

Criminal Convictions Policy

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Related documents:	Undergraduate Admissions Policy Postgraduate Admissions Policy Postgraduate Research Admissions Policy Admissions Complaints Procedure B3: Student Disciplinary Regulations B6: Regulations for Fitness to Practise Student Applicant Privacy Notice Student Privacy Notice

Approval History

Version	Reviewed by	Reason for review	Approved by	Date
1	Lucy Evans, Chief Student Officer	New policy	Council	24/07/19
2	Lucy Evans, Chief Student Officer	Clarifications regarding terminology and some processes	EB (final)	28-11-19

1 Introduction

1.1. Purpose

1.1.1. This purpose of this Policy is to clearly define the University's processes regarding the declaration of criminal convictions by both University Applicants and Students. The Policy details:

- 1.1.1.1. the reasons why the University requests criminal conviction declarations;
- 1.1.1.2. the information required from those making a criminal convictions declaration;
- 1.1.1.3. how the University reviews such information;
- 1.1.1.4. the possible outcomes of such review;
- 1.1.1.5. the appeals procedures; and
- 1.1.1.6. the complaints process.

1.2. Scope

1.2.1. This Policy applies to all University Applicants and Students and replaces the previous Criminal Convictions Policy / Admissions Procedure for Applicants declaring a Criminal Conviction.

1.3. Definitions

1.3.1. **Accommodation:** Accommodation owned by the University and University managed housing.

1.3.2. **Applicant:** An individual who has applied to study at the University but has not yet registered.

1.3.3. **Criminal Conviction(s):** Any conviction, caution (including youth caution, verbal or written caution, conditional or unconditional caution), conditional discharge, youth rehabilitation order, warning, reprimand, bind over order, community order, community protection notice (CPN), restraining order, sexual offences prevention order, penalty notices for disorder (PND), anti-social behaviour order (ASBO) or violent offender order (VOO), or similar in the UK or any other jurisdiction.

1.3.4. **DBS Disclosure:** A Disclosure and Barring Service Enhanced Disclosure.

1.3.5. **Non-Regulated Course:** Any programme of study (including undergraduate, postgraduate and research programmes) which is not a Regulated Course.

1.3.6. **Regulated Course:** Any programme of study (including undergraduate, postgraduate and research programmes) relating to and/or involving:

- a) teaching;
- b) social work;
- c) work with children and/or vulnerable adults; and/or
- d) some health care (including but not limited to all health science programmes) and veterinary programmes where these are subject to professional or regulatory oversight.

Regulated Courses are those subject to the requirements of a regulated or professional body. Students studying these courses are subject to the [Regulations for Fitness to Practise](#).

1.3.7. **Relevant Criminal Conviction(s):**

For both Non-Regulated Courses and Regulated Courses, the Applicant/Student (as applicable) should not declare convictions, cautions, warnings or reprimands which are deemed "protected"

under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013). A conviction or caution can become “protected” as a result of a filtering process. Guidance and criteria on the filtering of convictions and cautions can be found on the Disclosure and Barring Service [website](#). Any such “protected” convictions or cautions shall not be deemed Relevant Criminal Conviction(s) for the purposes of this Policy.

1.3.7.1. *For Non-Regulated Courses*: any Criminal Conviction(s) for any offence concerning any one or more of the following:

- a) offences against the person or another offence concerning 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;
- b) sexual offences, including those listed in the Sexual Offences Act 2003;
- c) the unlawful supply of controlled drugs or substances where the Criminal Conviction(s) concerns commercial drug dealing or trafficking (drug offences only involving possession are not Relevant Criminal Conviction(s));
- d) offences involving firearms;
- e) offences involving arson;
- f) offences involving terrorism;
- g) offences involving slavery or people trafficking.

A conviction that is Spent is not a “Relevant Criminal Conviction(s)” in the context of Non-Regulated Courses.

1.3.7.2. *For Regulated Courses*: any Criminal Conviction(s), whether Spent or Unspent.

1.3.8. **Spent**: Any Criminal Conviction(s) that has become spent after a rehabilitation period as provided for under the Rehabilitation of Offenders Act 1974. Please note that Criminal Conviction(s) in respect of which there is or was a custodial sentence of more four years can never become spent.

1.3.9. **Student**: an individual who has accepted an offer and has registered to study for the award of academic credit delivered by the University.

1.3.10. **University**: The University of Surrey.

1.3.11. **Unspent**: Any Criminal Conviction(s) that has not yet become Spent.

