

The University of Manchester

Applicant Criminal Conviction Declaration Procedure

This document provides information to applicants who have a relevant and unspent 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 and 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, 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 course profile page of the individual course².

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/Department 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 will prompt applicants about this requirement at the point of application. Teacher

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

² Undergraduate - <https://www.manchester.ac.uk/study/undergraduate/courses/>, Taught Masters - <https://www.manchester.ac.uk/study/masters/courses/>, Postgraduate Research programmes - <https://www.manchester.ac.uk/study/postgraduate-research/programmes/>

training applicants will receive information about the requirements when completing an application in the DfE Apply portal.

Certain Schools/Departments 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/Department will 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 admissions team for the academic School/Department directly.

Disclosing relevant and 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 and 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, offences which resulted in actual bodily harm, domestic abuse, or violence towards property or animals*
- 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 a conviction involved an offence similar to those set out above but was made by a court outside of Great Britain and that conviction would not be considered as spent under the Rehabilitation of Offenders Act 1974³, applicants should also disclose it.

* Examples of violent behaviour may include, but is not limited to:

- Threatening behaviour, such as:
 - Making verbal threats of physical harm
 - Intimidation or harassment intended to cause fear
 - Threatening gestures (for example, raising a fist or simulating a weapon)
- Offences involving intent to harm, including:
 - Assault or attempted assault
 - Actions intended to cause injury, even if no injury occurs
 - Possession or use of an object with the intention to harm another person
- Physical violence resulting in injury, such as:

³ <https://www.gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offenders-act-1974>

- Hitting, punching, slapping, or kicking
- Pushing or shoving resulting in injury
- Any act causing actual bodily harm or grievous bodily harm
- Domestic abuse, such as:
 - Physical abuse resulting in injury (as above)
 - Coercive or controlling behaviour
 - Emotional or psychological abuse
 - Sexual abuse (offences listed in the Sex Offences Act 2003)
 - Economic or financial abuse
- Violence towards property or animals where there is an associated risk to people, including:
 - Deliberate damage to property in a threatening or aggressive manner
 - Acts of violence towards animals intended to intimidate or distress others

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 admissions team for an academic School/Department 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 and unspent convictions at the point of accepting an offer. Once an applicant has accepted an offer, the University’s Student Admissions Team will write to the applicant formally requesting for any relevant and unspent convictions to be declared.

Upon declaration of a relevant and unspent conviction, the University’s Student Admission Team will send a request for further information about the conviction, 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 individuals should be for example, their Probation Officer, Youth Justice Worker, Social Worker, School/College teacher, university course tutor, current or previous employer or another 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 Team 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 Team 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 admissions team for an academic School/Department makes an offer to an applicant who is resident overseas and **who declares a relevant and unspent criminal conviction** on receipt of the offer or at the point of accepting it, the applicant will additionally be required to produce a criminal record check sometimes called a ‘Certificate of Good Character’ from all countries that they have been

resident in for over 12 months within the previous 10 years. This criminal record check is expected to provide any information on cautions and convictions from the country or countries where they have resided.

Applicants should submit the criminal record check to the University's Student Admissions Team within 10 working days of the receipt of the request. Advice on the process for obtaining a criminal record check for different countries can be found on www.gov.uk⁴. It is important that the process is begun as early as possible. If it is not possible to obtain the criminal record check within 10 working days, then the applicant should inform the University how long it is likely to take. In circumstances where provision of the criminal record check is delayed, it may not be possible for the applicant to start on their course in the current cycle.

Assessment of the information received

Once the University's Student Admissions Team 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 and unspent conviction will not be found to preclude an applicant from registering on a course. 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, an Admissions Risk Panel 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.

Admissions Risk Panel

Where considered appropriate, an Admissions Risk Panel will be arranged which will include representatives from relevant offices across the University. These may include the following:

- Head of Student Admissions and Administration (or nominee)
- Director of Compliance and Risk or nominee
- Member/s from Division of Residential Services and Sport
- Director of Campus Life (or nominee)
- Student Admissions Officer (Training, Policy and Governance) (or nominee)

The panel will have the discretion to invite other members of the University to join the panel in an advisory capacity, where appropriate including member/s of the academic School/Department responsible for the programme of study.

The purpose of this meeting is to consider the risk assessment drawn up by the University Student Admissions Team. 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.

⁴ <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants/guidance-on-the-application-process-for-criminal-records-checks-overseas>.

