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## UNIVERSITY FOR THE CREATIVE ARTS

### Applicant Criminal Convictions Policy

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#### Background

This policy aims to be equitable to all applicants and aims to meet the legal obligations of the Rehabilitation of Offenders Act 1974, the Data Protection Act 1998 and the Human Rights Act.

An applicant applying for a course at the University must declare on either his/her UCAS form or the University's online direct application form that they hold relevant criminal convictions.

Relevant criminal convictions are those convictions for:

- offences against a person, whether of a violent or sexual nature;
- 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

Other criminal convictions which may impact the safety and well-being of any member of the University community will also be classed as 'relevant'.

If you have a conviction for a similar offence for which you were convicted outside Great Britain, 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.

Convictions that are spent (as defined by the Rehabilitation of Offenders Act 1974) are not considered to be relevant and are not subject to these procedures. Applications falling into this category should be treated in the same way as any other normal application (see Annex 1, for Rehabilitation Periods spent/non-spent).

Applications will be considered on academic grounds in the first instance based on the likelihood that the applicant has the potential to benefit from the education offered and to achieve the award for which he or she has been registered.

The University will consider the wider issues, including the interests and safety of all members of the University community prior to offering any applicant a place to study.

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.

The University will have the right to reject any application 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. When an application first comes into the student records system, any applications which declare criminal convictions will have this indicated on their student record.
2. Admissions Tutors will consider all applications with reference to the capability of the applicant to complete the creative and academic requirements of the course.
3. In cases where a criminal conviction is indicated and the Admissions Tutor recommends acceptance, no formal offer will be made until further information concerning the criminal conviction can be obtained from the applicant. The admissions team will check for new Criminal Convictions Clearance Checks on a weekly basis and any applications will be passed to the person responsible for applicant disclosures to write to the applicant via email and letter asking for information about the conviction, giving a response date as appropriate, taking into account any relevant UCAS deadlines. (See Annex 2 for example letter).
4. All communications with applicants will be conducted in writing via email to the email address provided by the applicant.
5. If the applicant fails to respond with the required information before the next UCAS deadline or by the end of the cycle, the application will be considered to be withdrawn.
6. When a response is received indicating the nature of the conviction a panel will meet, consisting of the person responsible for applicant disclosures, the Head of Admissions, a nominee of the Director of Library and Student Services, 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).
7. This group 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
8. The panel has the right to request further information from an applicant prior to reaching a final decision, if required. 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.
9. The Accommodation and Catering Services Manager will be informed of applicants who have disclosed a relevant criminal conviction only after they have been accepted onto a course of study at the University. This information is required 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 criminal conviction will be divulged.

10. The person responsible for applicant disclosures will record such decisions confidentially and keep a file of all correspondence and documentation relating to the admission decision. 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.
11. The applicant has the right of appeal against any decision. Appeals should be sent to the Registrar.
12. If an applicant receives a criminal conviction after an offer has been made, the applicant should inform the UCA Admissions Team immediately in writing, with details of the offence. The Criminal Convictions Panel will meet to consider the criminal conviction against the criteria outlined in paragraph 5, to determine whether the offer can continue to stand, or whether the offer will be withdrawn. If the University decides to withdraw the offer of a place, a letter and email will be sent to the applicant to confirm this withdrawal within 5 working days of a decision being made.

**Rehabilitation Periods (spent/non-spent)**

The length of the rehabilitation period depends on the sentence given – not the offence committed. For a custodial sentence, the length of time actually served is irrelevant: the rehabilitation period is decided by the original sentence. Custodial sentences of more than 2 ½ years can never become spent.

Sentence	Rehabilitation Period	
	People aged 18 or over when convicted	People aged under 18 when convicted
Prison sentences of 6 months or less *	7 years	3 ½ years
Prison sentences of more than 6 months to 2 ½ years *	10 years	5 years
Borstal (abolished in 1983)	7 years	7 years
Detention centres (abolished in 1988)	3 years	3 years
Fines, ** Probation, *** Compensation, Community service, Combination Action Plan, Curfew Orders, Drug treatment and testing, and, Reparation Orders	5 years	2 ½ years
Absolute Discharge	6 months	6 months

\* including suspended sentences, youth custody (abolished in 1988) and detention in a young offender institution

\*\* even if subsequently imprisoned for fine default

\*\*\* for people convicted on or after 3 February 1995 (from which date the rehabilitation period for a probation order was changed under the terms of the Criminal Justice and Public Order Act 1994).

With some sentences the rehabilitation period varies:

Sentence	Rehabilitation Period
Probation (for people convicted before 3 February 1995), supervision, care order, conditional discharge or bind-over	1 year or until the order expires (whichever is longer)
Attendance centre orders	1 year after the order expires
Hospital orders (with or without a restriction order)	5 years or 2 years after the order expires (whichever is longer)

Dear [Applicant]

**Student Reference Number/Username: <<STU\_CODE.STU>>**

On your application to <<course name>> at UCA <<Campus>> you declared that you have a criminal conviction.

In order to consider your application further, you are required to provide further details of the conviction, the nature of the offence, and the extent to which any sentence imposed has been served or complied with.

Under the provisions of the Rehabilitation of Offenders Act 1974, information is only required in respect of unspent convictions. This excludes motoring offences that did not result in a disqualification. Information about your unspent convictions must be given. I should, therefore, be grateful if you would send me the information about your offence and conviction by <<Date that information needs to be returned by>>.

You may wish to include additional information on your conviction, where appropriate, using the following guidelines:

- a) a copy of your certificate of conviction and a brief statement of the events leading to the offence;
- b) the particular circumstances that influenced the offence and which no longer apply;
- c) the factors that minimise the impact of the offence;
- d) your achievements since the conviction.

If you have more than one criminal conviction, you must provide this evidence for all convictions.

You may be rest assured that this information will be kept strictly confidential and will only be revealed to the University staff directly involved in considering your application.

If you have any queries, please email [applicantdisclosures@uca.ac.uk](mailto:applicantdisclosures@uca.ac.uk).

Head of Applicant Disclosures