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## UNIVERSITY FOR THE CREATIVE ARTS

### Applicant Criminal Convictions Policy

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#### Background

To perform our public task of protecting the rights, property and safety of the University and its students, employees, agents and visitors, all applicants who receive an offer are asked to declare whether they have a relevant, unspent criminal conviction.

Information about criminal convictions is sensitive personal data which is subject to greater protections under the General Data Protection Regulations and the Data Protection Act 2018. Our basis for processing this data meets a substantial public interest condition, being for the purpose of safeguarding children (DPA 2018 Schedule 1 Part 2 (18)), as referenced in our applicant privacy notice.

Which criminal convictions have to be declared?

Applicants will only be asked to provide details of relevant unspent criminal convictions if they receive an offer of a place to study at UCA.

What is a relevant criminal conviction?

Relevant criminal convictions are those convictions for:

- offences against a person of a violent nature, including threatening behaviour or the intention to harm;
- offences listed in the Sex Offences Act 2003;
- convictions for offences involving unlawfully supplying 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

If an applicant has a conviction for a similar offence for which they were convicted outside of the UK, this counts as a relevant criminal conviction.

Warnings, penalty notices for disorder (PNDs), anti-social behaviour orders (ASBOs), criminal behaviour orders (CBO) or violent offender orders (VOOs) are not classed as relevant convictions, unless you contested a PND or breached the terms of an ASBO, CBO or VOO and this then resulted in a criminal conviction, or unless by attending our campuses it breaches any conditions of these.

What is an unspent criminal conviction?

Convictions become spent after a certain period of time known as a 'rehabilitation period'. The length of the rehabilitation period depends on how severe the sentence was. An unspent criminal conviction is one which has not reached this defined time.

If a conviction is spent (as defined by the Rehabilitation of Offenders Act 1974), or will become spent by the start date of the course, this does not need to be declared. See Annex 1 for information on the length of rehabilitation periods.

What happens if I have a relevant unspent criminal conviction?

All applicants with an offer will be asked to confirm if they have a relevant unspent criminal conviction.

Applicants with a relevant unspent criminal conviction will be asked to provide more information and the University will consider the wider issues, including the interests and safety of all members of the University community and in particular, vulnerable students and/or students who are under 18 years old.

A disclosure may be sought through the Disclosure and Barring Service (DBS) if an applicant applies to a course leading to a profession in teaching, health or social work or onto a course which will bring the individual into contact with children or vulnerable adults. The University may reserve the right to conduct such a check at a later date.

A University Criminal Convictions Panel will meet to consider whether the conviction is such that the applicant may require special measures to be put in place to provide effective support for the applicant and/or to protect other students and staff from perceived risk (such as pastoral support).

The panel may require further information from an applicant prior to reaching a final decision. This may include a request for additional information from a probation officer or suitable referee to identify any degree of risk to the applicant or the University community.

The final outcome of the panel will be:

1. The original offer can stand and no special measures are required.
2. Special measures are required to support the applicant or protect other students and staff. The applicant will be asked to confirm whether they accept these additional conditions or whether they want to decline the offer.
3. The University cannot put special measures in place to support the applicant or protect other students and staff and the offer of a place is withdrawn.

Applicants will be notified of the final outcome within 5 working days of the panel meeting.

The University will have the right to withdraw an offer or later terminate any registration from an individual who is subsequently found to have omitted or falsified relevant information in relation to his/her initial application.

#### Procedures

1. Admissions Tutors will consider all applications with reference to the capability of the applicant to complete the creative and academic requirements of the course.
2. Where the Admissions Tutor recommends acceptance, an offer will be made, and the applicant will be asked to declare whether they have any relevant unspent criminal convictions via the Post Offer Declaration Task in the Applicant Portal.
3. The Post Offer Declaration Task will provide a clear explanation of relevant unspent convictions to ensure criminal conviction information is only collected from applicants with a relevant unspent conviction.
4. Applicants who do have relevant unspent convictions will be asked to provide:
  - a) a copy of their certificate of conviction which confirms details of the offence(s) convicted of;
  - b) a brief statement of the events leading to the offence;
  - c) details of any circumstances that influenced the offence and which no longer apply;
  - d) any factors that minimise the impact of the offence;
  - e) any achievements since the conviction;
  - f) details of a member of the Probation Service, Social Services or a senior prison officers who can provide a statement on your risk of reoffending
5. If it is necessary to approach third parties for further information, whether nominated by the applicant or not, specific consent to contact them will be sought from the applicant. If consent is not given to contact a third party and the absence of this information means that the panel do not have sufficient information to make a decision, the offer of a place may be withdrawn.
6. If the applicant fails to complete the criminal conviction task, or fails to provide the required information, the offer may be withdrawn.
7. Once information about the criminal conviction has been received, a panel will meet, consisting of the Head of Admissions, the Director of Academic Services (or nominee), the Head of School of the proposed study area and the Admissions Tutor who interviewed the applicant (or reviewed their application where an interview has not been held).

