

## **Policy on the recruitment of students with criminal convictions**

Swansea University aims to promote equality of opportunity for all applicants with the right mix of talent, skills and potential and, as such, Swansea University welcomes applications from diverse candidates. We ask applicants to disclose the details of relevant previous offences so the University may assess whether, and to what extent, this may affect the safety and well-being of staff, students, visitors and others using our services or facilities; and/or someone's suitability for a programme. Having a conviction will not necessarily bar applicants from a place on their chosen programme. This will depend on the programme and the circumstances and background to the offence(s).

Applicants will be asked to tell the University about any criminal convictions that they might hold at different points in the admissions process depending on the nature of the programme of study:

### **1. Programmes in Education/Childhood Studies, Health, Medicine and Social Work**

Candidates who apply for programmes which involve working with children and/or vulnerable adults will be asked to declare all convictions or cautions (verbal or written) on their application form, even those which are considered "spent" by the Rehabilitation of Offenders Act; apart from those which would be "filtered" under 2013 DBS guidelines (for more information on "filtered" convictions see: <http://hub.unlock.org.uk/wp-content/uploads/What-will-be-filtered-by-the-DBS.pdf> )

If an applicant who had declared a conviction is successful at interview an offer would be made subject to an assessment by the "Fitness to Practise Panel" of suitability for the programme and applicants will be asked to complete an enhanced criminal records check via the Disclosure and Barring Service (DBS).

If a criminal conviction or caution is shown in the disclosure, the Fitness to Practise Panel will decide if any convictions or information revealed in the DBS check are compatible with a place on the programme and professional registration (if applicable) and will make a recommendation to the Chair of the Criminal Convictions Panel relating to the admission of any applicants who have any unspent, relevant convictions (see 2 below).

No applicant will be permitted to enrol for a programme requiring a DBS check until the application process for the Disclosure has been completed. Applicants may be allowed to provisionally enrol pending a satisfactory DBS Disclosure but if any information comes to light as a result of this, after enrolment, the University reserves the right to terminate the enrolment and require the student to withdraw.

## 2. Other programmes (which do not require a DBS check)

After receiving an offer of a place, applicants for other programmes will be asked to disclose any “unspent” convictions which are considered “relevant”.

**Relevant** convictions are those which have implications for universities’ duty of care towards the safety of their students, staff and visitors. This includes convictions involving violence, sexual offences and supply of drugs; as well as offences involving firearms, arson and terrorism.

Applicants are not required to tell us about ‘**spent**’ convictions as defined in the Rehabilitation of Offenders Act 1974.

The applicant will be asked to supply a written personal statement on the circumstances surrounding the conviction(s), the subsequent penalties and supporting information from a probation officer or other person connected with the case (if applicable). Depending on the nature of the conviction, we may also request an independent account of what happened and the penalties. This may be a pre-sentence report or other statement from legal advisors. Failure to reveal information that is directly relevant to the case could lead to the withdrawal of the offer of a place or to the termination of any subsequent enrolment.

### **University Criminal Conviction Panel Process**

The case will be considered initially by the Head of Admissions. In the case of a minor criminal conviction (e.g. a conviction which would have no or little impact upon the University community) the application may be allowed to proceed with no further action.

If the case requires further consideration, the Head of Admissions will take the case to the University’s Criminal Conviction Panel. All cases forwarded to the panel for consideration are anonymised and therefore all documents received by the Admissions Office will be redacted to remove any personal detail so that applicants cannot be identified. After each panel, all documentation is permanently destroyed by panel members and only relevant information is kept securely within the Admissions Office in accordance with the Data Protection Act 1998.

The panel is made up of representatives of the University from Academic Services, Student Services and Admissions Office. However, it may also be necessary to seek further information from, and the opinions of, other members of staff as to appropriate safeguarding measures or actions to be taken. The identity of the applicant involved will be kept confidential wherever possible.

Using the information provided, the panel will assess the risk to the applicant and students, staff and others that the applicant may come into contact with, taking into account:

- The nature of the offence(s) and whether it is relevant to the programme of study
- How long ago the offence(s) took place
- In the event of more than one offence, whether each was a single occurrence or part of a series of similar occurrences
- The recommendations of any referees, any mitigating circumstances, and aggravating circumstances

- Conduct and any disciplinary cases which occurred during any previous periods of study at the University

Depending on the assessment of the risks associated with the conviction, the University may:

- Confirm the place on the programme, provided that the applicant meet any conditions specified in the offer;
- Attach additional conditions of admission/enrolment on the programme; or
- Cancel the offer and acceptance.

If the offer is withdrawn on the basis of a conviction, and applicants believe that the process has not been followed correctly, they have the right to appeal under the [Complaints and Appeals Procedure for Applicants](#).

### **Undisclosed convictions**

If the University has reason to suspect that an applicant has failed to disclose relevant, unspent convictions, the applicant will be asked to provide further information under the policy relating to the [Provision of inaccurate information in support of an application](#)

### **Processing and storage of information**

We ensure that all those at the University who are involved in the process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance and training in the relevant legislation such as the Rehabilitation of Offenders Act 1974.

Any information relating to conviction(s) or disclosure obtained through the DBS or by other means will be kept, and ultimately disposed of, in accordance with the current guidance from the DBS on the secure storage, handling, use, retention and disposal of disclosures and disclosure information (see the University's policy at <http://www.swansea.ac.uk/admissions/criminalrecordchecks/>)

The legal basis for processing criminal convictions data is conditions 10 (*Preventing or detecting unlawful acts*) and 18 (*Safeguarding of children and of individuals at risk*) in DPA 2018 Schedule 1; and the condition in Article 6(1)(b) and/or 6(1)(e) GDPR

### **Convictions received after an offer has been made**

Any applicant who receives a relevant caution or conviction after accepting the offer and before the date of enrolment should inform the Admissions Office without delay.

### **Further information**

Prospective students or applicants who have any questions about this policy or their convictions can contact [admissions@swansea.ac.uk](mailto:admissions@swansea.ac.uk) for advice and guidance.