2 Policy Principles

2.1 Applications

2.1.1 **General**

2.1.1.1 The University aims to select those Applicants who are likely to succeed academically and benefit from its programmes. Having a Criminal Conviction(s) will not usually prevent an Applicant from gaining admission to the University. The University’s primary selection criteria are those related to the qualifications, skills, abilities and personal qualities the Applicant has to offer their chosen course of study.

2.1.1.2 In reaching decisions on those with a Relevant Criminal Conviction(s), the University will consider not only its own responsibilities and duties (including but not limited to its

responsibilities and duties towards all Students and staff) but also the well-being of the Applicant, any restriction on their ability to fully engage with their programme of study and/or student life, and the University's ability to provide appropriate support arrangements.

- 2.1.1.3 If an Applicant has a Relevant Criminal Conviction(s) and/or is unsure whether a Criminal Conviction(s) is a Relevant Criminal Conviction(s), the Applicant should obtain further advice from appropriate bodies¹.
- 2.1.1.4 A failure to disclose any Relevant Criminal Conviction(s) is taken seriously and could result in: the withdrawal of any existing or subsequent offer of a place; or to the termination of any subsequent registration in accordance with the [Student Disciplinary Regulations](#) or [Regulations for Fitness to Practise](#).
- 2.1.1.5 The University has an obligation to ensure, as far as possible, that Students who undertake professional preparation programmes are of good health and good character. For example, Students on health care professional programmes work with vulnerable individuals and groups, and have access to confidential information and a wide range of drugs including controlled medications. There is, therefore, potential for harm and exploitation should a Student lack trustworthiness, respectfulness or integrity. The University has a role as gatekeeper to the relevant professions and in reducing risk to service users. This is supported by the requirements of different regulatory bodies, including the Health Care Professions Council ([HCPC](#)) and the Nursing and Midwifery Council ([NMC](#)).
- 2.1.1.6 For programmes requiring a period of practice in a partner organisation a security check or DBS Disclosure may be required. For some specialist practice programmes this may be undertaken by an employer and the University may require pin numbers for verification where applicable.

2.1.2 **Applicants for Non-Regulated Courses**

- 2.1.2.1 Applicants for places on Non-Regulated Courses will be asked to declare any Relevant Criminal Conviction(s) upon acceptance of an offer. The offer will therefore usually be made subject to, amongst other things, accurate disclosure of Relevant Criminal Conviction(s) and appropriate consideration by the University of any such disclosed Relevant Criminal Conviction(s). A further disclosure will be required at registration.
- 2.1.2.2 Although Applicants for Non-Regulated Courses will be formally asked to disclose Relevant Criminal Conviction(s) upon acceptance of an offer, the University encourages and welcomes earlier disclosure of any Relevant Criminal Conviction(s) at any stage prior to acceptance of an offer. Enquiries should be directed to the Admissions Department.
- 2.1.2.3 If an Applicant discloses any Relevant Criminal Conviction(s) further information will usually be requested. The University will require the information detailed at section 2.1.4.1 relating to the Applicant's Relevant Criminal Conviction(s) to enable the University to give full consideration to the Applicant's disclosure.
- 2.1.2.4 The Applicant is not required to tell the University about Spent Criminal Conviction(s).

¹ Advice can be sought from the Students' Union, any relevant Trade Union and regulatory bodies.