8. The applicant will be informed of the date that the panel will take place, but will not be required to attend.
9. The panel will confirm if the offer can go ahead after considering the wider issues of the University, taking into account the following, where applicable:
  - a) A copy of the certificate of conviction and a brief statement of events leading to the offence; and
  - b) The particular circumstances that influenced the offence and which no longer apply (e.g. the applicant was young and easily influenced at the time; or that the applicant was experiencing personal/domestic/financial or other problems which have now been resolved); and
  - c) The factors that minimise the impact of the offence (e.g. it was minor, old or a one-off); and
  - d) The applicant's achievements since the conviction (to show that they have tried to put the offence or that period in their life when they committed the offence behind them); and
  - e) Whether the criminal record is likely to create an undue risk to the safety and/or wellbeing of the University community
10. The panel will confirm whether:
  - a) More information is required to make a decision.
  - b) The original offer can stand and no special measures are required.
  - c) Special measures are required to support the applicant or protect other students and staff. The applicant will be asked to confirm whether they accept the additional conditions or whether they want to decline the offer.
  - d) The University cannot put special measures in place to support the applicant or protect other students and staff and the offer of a place will be withdrawn.
11. The outcome of the panel and the reasons for the decision will be recorded. All members of the panel are required to approve the draft prior to the decision being communicated to the applicant.
12. If the panel decides to withdraw an offer of a place, an email will be sent to the applicant to confirm this within 5 working days of a decision being made.
13. If the panel decides that the offer can stand, the University Accommodation Manager will be informed that the applicant has disclosed a relevant criminal conviction. This is to ensure the University complies with legal requirements in relation to accommodating students who are under 18 years of age. No details other than that the applicant has disclosed a relevant unspent criminal conviction will be divulged.

14. The person responsible for applicant disclosures will record panel decisions confidentially, will keep a file of all correspondence and documentation relating to the admission decision and will be responsible for ensuring that any information is handled in accordance with the General Data Protection Regulations and the Data Protection Act 2018. This file will be kept for a maximum of five years. In the case of a decision not to admit an applicant all documentation will be destroyed one year after the date of the final decision.
15. Members of the panel should not share any information on the case with any third party. Once the panel has made its recommendation, all members of the panel should destroy all papers related to the case.
16. If an applicant receives a relevant unspent criminal conviction after they have completed the Post Offer Declaration Task in the Applicant Portal, the applicant should inform the UCA Admissions Team immediately in writing, with details of the offence.
17. The applicant has the right of appeal against any panel decision. Appeals will be considered by a member of the University Leadership Team., The outcome of the appeal will be confirmed in writing within 10 working days. This decision will be final.

## Rehabilitation Periods (spent/non-spent)

The rehabilitation period (the length of time before a conviction becomes spent) depends on the length of the sentence imposed, not the offence committed. Rehabilitation periods that run beyond the end of a sentence are made up of the total sentence length plus an additional period that runs from the end of the sentence. Other rehabilitation periods start from the date of conviction or the date the penalty was imposed.

The rehabilitation periods for sentences with rehabilitation periods which run from the end date of the sentence are shown in the table below:

Sentence	Rehabilitation Period	
	People aged 18 or over when convicted	People aged under 18 when convicted
Prison sentences of 6 months or less*	Full sentence +2 years	Full sentence +18 months
Prison sentences of more than 6 months to 2 ½ years*	Full sentence +4 years	Full sentence +2 years
Prison sentences of more than 2 ½ years to 4 years*	Full sentence +7 years	Full sentence +3 ½ years
Prison sentences of more than 4 years*	Never spent	Never spent
Community order / youth rehabilitation order**	Full length of the order +1 year	Full length of the order +6 months

\* including suspended sentences, youth custody and detention in a young offender institution, a sentence of detention under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000, a detention and training order, a sentence of corrective training and a sentence of Borstal training.

\*\*In relation to any community or youth rehabilitation order which has no specified end date, the rehabilitation period is 2 years from the date of conviction.

With some sentences the rehabilitation period varies:

Sentence	Rehabilitation Period	
	People aged 18 or over when convicted	People aged under 18 when convicted
Fine	1 year	6 months
Conditional discharge	Length of the order	Length of the order
Absolute discharge	Spent immediately	Spent immediately

Conditional caution / youth conditional caution	3 months (or when it ends, if earlier)	3 months
Simple caution / youth caution	Spent immediately	Spent immediately
Compensation order	Once it is paid in full	Once it is paid in full
Bind over	Length of the order	Length of the order
Attendance centre order	Length of the order	Length of the order
Hospital order (with or without restrictions)	Length of the order	Length of the order
Referral order	n/a	Length of the order
Reparation order	n/a	Spent immediately