

NORTHUMBRIA UNIVERSITY

RECRUITMENT OF EX-OFFENDERS POLICY- Students

Introduction:

1.1 The Rehabilitation of Offenders Act 1974 (“ROA”), (Exceptions) Order 1975 (as amended in 2013) was introduced to ensure that ex-offenders, who have not reoffended for a specified period of time since their date of conviction, are not discriminated against when submitting applications (e.g. for work or study).

1.2 This Policy, which applies to all students and applicants to the University, sets out the basis on which the University will seek information from applicants about spent and unspent (current) convictions and how this information will be used. The Policy will be made available to all disclosure applicants at the outset of the admissions process. Every subject of a Disclosure and Barring Service (“DBS”) check will be made aware of the existence of the DBS Code of Practice and that copies will be available on request.

1.3 The aim of this Policy is to ensure the University fully complies with the provisions of the Rehabilitation of Offenders Act 1975 (as amended in 2013) and best practice in its recruitment of applicants, and treatment of students, with a criminal record. The Policy sets out the commitment from the University that all applicants and students will be treated fairly.

2. General Principles:

2.1 Applicants and existing students with either a spent or unspent conviction will not be unfairly discriminated against.

2.2 The University uses the DBS Service to check the history of applicants and assess their suitability for programmes of study. A DBS check is only requested after a thorough assessment has indicated that one is both proportionate and relevant to the course.

2.3 The University complies fully with the DBS Code of Practice.

2.4 Where a DBS check is to form part of the admissions process, the University will request, from all applicants called for interview, details of their criminal record, at an early stage in the application process in line with the ROA 1975 (as amended in 2013). The request will instruct the applicant that this information should be sent under separate, confidential cover, to the Admissions Manager at Northumbria University and will confirm that this information will only be seen by those who need to see it as part of the admissions process.

2.5 Information obtained from the Disclosure and Barring Service will only be used to assess an applicant’s suitability for a programme, where relevant, and will not be used to discriminate in any way. The University is committed to the fair treatment of its students and potential students regardless of any protected characteristics under the Equality Act 2010 (as amended) or offending background.

2.6 We actively promote equality of opportunity for all with the right mix of talent, skill and potential and welcome applications from a wide range of applicants, including those with criminal records. Applicants are considered solely on the basis of their individual merits, abilities, and potential, regardless of gender, ethnic or social background, disability, religion, sexual orientation or any other irrelevant criteria. For each applicant, all relevant factors bearing on their previous and likely attainment are taken properly into account. Each decision is made with integrity, equity and professionalism, looking at each applicant on their own merit in line with entry requirements. Advice and information is available to all who need it. Particular applicant needs are considered with sensitivity. Applicants with additional needs are considered on the same academic grounds as all others but are asked to discuss their likely requirements so advice can be given in the knowledge of the University's provision.

2.7 Where appropriate, adverts and programme descriptions will clearly state that a DBS check is a requirement of the programme. This will provide a basis for the applicant to decide whether or not to apply for the programme.

2.8 Disclosure of the information received from the DBS, or via self-disclosure (in the case of applicants to courses that do not require a DBS check or existing students who gain a criminal record while studying at Northumbria) will only be made available to staff who have a specific need to access it in the course of their duties.

2.9 This Policy should be read in conjunction with the University's Disclosure and Barring (DBS) Procedure for Students, for applications to programmes which require a DBS check.

2.10 Northumbria University is committed to ensuring that all information provided about the criminal convictions of applicants and existing students, including any information released in disclosures, is used fairly and stored and handled appropriately and in accordance with the Data Protection Act 1998.

3. Main Steps

3. Obtaining information from applicants.

3.1 During the recruitment process the University will normally only ask about relevant convictions as defined by the ROA and are subject to disclosure.

3.2 If the programme requires a placement(s) in a role which is exempt from the provisions of the ROA (as amended in 2013), an applicant will need to disclose both unspent and spent convictions, which are subject to disclosure. (For further information please refer to the Exemptions Order of the ROA). The University is legally entitled to ask applicants of the details of any spent and unspent conviction.