2.1.3 **Applicants for Regulated Courses**

- 2.1.3.1 Applicants for places on some Regulated Courses will be asked to declare any Relevant Criminal Conviction(s) on their UCAS or University application form. Further details are available on the programme pages of the [University website](#).
- 2.1.3.2 Applicants for other Regulated Courses will not be asked to declare any Relevant Criminal Conviction(s) prior to acceptance of an offer. However, it is recommended that Applicants declare any Relevant Criminal Conviction(s) as soon as possible. Further details are available on the programme pages of the [University website](#).
- 2.1.3.3 All Applicants for places on Regulated Courses will be asked to declare any Relevant Criminal Conviction(s) upon acceptance of an offer. The offer will therefore usually be made subject to, amongst other things, accurate disclosure of Relevant Criminal Conviction(s) and appropriate consideration by the University of any such disclosed Relevant Criminal Conviction(s). A further disclosure will be required at registration.
- 2.1.3.4 The University encourages and welcomes early disclosure of any Relevant Criminal Conviction(s) at any stage prior to acceptance of an offer. Enquiries should be directed to the Admissions Department.
- 2.1.3.5 If an Applicant discloses any Relevant Criminal Conviction(s) further information will usually be requested. The University will require the information detailed at section 2.1.4.1 relating to the Applicant's Relevant Criminal Conviction(s) to enable the University to give full consideration to the Applicant's disclosure.
- 2.1.3.6 Applicants to some Regulated Courses (for example those regulated by the [NMC](#) or [HCPC](#)) are also required to disclose charges and pending charges upon application. The Applicant should obtain further advice from appropriate bodies².
- 2.1.3.7 Different rules apply to some professions or occupations with regard to disclosure of information about Criminal Conviction(s). Certain professions or occupations including (but not limited to): healthcare; social work; veterinary medicine; veterinary science; and professions or occupations involving work with children or vulnerable adults, including the elderly or sick people, are exempt from the Rehabilitation of Offenders Act 1974 or involve regulated activities. Regulated Courses may involve an integral work placement and a student may not be able to undertake such placement and complete their studies if they have a Relevant Criminal Conviction(s).
- 2.1.3.8 Please be aware that while an Applicant may be permitted to study a Regulated Course if they have a Relevant Criminal Conviction(s), an Applicant may not be able to register and practice upon completion of their course. The Applicant should obtain further advice from appropriate bodies³.
- 2.1.3.9 After an Applicant registers as a Student, the University will assess a Student's fitness to practise in the profession or occupation to which the Regulated Course relates in accordance with the [Regulations for Fitness to Practise](#).
- 2.1.3.10 A Student may also be subject to further checks (before and/or after they complete a Regulated Course) by regulatory bodies and/or prospective employers who will make

² Advice can be sought from the Students' Union, any relevant Trade Union and regulatory bodies.

³ Advice can be sought from the Students' Union, any relevant Trade Union and regulatory bodies.

their own assessments regarding a Student's fitness to practise in the relevant profession or undertake the relevant occupation.

2.1.4 **University Review of Relevant Criminal Convictions (For Regulated and Non-Regulated Courses)**

2.1.4.1 If an Applicant has disclosed a Relevant Criminal Conviction(s), the University will formally request the following information from the Applicant in order to review their disclosure:

- a) written details of the nature and date of the offence and Relevant Criminal Conviction(s), name of the court, date of conviction and sentence/fine;
- b) the name and contact details of any Probation Officer and/or Social Worker and written consent that the University may contact them and use any information they provide for the purposes of reaching a decision;
- c) where a probation report is unavailable, a reference from an employer which includes confirmation that they are aware of a Relevant Criminal Conviction(s) (if available), work history, confirmation that the Applicant has informed their current employer of a Relevant Criminal Conviction(s) (all requested on a case-by-case basis); and
- d) any other information that the Applicant wishes to be taken into account.

2.1.4.2 If an Applicant declares any Relevant Criminal Conviction(s), the University's primary considerations in respect of such Applicants include but are not limited to:

- a) ensuring that Applicants to Regulated Courses meet the criteria for admission to those courses (including criteria imposed by the law or the requirements of any relevant professional or other regulatory body⁴);
- b) ensuring that the Applicant will not be prevented from access to any essential work or study placements (e.g. in partner organisations) which form part of the Applicant's intended programme of study;
- c) ensuring the safety and well-being of staff, Students, visitors and others using the University's services, facilities or Accommodation by considering the likelihood of and risk posed in the event of an Applicant reoffending or exhibiting the same/similar behaviour that gave rise to their Relevant Criminal Conviction(s); and
- d) carrying out the University's safeguarding responsibilities and duties.

Any admissions decision (including withdrawal of an offer) will be taken in relation to these considerations. The University also reserves the right to consider any significant risks to University property if these are linked to any Relevant Criminal Conviction(s) disclosed.

If an Applicant has a Relevant Criminal Conviction(s) from a court outside the UK, additional checks may be carried out depending on the records available in respect of the applicable jurisdiction.

2.1.4.3 In addition to requesting the information detailed at section 2.1.4.1, the University

⁴ The University is not a professional or regulatory body but some professional and/or regulatory bodies rely on statements and declarations made by the University when admitting students to the Register which they maintain. In other cases, professional and/or regulatory bodies accept statements and declarations made on behalf of the University by a member of its staff who is a Registrant of the professional and/or regulatory body. Entrance to the Register maintained by any professional and/or regulatory bodies is at their sole discretion and completion of the programme of study is not a guarantee that a student will be granted registration.

may require an Applicant to undertake a DBS Disclosure. A DBS Disclosure may also include information taken from police records that are considered to be relevant to the application and ought to be disclosed, or details of whether an Applicant is included on lists barring people from working with children and/or vulnerable adults. Please contact the Admissions Department for further information if required.

