

Information and Guidance for Applicants With a Criminal Conviction

This document provides information to applicants who have a criminal conviction and who are applying, or have applied, for a place to study at The University of Manchester. It details the procedure that will be followed.

Duty to disclose a criminal conviction

The University of Manchester is committed to providing equal opportunities for applicants irrespective of their personal circumstances or background and as such does not wish to unnecessarily preclude those with a criminal conviction from joining a course of study.

The University has a duty to ensure the safety of its students, staff and all other members of the University community. All applicants must therefore disclose **relevant unspent criminal convictions**.

For some courses, e.g. teaching, health, social work, pharmacy and others where studies necessitate interaction with children and working with adults in regulated activity (courses where a Disclosure and Barring Service (DBS) record check is required), applicants must declare **all criminal convictions** including spent sentences and cautions and bind-over orders. These courses are exempt from the Rehabilitation of Offenders Act 1974¹.

For all other courses, applicants are required to declare any relevant unspent convictions at the point of accepting an offer (and on a continuing basis), although earlier disclosure, between the University offering a place and the applicant accepting, is encouraged.

Courses that require a DBS check

When is a criminal records check required for the course?

The University website has detailed information about course content and course-related requirements, including whether a criminal records check is required. This information can be found on the Application and Selection tab of the individual course profile which can be accessed via <http://www.manchester.ac.uk/undergraduate/courses/> for undergraduate courses and <http://www.manchester.ac.uk/postgraduate/> for postgraduate.

What does the process entail and how long does it take?

Criminal record checks are administered by the Disclosure and Barring Service (DBS) and applicants to the specified courses are required to have an enhanced DBS check or equivalent process for applicants overseas. The admitting academic School for these courses will inform applicants about this and provide guidance on the process. When an application is made for an undergraduate course via UCAS, UCAS Apply will prompt applicants about this requirement at the point of application.

Certain Schools may contact the applicant to make a criminal conviction declaration ahead of the DBS check; this process differs depending on the course to which they have applied and the admitting academic School will

¹ <http://www.legislation.gov.uk/ukpga/1974/53>

contact the applicant with details about what is required. For further information on the process or to discuss a conviction prior to making a formal application then please contact the academic School directly.

Disclosing relevant unspent criminal convictions for all other courses

In respect of courses which do not require a DBS records check, applicants are not required to disclose criminal convictions at the application stage. The requirement is to declare any relevant unspent criminal convictions at the point of accepting an offer, although earlier disclosure is encouraged wherever possible (i.e. between the University offering a place and the applicant accepting) to allow the risk assessment process to be completed without unnecessary delay.

What is considered to be a 'relevant' conviction?

A conviction is deemed 'relevant' if it involves 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.

When is a conviction 'unspent'?

Convictions become spent after a certain period of time has passed as defined in the Rehabilitation of Offenders Act 1974. If this period of time has not yet passed then the conviction is 'unspent'. Guidance around when a conviction becomes spent can be sought from the charities NACRO <https://www.nacro.org.uk/> or Unlock <http://www.unlock.org.uk/>.

What is the process for making a declaration?

Where the academic School wishes to make an offer, this will be processed in the normal way and an offer letter issued. This will provide advance notice of the requirement to declare any relevant unspent convictions at the point of accepting an offer. Once an applicant has accepted an offer, the University's Student Admissions Office will write to the applicant formally requesting for any relevant unspent convictions to be declared and to explain the process that will be followed to undertake a risk assessment with regard to the criminal conviction.

Upon declaration of a relevant unspent conviction, the University's Student Admission Office will send a request for further information about it, including the date and nature of the conviction. The applicant will also be asked to provide the details of two individuals whom they authorise the University to communicate about their conviction, the background of the conviction, their current situation and suitability to take up the course. Ideally these should be their Probation Officer, Youth Worker, Course Tutor, current or previous employer or other relevant individual.

In order to proceed with the risk assessment without unnecessary delay, applicants should return the required information and consent to the University's Student Admissions Office within ten working days of receiving the request for further information. At the end of this period, the applicant will be sent a reminder. If the University's Student Admissions Office does not receive the requested information, and as a result are unable to carry out a risk assessment in accordance with our processes, the applicant will be deemed to have failed the risk assessment and their offer may be withdrawn or their contract with the University terminated.

Non UK applicants

Where the academic School makes an offer to an applicant who is resident overseas and who declares a relevant unspent criminal conviction on receipt of the offer or at the point of accepting it, the applicant will additionally be required to produce a *Certificate of Good Character* from the country that they have been resident in. This certificate is expected to provide any information on cautions and convictions from the country(ies) where they have resided.

Applicants should submit the *Certificate of Good Character* to the University's Student Admissions Office within 10 working days of the receipt of the request. Advice on the process for obtaining a *Certificate of Good Character* for different countries can be found at <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>. It is important that the process is begun as early as possible. If it is not possible to obtain this letter within 10 working days then the applicant should inform the University how long it is likely to take. In circumstances where provision of the certificate is delayed, it may not be possible for the student to start on their course in the current cycle.

