

Procedures for Dealing with Applicants or Students with Criminal Convictions.

1. Introduction

- 1.1 Applicants are required to declare on the application form if they have a criminal conviction.
- 1.2 The requirements to disclose criminal convictions vary depending on the course to which applicants are applying and are more stringent for applicants applying to courses which include placement or lead to employment which involves contact with children or vulnerable adults.
- 1.3 If the University discovers that an applicant has failed to disclose a criminal offence as required under its procedures it reserves the right to withdraw an offer of a place or, if the applicant has registered as a student, terminate the registration and dismiss the student.

2 Courses not involving work with children or vulnerable adults: disclosure of criminal convictions

- 2.1 Applicants are only required to disclose relevant criminal convictions.
- 2.2 Relevant criminal convictions are only those convictions for offences against the person, whether of a violent or sexual nature, and convictions for offences involving unlawfully supplying controlled drugs or substances where the conviction concerns commercial drug dealing or trafficking. Convictions that are spent as defined by the Rehabilitation of Offenders Act 1974 (or the Rehabilitation of Offenders Order (NI) 1978) are not considered relevant and applicants need not disclose these.

3 Courses involving work with children or vulnerable adults: disclosure of criminal convictions

- 3.1 Applicants to courses such as those in teaching, health, social work etc which involve work with children or vulnerable adults must disclose any criminal convictions, including sentences and cautions (including verbal cautions), reprimands, final warnings and bind-over orders whether or not these are spent.

4 Offences after submission of application form

- 4.1 An applicant who is convicted after applying and before the date of admission to the University, or a student who is convicted after admission to the University must inform the Director of Student Administration without delay.

5 Procedures for dealing with disclosures

- 5.1 Where an applicant discloses a conviction the Faculty will refer the application to the office of the Director of Student Administration unless the faculty decides that the applicant does not meet the academic criteria for entry to the course.
- 5.2 That office will write to applicants who disclose that they have a criminal conviction requesting that they obtain from the Subject Access Office of the Police Service for Northern Ireland (or relevant authority where they live outside Northern Ireland) a statement of their convictions together with the name of a referee who is willing to provide a character reference.
- 5.3 When details of the conviction and reference are obtained these will be sent to the Faculty.
- 5.4 If the course does not involve access to children and vulnerable adults the following procedures will apply otherwise the procedures in section 6 will apply.
- 5.5 The Head of Faculty Administration will forward the copy of the applicant's criminal record, the letter from the referee and the application form to the Dean/relevant Head of School¹ who will decide whether or not an interview is necessary.
- 5.6 If the Dean/Head of School decides that the offence should not prevent the applicant being offered a place then an interview will not be necessary. The Head of Faculty Administration will write to inform the applicant of the Faculty's decision.
- 5.7 If the Dean/Head of School considers the matter to be more serious then the Head of Faculty Administration will arrange for a Panel comprising the Dean (or nominee) as chair, the Head of School, the Course Director and another member of the University to meet.
- 5.8 The Panel will consider the information received and will invite the applicant to attend the meeting to discuss the nature of the information disclosed.
- 5.9 Following the interview and consideration of the information the Panel will decide whether or not to continue to the next stage of the selection process. If the

¹ Where the applicant is applying for admission to research studies the relevant Head of Research Graduate School will act in place of the Head of School.

applicant is deemed by the Panel to be unsuitable his/her application will not be processed any further. A record of the meeting will be taken and a decision conveyed to the applicant in writing within 5 working days of the meeting of the Panel.

- 5.10 An applicant will have a right to appeal under the University's Admissions Complaints Procedure.

6 Additional procedures relating to the protection of children and vulnerable adults

6.1 In relation to courses which include periods of placement involving substantial access to children, the University is responsible under the Protection of Children and Vulnerable Adults (NI) Order 2003 for requesting checks from the POC(NI) Service on students after acceptance on to a course and prior to the commencement of the course. Applicants who do not consent to such a check will not be permitted to register on the course. All offers of admission to relevant courses will be accompanied by a letter indicating that a criminal records check will be carried out.

6.2 It may not be possible to complete a POCVA check prior to registration. In such cases students should be permitted to enrol provisionally on the understanding that their continuing registration is dependant on receipt of a satisfactory disclosure. Faculties should ensure that students are aware of this and sign a disclaimer to the effect that in the event of an unsatisfactory disclosure the Faculty has the right to terminate the student's registration.

6.3 Where an applicant has given his/her consent to a POCVA check the following procedures will apply once he/she has accepted the offer of admission to the course:

a) For UK/ROI applicants, the authorised Faculty officer will complete a POCVA (NI) 1 request form and send one copy of this form marked "In Confidence" to the Chief Constable, Criminal Records Office (CRO), PSNI, Brooklyn, Knock Road, Belfast, BT5 6LE. In addition, for all UK/ROI applicants with non-Northern Ireland addresses in the UK, the authorised Faculty Officer will complete a POCVA (NI) 2 form and send to the Child Care Directorate.

b) For non-UK/ROI applicants, a POCVA check cannot be carried out and the applicant must provide details of any criminal convictions or evidence of no convictions from their national Police force.

