



Writtle
University
College

Students with Criminal Convictions Policy

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Policy Owner	Department
University College Secretary	Professional Support
Version Number	Date drafted/Date of review
1.0	13 September 2016
Date Equality Impact Assessed	Has Prevent been considered (see Policies Guidance if unsure)
12 August 2012	Yes
Reviewed and Approved by (see Policies Guidance for approval process)	Date
SMT	27 September 2016
Access (tick as appropriate)	
Public access (website) <input type="checkbox"/> And/Or Internal access (MyWi) <input checked="" type="checkbox"/>	Staff and Student access <input checked="" type="checkbox"/> Or Staff access only <input type="checkbox"/>

Policy Overview and Scope

Having a criminal record does not necessarily prevent you from studying at Writtle University College (WUC) and we encourage students to disclose criminal convictions. The aim of this policy is to ensure that any application from a student with a criminal record is fairly assessed and to ensure that we meet our duty of care to ensure safety and well-being of all students, staff and visitors.

Policy and Procedure

1. Disclosure – During Application

- 1.1 Students applying through UCAS should complete the field relating to criminal convictions. WUC is automatically notified of this response and we will contact you to ask you to complete a Student Criminal Conviction Information Form (SCCIF) if you declare that you do have a conviction. You should complete the SCCIF and return it to us as soon as possible to prevent a delay in your application.
- 1.2 Students applying direct to WUC should complete the section of the application form relating to criminal convictions. Where a criminal conviction is declared, we will write to you to ask you to complete a Student Criminal Conviction Information Form (SCCIF). You should complete the SCCIF and return it to us as soon as possible to prevent a delay in your application.
- 1.3 You only need to disclose relevant criminal convictions which are not spent. Relevant criminal convictions include convictions, 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; and offences listed in the Terrorism Act 2006. If a person does not re-offend during their rehabilitation period, their conviction becomes 'spent' (as defined by The Rehabilitation of Offenders Act 1974). Convictions that are spent are not considered to be relevant and you should not reveal them. You should note that certain offences are never spent. For information see <http://www.justice.gov.uk/offenders/rehabilitation-of-offenders-act>.

2. Applicants from outside the UK and EEA

- 2.1 The Rehabilitation of Offenders Act 1974 (the Act) is relevant to those of all nationalities and residencies, and the concept of "spent" convictions as set out in the Act applies regardless of the jurisdiction of the court where the offender was convicted. However, you should note the following:
 - Whilst a conviction acquired outside Great Britain may be spent under the relevant national law, it is not automatically deemed spent under English law.
 - In determining whether a conviction is capable of becoming spent, a sentence imposed by a court outside of Great Britain will be treated in the same way as the corresponding sentence under English law, or its nearest equivalent.
 - Where a sentence is imposed by a court outside of Great Britain, the period before which the conviction is deemed spent will be calculated according to English law, as set out in the Act.

- 2.2 If you are unsure whether your conviction is deemed relevant and spent under English law then we strongly advise you to seek legal advice before answering this question.

3. Disclosure Post Application

- 3.1 If you disclose a criminal conviction on enrolment, you will be asked to complete a SCCIF. It is essential that you complete and return the SCCIF as soon as possible. If you do not return the SCCIF, you will be called to see the Vice-Principal.
- 3.2 If you are convicted of a criminal offence after submitting an application or after an offer of a place has been made, you are under a duty to disclose this information to WUC. Should this be the case, please ask Registry for a copy of the SCCIF, complete and return it. The Student Disciplinary Procedure may also need to be applied, where appropriate.
- 3.3 This policy also applies where WUC discovers that you have a criminal conviction but you have not declared it. Both the UCAS regulations and WUC's regulations are clear that an offer may be withdrawn if the candidate makes a material omission in respect of their application which might have affected the basis of the decision on which the offer was first made.

4. Procedure

- 4.1 An initial review of the information you provide will be made, together with a risk assessment. Cases deemed to be medium or high risk will be referred to the Application Committee. If your case is deemed to be low risk, you will be informed and your application will proceed.
- 4.2 For cases deemed to be medium or high risk, the Applications Committee will consider your SCCIF and other information or documentation available and may contact you for more information.
- 4.3 This process is completely separate from the consideration of your application on academic grounds.
- 4.4 When making their decision, the Applications Committee will consider, amongst other things:
- (i) whether the criminal record has any bearing on the applicant's suitability to become a member of the student body or whether there is any potential risk to students, staff or WUC property;
 - (ii) the nature and severity of the offence and the length of time since the offence was committed;
 - (iii) whether the applicant has re-offended, and, if yes, whether there is a pattern to the re-offence;
 - (iv) whether the applicant's circumstances have changed since the time of the offence.
- 4.5 The Applications Committee may decide on one of the three possible outcomes:
- (i) the Applications Committee considers that your application should proceed. You will be informed accordingly and Admissions will continue to process your application; or

- (ii) the Applications Committee considers that you may be admitted, but that conditions should be set (for example, you may not be allowed to live in halls). You will receive an offer letter which will set out these conditions. You must comply with the conditions and compliance will be monitored; or
- (iii) the Applications Committee considers that your application should not proceed. You will be advised in writing that your application has been refused and the reasons for the refusal. You will be informed of your right of appeal.

5. Appeal

- 5.1 If the Applications Committee considers that your application should not proceed, you have a right of appeal to an Appeal Panel. You must do this within 14 days of notification of the Application Committee's decision.
- 5.2 You will be invited to attend an appeal hearing. The Appeal Panel will consist of the Vice-Chancellor and one other senior manager. A member of the Applications Committee will also attend the appeal hearing and you may be accompanied by a friend or representative. You will be given the opportunity to give evidence and ask further questions.
- 5.3 The Appeal Panel will either:
 - (i) confirm the decision of the Applications Committee; or
 - (ii) overturn the decision of the Applications Committee and confirm that you are eligible to be offered a place, which may be subject to conditions (subject to the usual academic processes).
- 5.4 The findings of the Appeal Panel will be notified to you in writing within seven days of the appeal hearing. The decision of the Appeal Panel is final.

6. Data Protection

- 6.1 All records and correspondence relating to an applicant declaring a relevant criminal conviction will be kept confidential and securely stored in accordance with Writtle University College's Data Protection Policy. Access will be restricted on a "need to know basis."
- 6.2 If you have declared a criminal conviction and your application is successful, all records and correspondence relating to your application will form part of your personal record but will be stored separately from other applications. Documentation relating to successful applicants will be retained for the period of the student's study at WUC plus a further six years.
- 6.3 If you have declared a criminal conviction and your application is unsuccessful, all records and correspondence relating to your application will be destroyed after 12 months in accordance with the Writtle University College Records Retention Policy.

This policy supersedes any other policy and procedural guidelines, which may be in other existing University College documents. Writtle University College may amend this policy from time to time and any such amendments will be notified via the website, through Writtle Weekly or by email.

If this information is difficult to access, read or understand, it can be provided in another format, for example in Braille, in large print, on audiotape, in another language or by someone talking it through with you.

Version Control

Version Number	Purpose/Amendment	Date
1.0	Existing policy moved to new WUC template	13 September 2016