

# Northumbria Policy for Applicants with Criminal Records

## 1. Introduction

Having a criminal conviction will not necessarily prevent you from gaining admission to Northumbria University. The University does not wish to debar individuals with criminal records from taking advantage of the opportunities provided by Higher Education. Our primary selection criteria are those related to your qualifications, skills, abilities and personal qualities you have to offer your chosen programme of study and in general, a criminal record is not to be regarded as an obstacle to studying at this University. The University's main concerns in respect to applicants with criminal convictions are to:

- Ensure the safety and well-being of staff, students, visitors and others using our services or facilities;
- Protect the University's reputation and public standing;
- Carry out our legal duties and responsibilities.

## 2. Relevant Criminal Offences

Applicants will not be asked to declare any **relevant unspent criminal convictions** until they receive an offer of a place at the University and this will be indicated in your offer letter as a non-academic condition. Any offer made is subject to you engaging with the University criminal convictions declaration procedure as appropriate as detailed in this policy.

### Relevant Criminal Offences

Relevant criminal offences 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.
- 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.

If you have criminal offences from outside the United Kingdom which are similar to the offences outlined above (**and are not spent**) you will be required to provide further information.

### What does 'spent' mean?

You are required to declare any **relevant 'unspent' criminal convictions/cautions**. Whilst some criminal convictions are 'spent' (forgotten) after a certain period according to the offence, other offences are never spent and these must be declared. For independent guidance you can contact [Unlock](#) or [Nacro](#) so that you are not disclosing any information we do not need to know. More information on offences and rehabilitation periods can be found on the [Government](#) website.

### What is the Rehabilitation of Offenders Act 1974?

The Rehabilitation of Offenders Act 1974 aims to help people who have been convicted of certain criminal offences and have not re-offended since being convicted. People with few or minor convictions will therefore be able to 'put their past behind them' and be treated as everyone else with regard to employment and equal opportunity. Please note that you do not need to include convictions, cautions, warnings or reprimands which are deemed 'protected' under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013). Guidance and criteria on the filtering of these cautions and convictions can be found on the [Disclosure and Barring Service](#) website. Further information on filtering can be found on the [Government](#) website.

### Applicants currently on licence

If you are currently on licence you are expected to make us aware of any conditions which may prevent you from fully engaging with the programme of study and broader University community. This is particularly relevant when considering applying for a place in our student accommodation. Where possible the University will undertake to make reasonable adjustments and will suggest alternative programmes of study where available if any licence conditions would make your programme of study inaccessible. If you would like further information or to discuss your situation please contact [bc.clearance.checks@northumbria.ac.uk](mailto:bc.clearance.checks@northumbria.ac.uk)

### 3. Courses which do not require a DBS Enhanced Disclosure

If you apply for a course which does not require you to provide a Disclosure and Barring Service (DBS) Enhanced Disclosure (i.e. you will not be working with children or vulnerable adults) and you have declared that you have a criminal conviction on your application form/after applying then **you are not required to tell us about 'spent' convictions** as defined by the Rehabilitation of Offenders Act 1974.

Please note that custodial sentences of more than 4 years or a Public protection sentences never become 'spent'.

For further information on what constitutes a spent conviction please see the NACRO advice pages located [HERE](#) or this [quick reference guide](#) from Unlock.

You should ensure that you have read section 2 fully before disclosing information to ensure that you only disclose any information that is required.

### 4. Courses which require a DBS Enhanced Disclosure

If you have applied for a course in teaching, healthcare, social work or those involving work with children or vulnerable adults then you are exempt from the Rehabilitation of Offenders Act (1974) and where certain professions have been identified as exempt under the Exceptions order, employers are entitled to know about all previous convictions regardless as to whether they are considered 'spent' or 'unspent'.

However, since a change in the law which came into force on 29 May 2013 (*see Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013; and Police Act 1997 (Criminal Record Certificates: Relevant Matters) (Amendment) (England and Wales) Order 2013*), certain old and minor cautions and convictions are no longer subject to disclosure. The amendments to the Exceptions Order 1975 (2013) provide that certain spent convictions and cautions are 'protected' and are not subject to disclosure to employers, and cannot be taken into account. This process is known as 'filtering'.

Filtering is the term that the Disclosure and Barring Service (DBS) uses to describe the process which will identify and remove protected convictions and cautions so that they are no longer disclosed on a criminal record certificate issued by the DBS.