3.3 The Faculty or Department will ensure that relevant wording is included in the online advert and programme description advising that, where relevant, the successful applicant will need to satisfy DBS requirements and undertake a DBS check.

4. Declaring Previous Convictions at Application

4.1 It is the University's Policy to request that all applicants disclose any unspent convictions as part of the application process. In addition, the University will seek a Disclosure (i.e. a DBS check) where there is a legal requirement to do so i.e. for applicants to those courses which require a DBS check. DBS disclosures must not be used as a blanket requirement and, in all circumstances, should meet the criteria set out in the University DBS Procedure and the process should be managed by Academic Registry.

4.2 It is the responsibility of applicants and students to clarify whether a conviction is spent or unspent. The length of time required for an ex-offender to become rehabilitated depends on the sentence received and the age when convicted. To note, custodial sentences of more than two and half years can never become spent.

4.3 Failure to reveal information relating to unspent convictions (and spent convictions in the case of excluded jobs and professions under the ROA) could lead to withdrawal of an offer or disciplinary action which could lead to withdrawal from the programme.

For courses requiring a DBS check

4.4 Where an applicant has disclosed a conviction, or a conviction is revealed through a DBS check, the University Disclosure Panel will consider the relevance of the offence and your suitability for the programme and placement.

4.5 When considering the matter, the University Disclosure Panel, using the DBS Procedures Guide, will consider:

- The seriousness of the offence.
- Whether a risk is posed to others, particularly children and/or vulnerable adults.
- The length of time since the offence occurred.
- Any relevant information offered by the applicant about the circumstances which led to the offence being committed.
- The nature of the programme and any opportunities that may present the applicant to re-offend
- The Country in which the offence was committed – for example, some activities are offences in Scotland and not in England and Wales, and vice versa.
- Whether the offence has since been decriminalised by Parliament.

4.6 The University Disclosure Panel may wish to discuss the contents of the disclosure with the applicant before making a decision. Having carefully considered these matters, a decision will be taken as to whether the applicant should be allowed on the programme. If the decision is not to proceed then the applicant will be written to, formally withdrawing the offer of study.

For all other applications (i.e. where a DBS check is not required)

4.7 As stated in 4.1, the University's application process will request applicants to disclose any unspent convictions.

4.8 Where a self-disclosure is made, the Admissions Team will manage the process of assessing the disclosure, utilising the criteria listed at 4.5 above. Prior to making a final decision about acceptance, a Risk Assessment may be carried out, in consultation with appropriate authorities (e.g. Probation Service), and will always be carried out for applicants with unspent convictions for serious offences and those applicants who will remain on the Sex Offenders Register at any time during their studies.

4.9 Where the risks are acceptable and the applicant is accepted onto a programme, a personalised Acceptable Behaviour Contract may be established to govern the applicant during their time at University, which would be agreed with the applicant in advance of studies commencing.

5. Declaring criminal convictions gained while studying at Northumbria

5.1 If a current student is convicted of a criminal offence during their studies they must report this to their programme leader immediately. The facts of the case will be considered to determine if there are sufficient grounds to warrant formal action being taken, in line with the University's Student Disciplinary Rules and Procedure (Section 3 of the Handbook of Student Regulations).

5.2 Programme Leaders will be expected to carry out an investigation, and to take into account the professional code of conduct, the nature and seriousness of the offence and whether the student would pose a risk to the public. Managers should take an objective approach and advice should be sought from the relevant heads of department, if required.

5.3 If a student is concerned about a conviction, they should speak directly with their Programme Leader.

5.4 Students are required to declare any cautions or convictions at the beginning of each academic year and failure to do so may lead to disciplinary action.

6. Records Management:

6.1 All relevant information will be held under secure cover on the applicant's Personal Record file, in accordance with University records management standards.

7. Policy Review

7.1 This Policy and the associated DBS procedure will be reviewed every two years or earlier, in light of new information or legal requirements.