6.4 Where the POCVA check reveals no relevant information in relation to criminal convictions, the applicant's offer will automatically be confirmed.

6.5 Where the check reveals relevant information:

- a) The Head of Faculty Administration will forward a copy of the applicant's course application form, his/her Consent and Declaration form, and the POCVA check to the Dean/relevant Head of School who will decide whether or not to interview the applicant/student.
- b) If the Dean/Head of School decides an interview is not necessary, the Head of Faculty Administration will write to the applicant and obtain written confirmation that the applicant understands the implications of their criminal record for future registration and employment and, in particular, that continuation on the course does not guarantee professional recognition or inclusion on the relevant state register. Only when this written confirmation is received from the applicant will the offer/registration be confirmed.
- c) If the Dean/Head of School decides an interview is necessary, the Head of Faculty Administration will arrange for a Panel comprising the Dean (or nominee), the Head of School, the Course Director and at least one other member of the University, to conduct the interview and decide whether the applicant's provisional offer/student's provisional enrolment should be extended or annulled.
- d) If the applicant/student is determined by the Panel to be unsuitable, his/her offer of admission/provisional enrolment will become invalid. The applicant/student may, if he/she wishes, apply for admission to an alternative course.
- e) If there is not a prima facie case for deeming the applicant/student unsuitable for the course, the Head of Faculty Administration will write to the applicant/student immediately following the interview and obtain written confirmation that the applicant/student understands the implications of their criminal record for future registration and employment and, in particular, that continuation on the course does not guarantee professional recognition or inclusion on the relevant state register. Only when this written confirmation is received from the applicant/student, will the offer/registration be confirmed.

6.6 An applicant will have a right of appeal under the University's Admissions Complaints Procedure.

7 Failure to disclose a criminal conviction

7.1 Where the University has been given reason to suspect that an applicant or student has failed to disclose a criminal conviction the Director of Student Administration will record the reason.

7.2 In the case of applicants the Director of Student Administration will write to the applicant requesting that he/she obtain from the Subject Access Office of the

- Police Service for Northern Ireland (or relevant authority where the applicant lives outside Northern Ireland) a statement of the convictions together with the name of a referee who is willing to provide a character reference. When these are obtained the procedures in Section 5 will apply.
- 7.3 In addition, however, should an offer of a place have already been made the Panel may decide that the offer should be withdrawn.
 - 7.4 If the applicant declines to obtain details as required in 7.2 the application will not be considered or the offer, if one has been made, will be withdrawn. Should the criminal conviction check reveal no convictions the University will refund the applicant the fee payable.
 - 7.5 In the case of students who are already registered the Director of Student Administration will write to the student requesting that he/she obtain from the Subject Access Office of the Police Service for Northern Ireland (or relevant authority where the student lives outside Northern Ireland) a statement of the convictions together with the name of a referee who is willing to provide a character reference.
 - 7.6 If the student declines to obtain details as required in 7.5 the matter will be referred to the Disciplinary Committee. In the light of the information that gave the University reason to suspect that the student had a criminal conviction the Vice-Chancellor may suspend the student immediately pending consideration by the Disciplinary Committee.
 - 7.7 When details of the conviction and reference are obtained these will be sent to the faculty. Should the criminal conviction check reveal no convictions the University will refund the student the fee payable.
 - 7.8 The Head of Faculty Administration will forward the copy of the student's criminal record and the letter from the referee to the Dean/relevant Head of School who will decide whether or not an interview is necessary.
 - 7.9 If the Dean/Head of School decides that the offence should not prevent the student continuing on the course then an interview will not be necessary. The Head of Faculty Administration will write to inform the student of the Faculty's decision. The Dean/Head of School may, acting under Section 4 of the Ordinance 2006/1: Student Discipline, impose a penalty on the student for failing to disclose criminal convictions as required in these procedures.
 - 7.10 If the Dean/Head of School considers the matter to be more serious then the Head of Faculty Administration will arrange for a Panel comprising the Dean (or nominee) as Chair, the Head of School, the Course Director and another member of the University to meet.

- 7.11 The Panel will consider the information received and invite the student to attend the meeting to discuss the nature of the information disclosed.
- 7.12 If the Panel decides that the offence should not prevent the student continuing on the course then the Head of Faculty Administration will write to inform the student of the Panel's decision. The Dean/Head of School may, acting under Section 4 of the Ordinance 2006/1: Student Discipline, impose a penalty on the student for failure to disclose criminal convictions as required in these procedures.
- 7.13 If the Panel decides that, owing to the nature or requirements of the course, the offence prevents the student continuing on the course the student's enrolment on that course will become invalid. The student may, if he/she wishes, apply for admission to an alternative course. The student may appeal to the Disciplinary Committee against the decision of the Panel.
- 7.14 If the Panel decides that the offence prevents the student continuing as a student of the University the Vice-Chancellor will be asked to suspend the student immediately and the matter will be referred to the Disciplinary Committee.