Guidance and criteria on the filtering of these cautions and convictions can be found on the Disclosure and Barring Service website [HERE](#) and in the NACRO practical-guide [HERE](#)

Filtering applies only to an individual who has received either only one conviction, or only cautions, for example: if an 18-year-old applicant to a Nursing degree course which requires an enhanced DBS check was cautioned for shop-lifting at the age of 14, and has never received any other conviction or caution, this caution will now not display on their DBS certificate and should not be declared on the form provided.

**All cautions and convictions for specified serious violent and sexual offences, and other specified offences of relevance for posts concerned with safeguarding children and vulnerable adults remain subject to disclosure. In addition, all convictions resulting in a custodial sentence, whether or not suspended, will remain subject to disclosure, as will all convictions where an individual has more than one conviction recorded.**

### 5. How to declare a Conviction to Northumbria University

You should declare any **relevant convictions** by completing the Criminal Conviction Declaration form and returning it to [bc.clearancechecks@northumbria.ac.uk](mailto:bc.clearancechecks@northumbria.ac.uk) as soon as possible and in advance of enrolling on the programme. You should explain the nature of the offence, any mitigating circumstances, and any penalties imposed and you may also include, if you wish, an account of what happened from an independent party.

Please make sure you read section 2 fully, before declaring any offences to ensure that you only declare information that you are required to. If you are studying a programme that requires an enhanced disclosure, you should also ensure you read section 4 carefully before completing.

#### **Failure to declare**

Failure to declare a **relevant** criminal conviction/caution could result in your application/offer being withdrawn or becoming subject to student disciplinary procedures after enrolment.

## 6. What Happens after you declare a Conviction?

If you have declared or disclosed a **relevant** conviction and you are being considered on academic grounds, your declaration will be considered initially by the Admissions Manager. If the case is straightforward and no further action or information is required, you will be informed by email.

### Criminal Convictions Panel

If the case requires further consideration, it will be referred to a Committee on the Admission of Students with Criminal Convictions. The Committee will ensure that an open and measured discussion takes place on the subject of the offence(s) and on any other matters relevant to the case. Failure to reveal information that is directly relevant to the case before or during the Committee meeting could lead to the withdrawal of any subsequent offer of a place or to the termination of any subsequent registration.

The Committee comprises:

- Director – Marketing
- Admissions Manager
- Student Support Manager, Student Support and Wellbeing
- A representative from Legal Services
- A representative from Security
- A member of academic staff from the Faculty the candidate is to be admitted to.

All cases forwarded to the panel for consideration are anonymised and therefore all documents received by the Admissions Officer will be redacted to remove any personal detail so that you cannot be identified. After each panel, all documentation is permanently destroyed by panel members and only relevant information is kept securely within the admissions office in accordance with the Data Protection Act 1998.

Using the information provided the panel will assess your non-academic suitability for a place on the course, taking into account:

- The relevance of the offence(s)
- The seriousness of the offence(s)
- The length of time since the offence(s)
- The circumstances surrounding the offence(s)
- Your explanation for the offence(s)
- References or reports provided by third parties in relation to the offence(s) or character

In making a decision the panel will assess the risk to other students, staff and University property. The panel may decide that:

- The applicant may enrol with no additional conditions
- The applicant may enrol with specific conditions, to minimise risk and to ensure you receive the necessary support
- Enrolment will not be possible, as the applicant has been deemed too high risk and any offer may be rescinded on this basis. On occasions the panel may recommend some period in the community without further offence and if this requirement is satisfied we would welcome an application for the following year
- The panel is unable to reach a conclusion and therefore require further information from you or third parties in relation to the offence(s) or your character

Applicants who subsequently have to complete a DBS Enhanced Disclosure may also have to be considered by the University Disclosure Panel if their DBS indicates a criminal record.

Applicants will be given the opportunity to provide a written statement as to the offence(s) that have been declared against their name.

Outcomes of the Disclosure Panel will be notified formally to the applicant in writing and if the decision is to withdraw the offer of a place this will also be communicated via UCAS/UTT (if applicable) and the application will be withdrawn and no further applications may be made in that cycle.

If at any stage between application and first registration an applicant is convicted of a relevant criminal offence, they must notify the University.