

University of Exeter Admissions Criminal Convictions Policy, Procedure and Guidance.

Version: Final

Approval: by the Admissions Policy Group (APG)

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Review: Annual review cycle coordinated by Admissions Policy Officer

Scope

This policy applies to all applicants and covers the admissions stage only.

Separate policies are in place for other aspects of student life and study at Exeter University.

Aim

We believe everyone with the potential and ambition to go to university should have the opportunity to do so, regardless of background. People with criminal convictions face obstacles and barriers to accessing university, yet higher education has the power to transform their lives by helping them move forward and make a positive contribution to society. Therefore, our aim is to ensure a supportive and accessible admissions policy for those with a criminal record. Having a criminal conviction is not an automatic bar to enrolling on a programme of study at the University. We will:

- Ask applicants about criminal records only if, and when, it is necessary;
- Ask targeted and proportionate questions during the admissions process;
- Make our policy transparent and accessible to all applicants;
- If necessary, offer applicants a chance to discuss their case in person before a decision is made;
- Consider flexible adjustments and alternatives for applicants;
- Ensure staff are trained to make fair and impartial judgements about applicants;
- Support students with criminal records to help them achieve academic success;
- Communicate positively about the benefits of a fair admissions process.

Any assessment we make about admissions where a criminal conviction is declared is separate to and will not influence the decision as to academic suitability. We will determine academic suitability first and then go on to consider any other relevant information.

This policy covers admissions only. The University of Exeter respects the criminal justice system and its role in determining an individual's suitability for (re) integration into society. However, the University also has moral, regulatory and legal responsibilities for the safety and well-being of its staff, students, visitors, stakeholders and physical estate. For these reasons, we carefully assess each case on an individual basis.

Process

There are different requirements for disclosure of information based on whether you wish to study a **regulated** or **non-regulated** programme.

If you are considering applying, we welcome getting in touch to confidentially discuss the nature of your conviction.

It is your responsibility to provide full and accurate information. If an applicant fails to declare information as required, the University of Exeter reserves the right to withdraw an offer or terminate the place. If an applicant has already registered on a programme of study this will be dealt with under the terms outlined by the [rules and regulations](#) of the University.

As part of the admissions process, we will only require information on criminal convictions as follows:

Regulated Programmes

Regulated programmes are those leading to professions or occupations exempt from the Rehabilitation of Offenders Act 1974. These programmes require an applicant to self-disclose all convictions on the application form and require a fitness to practise assessment plus enhanced Disclosure and Barring Service (DBS) check at the point of accepting an offer of a place. This is detailed in the [Admissions Fitness to Practise Policy, Procedure and Guidance](#).

Applicants for these programmes will be asked at initial application stage if they have convictions and the process for considering these will run in parallel to consider (a) the University's own risk management and duty of care responsibilities for its community and any partners or agencies and (b) the likelihood of any onward difficulties practising within the relevant profession; this can affect the University's ability to place a student for workplace practice and/or the student's chances of securing registration to practice at the end of the programme of study.

Non-regulated Programmes

Non-regulated programmes are those programmes that do not lead directly to an exempt profession.

Applicants who are subject to restrictions or conditions as a result of their criminal record and who are applying for a non-regulated programme should consider whether their restrictions and conditions will affect their ability to successfully complete their programme or engage in normal University life .

Applicants who have restrictions in relation to use of computers or the internet are strongly advised to make contact with the University before submitting an application. All students are expected to engage with the University via online platforms such as (but not limited to) enrolment, learning, access to library material, course submissions and general communication.

We invite those applicants to disclose restrictions so we can make reasonable adjustments where possible, or suggest alternative pathways. We want to support applicants to make the best decision and we therefore encourage early disclosure. This also means that we can provide confidential advice to prospective applicants. Applicants should contact the Admissions Policy Officer to discuss their circumstances

in confidence. Detailed information disclosed pre-offer will not be shared with those making an academic decision on an application.

Process for Considering Regulated and Non-regulated Programmes

In all cases where information is disclosed, a risk assessment will be undertaken. This will firstly be reviewed by the Head of Admissions who will make a decision either to accept the applicant or pass the case to the Exeter Admissions Review Panel ("the Panel"). The role of the Panel is to determine whether the applicant would (on the basis of information provided) be able to successfully complete their programme of study at the University and the University also considers its duty of care to and legal or regulatory responsibilities for the health, safety and well-being of its community and estate. The Panel may also consider and make recommendations in relation to other aspects of joining the University, such as whether an applicant would be permitted to reside in University accommodation (where appropriate) and what, if any additional support would be required. If appropriate, Fitness to Practice considerations will also be included at the same time.

The Panel core composition consists of:

- Academic Dean for Students - Chair
- Assistant Director SARA
- An academic representative from the relevant College
- Representative from Student Residences
- Representative from Legal Services
- Representative from Student Services
- The panel will be serviced by the Admissions Policy Officer

In the case of regulated programmes, the Panel may also include:

- An academic member who can provide a view relating to the relevant professional requirements and guidelines of the programme
- Two professional perspectives (eg Head teachers, Medical professionals)
- Representatives from Medical Assessment/Occupational Health Assessment Teams, if applicable

The Panel will have the discretion to invite other members of the University to join the Panel in an advisory capacity, where appropriate.

The Panel may request additional legal or specialist advice.

