

# CRIMINAL CONVICTION DISCLOSURES AND SUPPORTING STUDENTS SUBJECT TO LEGAL LICENCE, RESTRICTION, CONDITION OR ORDERS POLICY

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## 1. Introduction

QA Higher Education (QAHE) is committed to the fair treatment of its staff, students and applicants, and no individual will be unjustifiably discriminated against on the basis of gender, race, nationality, ethnic or national origin, religious or political beliefs, disability, marital status, family circumstance, sexual orientation, criminal record, age or for any other reason.

QAHE strives itself in promoting educational opportunity and social justice by providing high quality university education and arming students with the skills to achieve their career aspirations. We are committed to widening participation and upholding our enduring value of inclusivity.

Having a criminal record does not necessarily stop an applicant from studying, or a current student from remaining at QAHE. This will depend on the nature of the programme of study, and if relevant, the outcome of any Disclosure and Barring Service (DBS) check.

At all times we work with our partner universities to ensure compliance with both government legislation and university policies and procedures.

## 2. Responsibilities

QAHE has a responsibility to ensure the safety of our student and staff communities, and that of other people with whom students interact as part of their course of study and to prevent unlawful acts. QAHE acknowledges its responsibility to consider the needs of each individual applicant and student, ensuring that they can receive the support they require, whilst also seeking to protect and support QAHE's community.

Applicants or students who are currently, or become, subject to an order, restriction, or arrangement imposed by a court or authorised body must inform us immediately of any conditions that may impact on their studies. This disclosure helps us support students in complying with any conditions whilst studying with QAHE and fulfils our safeguarding obligations. This also includes those subject to Sex Offender Registration and Sexual Harm Prevention Orders.

Since October 2009 it is a criminal offence for QAHE knowingly to permit a barred individual to undertake Regulated Activity. An applicant or student who is on a DBS list of barred individuals, and who has applied to or enrolled on a programme with regulated activity, will not be permitted to undertake the programme and will be withdrawn.

It is an expectation that staff notify Welfare should any students disclose a criminal conviction or proceedings.

In circumstances where legal restrictions and conditions make a student's first choice of course impractical, QAHE will make reasonable adjustments and suggest alternative programmes of study where available.

## 3. Regulated activity

Regulated activities are eligible for Enhanced DBS checks with children's and/or adults' barred lists. They reveal whether or not a person has committed criminal activity that makes them unsafe to work with children or adults.

Regulated activity refers to certain roles that involve working with children or adults at risk, such as teaching and providing care. Anyone who is on the Disclosure and Barring Service (DBS) barred lists cannot work in these roles.

An Enhanced DBS is required for any programmes which include regulated activities.

4.

with understanding what you need to disclose.

We aim to complete investigations within a 30  
evidence being provided in a timely manner.

-day period; however, this is dependent on



Appendix 1

Criminal Convictions Disclosure Record and Risk Assessment

Student ID:		Completion Method:	
Completion Date:		Completed By:	
University Partner		Intake	
Programme			
Campus			
Is the applicant/student on a relevant course?		Is the student sponsored?	

To discuss with applicant/student

Date, nature of offence and sentence (may be multiple)
Was the conviction(s) in the UK? If not, please detail country of conviction
Were there any mitigating circumstances surrounding the offence(s)
Bail/ Licence Conditions
Does the applicant/student need to seek approval from their probation officer to enrol?
Are there any changes in lifestyle, circumstances, attitude on the part of the applicant/student subsequent to the offence(s)
Does the applicant/ student wish to make any further comments/representation?
Does the applicant/ student want to provide contact details and give consent for character references ( the referee must be 'a person of good standing in their community' or work in (or be retired from) a recognised profession.



## Checklist for external reports





	relating to the same time/incident. This means that multiple convictions do not automatically indicate a pattern of offending.	
6. Circumstances	<ul style="list-style-type: none"> <li>• What happened</li> <li>• Who was involved</li> <li>• Why it happened (e.g. whether there were any aggravating factors such as finances/accommodation/drug use etc.</li> </ul>	
7. Legal restrictions/licence conditions	Some applicants /students may be under supervision or have certain requirements for what they do and where they go. These could be bail conditions, licence conditions or reporting requirem6.8 (i)1drP7.7 (d)-1t9 ( n)-1.7 d nld nldbess Tbei8r beoi8r	

	<ul style="list-style-type: none"><li>• Electronic device monitoring. If this restriction is in place, will this pose any challenges to your organisation?</li></ul>	
8. Mitigating Factors	<p>For any of the potential challenges identified, list here what positive or mitigating factors are also present.</p> <p>You may have already identified some of these above (such as it having been a long time since the last offence) but this is a space</p>	

Outcome

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Risk Title	Decision	Risk Management Measures required
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