Assessment of the information received

Once the University's Student Admissions Office has received the required information, it will be used to assess the level of risk that an individual may pose to the University community. On the basis of the assessment a decision will be made on whether it is appropriate for the applicant to study on the course. In most cases, a relevant unspent conviction will not be found to preclude an applicant from doing so. However, if the applicant does not pass the risk assessment, their offer will be withdrawn or their contract with the University terminated. Either way, the outcome of the assessment will be communicated to the applicant in writing.

In cases assessed as higher risk, a panel discussion will be arranged to consider the case. Where this is deemed appropriate the applicant will be informed in writing. Further information about the Panel Discussion is provided below.

Panel Discussion

Where considered appropriate, a Panel Discussion may be arranged which will include representatives from relevant offices across the University. These may include the Compliance and Risk Office, Legal Office, admitting academic School, Student Support and Services, Accommodation Office and Student Admissions Office.

The purpose of this meeting is to consider the risk assessment drawn up by the University Student Admissions Office. The risk assessment and other documents supplied by the applicant or their nominated contacts will be used to assess the level of risk the individual may pose to the University community. Applicants should be reassured that the work carried out by the panel will be on a strictly confidential basis and in line with data protection legislation.

On the basis of this discussion a decision will be made as to whether it is appropriate for the applicant to study at the University. A report will be written and the applicant will be informed of the outcome and if there are any non-academic conditions that need to be followed with regard to studying at the University. The possible outcomes are:

- The level of risk is determined to be acceptable and so the applicant may continue without any specified conditions.
- The level of risk can be managed by imposing specified conditions for example prohibiting the applicant from staying in University Accommodation.
- The level of risk is determined to be unacceptable and so the applicant is not permitted to be admitted to the University. Therefore the application may not continue.

Appeals

Applicants can submit an appeal against the outcome of their application or decision to withdraw an offer or terminate the University's contract with the applicant, resulting from the disclosure of a criminal conviction. The grounds and procedure for submitting an appeal are detailed in the University's 'Appeals Procedure for Applicants' which is available at:

Undergraduates: <http://www.manchester.ac.uk/undergraduate/howtoapply/afteryouapply/offer/>

Postgraduate Taught: <https://www.manchester.ac.uk/study/masters/admissions/policies-procedures/>

Postgraduate Research: <https://www.manchester.ac.uk/study/postgraduate-research/admissions/policies-procedures/>

Early disclosure

Applicants may wish to voluntarily disclose information regarding a relevant, unspent conviction at an earlier point in the application process in order to gain an indication of the outcome of their case. In these circumstances, the declaration will be dealt with in line with this procedure.

All applicants

What happens if a relevant conviction is not disclosed?

Applicants are required to disclose all relevant facts and information which have a bearing on their application for admission or their registration. Where false information has been provided, or information has been withheld regarding criminal convictions, the application may be considered fraudulent and may therefore be withdrawn. This is in accordance with the [University's Student Recruitment, Selection and Admissions Policy](#) (see 20.2. Fraud, Omission and Plagiarism) which permits the University to dismiss the application and/or withdraw an offer of a place. If it is discovered after a student has registered at the University that relevant facts or information in connection with his or her application have been omitted or falsified, the University reserves the right (under Ordinance XVI) to revoke the applicant's registration and to terminate their contract with the University.

Pre-application enquiries regarding the conviction

Applicants may contact the University to discuss their relevant unspent criminal conviction prior to making a formal application if they have any questions or concerns.

- Applicants applying for a course that does not require a DBS check should contact the University's Student Admissions Office.
- If the course requires a DBS check before being admitted, applicants should contact the academic School to which they applied directly.

Data protection

Applicants should be reassured that the information declared regarding the criminal conviction and all communication about their criminal conviction will be dealt with on a strictly confidential basis and in line with data protection legislation. This means that only those members of the University who need to be aware of the conviction will be informed.

Our 'Privacy Notice – prospective students, applicants and offer-holders' (which is accessible at <https://www.manchester.ac.uk/study/privacy-notice>) explains how we collect, maintain and use personal data when you make enquiries about studying at The University of Manchester (including by registering to attend our open days), make an application and if you go on to become an offer holder i.e. the time before you become a registered student.

Information disclosed by a third party

The University treats with caution any information that we receive from members of the public, family, a school or college, other applicants or anonymously regarding a conviction which has not been declared. This includes more general information about the applicant's behaviour which has given cause for concern. If any such information is received we will seek to verify the information externally. If the information is found to have substance, then the matter will be raised with the applicant and they may be asked to withdraw their application, or if they have already registered for the course, their registration may be revoked.

Contact details

The University of Manchester Student Admissions Office

B002 Student Services Centre
Burlington Street
Oxford Road
Manchester
M13 9PL
Tel: +44 (0)161 275 2077

Academic Schools

www.manchester.ac.uk
Tel. +44 (0)161 306 6000 (switch board)

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Procedure owner:	Head of Student Admissions, Administration and Business Improvement (Sarah Beer)
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