students, staff and visitors to the University, the following procedures should be followed in relation to applications from any individual declaring a criminal conviction which is not spent under the terms of the Rehabilitation of Offenders Act 1974. The University will only request information about relevant, unspent criminal convictions. This is so that appropriate steps can be taken to assess whether an applicant poses a risk within the University community.

2. Scope

2.1 This policy and procedure applies to Higher Education applicants.

2.2 All applicants who have an unspent criminal conviction, are serving a prison sentence for a criminal conviction at the time of application, or are subject to ongoing criminal investigations or proceedings must declare this information to the University.

2.3 Examples of criminal convictions that are deemed relevant by the University include 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 (as amended);
- the unlawful supply of controlled drugs or substances where the conviction concerns commercial drug dealing or trafficking;
- offences involving firearms;
- offences involving arson;
- offences listed in the Terrorism Act 2006.

Please note that full disclosure of all unspent criminal convictions is required. The examples above are intended for guidance purposes only and do not constitute an all-inclusive list.

If the conviction involved an offence similar to those set out above, but was made by a court outside of the United Kingdom, and that conviction would not be considered as spent under the Rehabilitation of Offenders Act 1974, this should be declared.

Convictions that are **spent** (as defined by the Rehabilitation of Offenders Act 1974) are not considered to be **relevant**. This is defined by The Rehabilitation of Offenders Act 1974. The UK Government's guidance on rehabilitation periods sets out when convictions become 'spent'.

2.4 Once an applicant has received an offer from the University, they are also required to declare to the University any pending investigations or charges. For example, where an applicant is aware of a police investigation, or they have been charged with a crime and are awaiting a hearing.

2.6 Applicants must disclose a conviction that is unspent when the University has made an offer on a course and the applicant has accepted the offer. Applicants will receive an e-mail from

the University's Admissions team asking if they have an unspent criminal conviction, are subject to on-going criminal investigation or proceedings. If an applicant confirms that they have, they will be sent a short form to provide further details. The University may also request consent to contact relevant stakeholders, e.g., probation officers, to obtain further information as required.

2.7 If an applicant is convicted or subject to on-going criminal investigation or proceedings after being made an offer for study by the University and accepting it, but before enrolling at the University they must notify the Admissions team admissions@leeds-art.ac.uk and provide full details. A member of the University's Admissions team will then contact the applicant providing them with appropriate guidance.

3. Action to be taken on receipt of a disclosure from an applicant

3.1 Where an applicant makes a disclosure either at the point of application for a course or after an offer is made and accepted, the Admissions Manager will undertake an initial evaluation of the information provided.

3.2 The Admissions Manager will consider if the disclosure is relevant (contains information regarding unspent relevant criminal conviction or on-going police investigation or proceedings) or not. If not, the applicant is informed and normal admissions processes continues.

3.3 Where the Admissions Manager considers that the disclosure is relevant, they will refer the matter to the Academic Registrar who will review the disclosure made, request any further information from the applicant or relevant third party. As part of this process the Academic Registrar may decide to speak to the applicant.

3.4 Once the Academic Registrar has collated all necessary information including that provided by any relevant third party, the Academic Registrar will complete a risk assessment which will be referred to the Senior Management Team for a decision as to whether to admit the applicant or refuse admission.

4. Consideration of information provided

4.1 As part of the evidence collation process the applicant will have the opportunity to provide the Senior Management Team (SMT) with written representations. In reaching its decision the SMT shall take the following into consideration:

- Any perceived risk to members of Leeds Arts University community e.g., students, prospective students, staff and visitors;
- Their age at the time of the offence;
- How long ago the offence took place;
- Whether it was an isolated incident or a pattern of offending;
- What else is known about their conduct before and since the offence;
- Any mitigating factors;
- Any written representations submitted;
- Any requirements placed on the applicant by the authorities, including but not limited to:
    - A requirement that they reside at a certain place;
    - A requirement that their place of residence can be inspected without notice;

- A requirement to their making or maintaining contact with a person;
- A restriction on their participation in, or undertaking of, an activity, which may include use of computers or other electronic devices or attendance at non-approved places of worship;
- A requirement that they participate in, or co-operate with, a programme or set of activities, including such that address addiction or behavioural issues;
- A requirement that they comply with curfew arrangements;
- A restriction on their freedom of movement, which is not a curfew;
- A requirement relating to their supervision in the community by a responsible officer.

4.2 For international applicants, the appropriateness of sponsorship (for a visa) and the potential impact on the University's reputation and good standing with the Home Office will also be considered.

5. Recording Information relating to Criminal Convictions

5.1 Correspondence relating to the declaration of criminal convictions by an applicant will be held confidentially on the applicant's file, in line with the University's Data Protection Policy.

5.2 At all stages, staff should ensure that procedures are in place to restrict access to correspondence relating to an applicant's criminal record to only those staff involved in the processes.