The quorum for this group is that all of the roles in the membership are required but that, at the Chair's discretion, suitable alternates may be permitted provided they have the relevant training, or that the Chair can waive the requirement to attend if the relevant post cannot reasonably offer a perspective which could make a substantive difference or can provide a written view to the Chair for consideration that way.

The Panel will convene as required and will take into account:

- the nature of the offence and its relevance to the proposed programme of study
- the date of the offence(s) and any pattern of re-offending
- whether the applicant's circumstances have changed since the offence(s)
- any extenuating/mitigating circumstances.

The Panel may need to contact third parties (for example, probation officers and social workers) regarding the restrictions or conditions and their impact on the applicant's ability to participate in their chosen programme. The Chair of the Panel may nominate others to join the Panel or attend meetings if necessary. The University will only contact third parties with the applicant's written consent to do so. However, if we do not gain consent it may mean we are unable to proceed with the application or confirm an offer of a place.

The Chair has the right to require a meeting (face to face or online) prior to any decision but if no meeting takes place and decisions are made via email, Panel members should submit their assessment of the case to the Chair individually without sharing with other members. This is to ensure that one early response does not influence the independence of the others. The Chair may decide that a short follow-up face-to-face or virtual meeting should take place to expore differences of opinion and achieve consensus or resolution. The Chair should ensure that all elements of the case have been considered fairly from the applicant's perspective whilst managing institutional risk. The Head of Admissions has a key role in supporting and ensuring this, as well as in applicant liaison and communication.

The applicant will be notified in writing (normally by email) that their case is being referred to the Panel. They can request the right to attend and this is at the discretion of the Chair. They may make a short presentation and/or answer any questions only. Attendance is not compulsory and the applicant will not have the right to be present at Panel deliberations. The Panel reserves the right to call an applicant to the Panel if they are seeking some additional information and cannot make a decision without this. The applicant may ask a supporter or representative to accompany them to the Panel but they cannot speak on the applicant's behalf. The attendance of a supporter will be on the same basis as that of an applicant ie. it is at the discretion of the Chair and does not include Panel deliberations.

If an applicant discloses late in the process and it is not possible to make necessary adjustments or offer an alternative programme, we reserve the right to defer or withdraw any offer or terminate the place.

Information Disclosed or Alledged by Third Parties

If information is received from a third party (anonymous or otherwise) indicating that an applicant has an undeclared criminal conviction, the University will seek verification as appropriate. This may involve contacting the referees provided by the applicant and/or statutory bodies as appropriate. The applicant will also be notified that an allegation has been made against them, although we will protect the identity of the third party, if known. If the information is proven to be correct and relevant, standard procedures for dealing with the cited offence(s) will be followed. The non-disclosure may, if appropriate and relevant, be taken into account by the Admissions Review Panel and in relation to any Fitness to Practice issues.

Decision Making

We ensure that all those at the University of Exeter who are involved in the decision making following disclosure of any restrictions or conditions have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance and training relating to the relevant legislation. Anonymised records of decisions made will be kept to facilitate consistent decision-making.

If the decision is made not to offer a place then the applicant will be informed by email. Decisions not to admit will always require Panel input and cannot be made solely by the Head of Admissions.

Data Protection and Privacy Information

Any information you provide relating to criminal record related disclosure will only be seen by those who need to consider it as part of our admissions process. We will preserve the anonymity of applicants during these processes wherever possible.

If adjustments are made to enable applicants to participate in their programme, information may need to be shared, where appropriate, with academic/departmental staff. Please note this may include placements as part of your course.

University of Exeter complies with the GDPR and Data Protection Act 2018. We process data related to criminal records on the ground of substantial public interest, as required by our Article 6 and 10 obligations under the GDPR. Our use of substantial public interest relates specifically to the following sub-sections:

- Protecting the public against dishonesty
- Regulatory requirements relating to unlawful acts and dishonesty

The processing of criminal conviction data under this basis require us to hold a policy document on this matter; this policy will be considered as such.

Appeals

If the Panel decides not to offer a place, the applicant has the right to appeal to the Deputy Vice-Chancellor (Global Engagement). Appeals must be registered by email to dvc-globalengagement@exeter.ac.uk within 14 days of receiving written notice of the decision not to offer a place.

The Deputy Vice-Chancellor will review the process through which the Panel decision was reached but the applicant cannot offer new information or evidence not presented or available to the Panel at the Appeal stage. In the case of an appeal against a Panel decision, the Head of Admissions, who will not have been an original Panel member, will support the Deputy Vice-Chancellor on process. Independent (external) legal advice and support will be available to the Head of Admissions and Deputy Vice-Chancellor if required. The decision reached by the Deputy Vice-Chancellor (Global Engagement) is final, and there is no further right of appeal.

Appendices

1. Related Policies
2. Useful External Agencies

Appendix 1

Related Policies

University of Exeter Statutes and Ordinances

<http://www.exeter.ac.uk/staff/policies/calendar/part1/>

Applicant Privacy Policy

<http://www.exeter.ac.uk/privacy/applicants/>

Appendix 2

Useful External Agencies that can provide additional information

www.nacro.org.uk

<https://www.gov.uk/government/organisations/disclosure-and-barring-service>

<https://www.unlock.org.uk/>

<https://unlock.org.uk/project/unlocking-students-with-criminal-records/fair-chance-pledge/>