Factors which the Admissions Risk Panel may consider include:

- a) The nature of the conviction(s) and its relevance to the programme.
- b) The date of the conviction(s) and time remaining on any restrictions.
- c) Whether the applicants' circumstances have changed since the conviction(s).
- d) Recommendations and advice provided by the Criminal Justice Service (normally the Probation Service).
- e) The ability for the applicant to successfully complete the proposed programme of study based on any restrictions and/or requirements (based on information provided by the Criminal Justice Service). As part of this consideration, the Panel will consider any fair and equitable adjustments that can be made to facilitate study.
- f) Where appropriate, the ability for any fair and equitable adjustments to be made in time for the proposed start date of the programme.
- g) Where appropriate, the ability for the applicant to be permitted to reside in University residences based on any restrictions or requirements.
- h) Where appropriate, the ability for the applicant to be permitted to access any other university facilities/services.

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 risk assessment report will be written, and the applicant will be informed of the outcome and any non-academic conditions that need to be followed with regard to studying at the University. The possible outcomes are:

- To request further information/advice from the applicant and/or appropriate services.
- 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 will be rejected, or the University will withdraw the offer.

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 relevant and unspent criminal conviction. The grounds and procedure for submitting an appeal are detailed in the [University's Applicants Appeals and Complaints Procedure](#).

Early disclosure and pre application enquiries regarding criminal convictions

Applicants may wish to voluntarily disclose information regarding a relevant and 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.

Applicants may contact the University to discuss their relevant and 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 Team.
- If the course requires a DBS check before being admitted, applicants should contact the admissions team for the academic School/Department to which they have applied.

What happens if a relevant and unspent 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 the University may dismiss the application or withdraw the offer of a place in accordance with the University's [Student Recruitment, Selection and Admissions Policy](#) (see 19.2. Fraud, Omission and Plagiarism)⁵.

If it is discovered after a student has registered at the University that relevant facts or information in connection with their application have been omitted or falsified, the University reserves the right (under [Ordinance XVI](#))⁶ to revoke the student's registration and to terminate their contract with the University.

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 material information which has not been declared and will seek to verify the information externally, and consult with the applicant (where the allegation is found to have substance), before determining next steps.

Third parties can raise concerns about an Applicant to the University via the [University's Applicant and Offer Holder Misconduct Procedure](#).

Additional Information

⁵ Student Recruitment, Selection and Admissions Policy -

<https://documents.manchester.ac.uk/display.aspx?DocID=6523>

⁶ University Ordinance XVI - <https://documents.manchester.ac.uk/display.aspx?DocID=12072>

Applicants should be aware that some professions will carry out criminal records checks on entry, for example law and accountancy, which may not prevent you from undertaking the programme of study but may impact on your professional options upon completing that programme. We recommend that applicants with a criminal conviction wishing to study courses leading to a particular profession undertake research into professional requirements and take this into account when considering study options and choices.

Storage and Process of Criminal Conviction Information

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.

The University's [Privacy Notice – prospective students, applicants and offer-holders](#)⁷ explains how we collect, maintain and use personal data when you make enquiries about studying at The University of Manchester, make an application and if you go on to become an offer holder i.e. the time before you become a registered student.

Contact Details

For further information about this procedure please contact the Student Admissions Team

Email: studentadmissions@manchester.ac.uk

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Related Statutes, Ordinances, General Regulations:	Statute XXI and Ordinance XXXIX (Conduct, discipline and academic progress of students) General Regulations: XVIII Conduct and Discipline of Students
Equality relevance outcome	High
Related policies and procedures	Student Recruitment, Selection and Admissions Policy Applicants Appeals and Complaints Procedure Prospective Applicant and Offer Holder Misconduct Procedure.

⁷ University Privacy Notice - <https://www.manchester.ac.uk/study/privacy-notice/>

<p>Related guidance and/or codes of practice</p>	<p>Rehabilitation of Offenders Act 1974 - https://www.legislation.gov.uk/ukpga/1974/53 Gov.UK - https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants/guidance-on-the-application-process-for-criminal-records-checks-overseas. Unlock - https://unlock.org.uk/advice/university/ Nacro - https://www.nacro.org.uk/nacro-services/criminal-record-support/</p>
<p>Policy Owner</p>	<p>Head of Student Admissions and Administration</p>
<p>Lead Contact</p>	<p>Admissions Officer (Training, Policy and Governance), DSE Admissions</p>