- 2.1.4.4 Applicants should send any requested information on Relevant Criminal Conviction(s) and/or any DBS Disclosure documents under separate, confidential cover, via email, to the Admissions Department at admissions@surrey.ac.uk. The University will ensure that this information will only be seen by those who need to consider it as part of the University's admissions process and that it will not be retained for longer than is necessary for the purpose of admission, proportionately managing any risks and dealing with any potential complaints. This will be in accordance with the University's document retention policy and applicable [privacy notice](#).
- 2.1.4.5 Applicants are required to provide requested information within the stipulated timeframe. A failure to provide information, in the absence of a good reason, may result in the imposition of conditions being applied (as outlined in section 2.1.4.19) or adverse findings being made.
- 2.1.4.6 The University will ensure that those who need to see the information will have received appropriate guidance and training in the relevant legislation such as the Rehabilitation of Offenders Act 1974.
- 2.1.4.7 If an Applicant for a Regulated Course has declared or disclosed a Relevant Criminal Conviction(s), or this has become known as part of a DBS Disclosure and the relevant Regulated Course admissions team wishes to admit the Applicant on academic grounds the Applicant's case will be considered initially by the DBS lead or Admissions Tutor (for Regulated Courses).
- 2.1.4.8 If an Applicant for a Non-Regulated Course has been made an offer and the Applicant, prior to or on acceptance of such offer, discloses a Relevant Criminal Conviction(s), the Applicant's case will be considered initially by the Admissions Department.
- 2.1.4.9 If the case is straightforward, an offer to the Applicant may be approved (in the case of a Regulated Course) or confirmed (in the case of a Non-Regulated Course) at this stage. It should be noted that a further disclosure prior to admission will be required at registration.
- 2.1.4.10 If the case requires further consideration, it will be reviewed by the Criminal Convictions Group (for Non-Regulated Courses) or the relevant Professionalism Group (for Regulated Courses) as soon as practically possible and normally within ten working days of the referral.
- 2.1.4.11 A decision to refuse or to withdraw an offer because of a Relevant Criminal Conviction(s) can only be taken by the Criminal Convictions Group or Professionalism Group. The Criminal Convictions Group or Professionalism Group will ensure that an open and measured discussion takes place on the subject of the Relevant Criminal Conviction(s) and on any other matters pertinent to the Relevant Criminal Conviction(s).
- 2.1.4.12 For Non-Regulated Courses, the Criminal Convictions Group comprises the following members of staff:

- a) Chief Student Officer, who will undertake the role of Chair;
- b) Head of Admissions;
- c) Deputy Head of Admissions;
- d) Senior Warden;
- e) Head of the Office of Student Complaints, Appeals and Regulation; and
- f) Head of Security Services.

Decisions are made by a subgroup of three of any of the above members of staff on a majority basis.

A secretary will be present when the Criminal Convictions Group meets.

2.1.4.13 For Regulated Courses, the Professionalism Group comprises the following members of staff:

- a) A representative from the relevant School's senior staff who will undertake the role of Chair;
- b) The relevant School lead for DBS (if applicable);
- c) At least one registrant from relevant professional bodies;
- d) Relevant members of the programme team; and
- e) The relevant Admissions Tutor.

Decisions are made by a subgroup of three of any of the above members of staff on a majority basis.

A secretary will be present when the Professionalism Group meets.

2.1.4.14 The Criminal Convictions Group or Professionalism Group will consider the matters detailed at sections 2.1.4.1 and 2.1.4.2 and may request additional information at their discretion. They will have regard to factors including but not limited to:

- a) the Applicant's age at the time of the offence;
- b) how long ago the offence took place;
- c) whether it was an isolated incident or a pattern of offending;
- d) what else is known about the Applicant's conduct before and since the offence (including whether the Applicant is currently working in health care and whether their current employer is aware);
- e) mitigating factors raised by the Applicant;
- f) any legal requirements placed on the Applicant (including but not limited to):
 - i. a requirement that they reside at a certain place;
 - ii. a requirement relating to their making or maintaining contact with a person;
 - iii. a restriction relating to their making or maintaining contact with a person;
 - iv. a restriction on their participation in, or undertaking of, an activity (this can include use of computers or other electronic devices, it can also include attendance at non-approved places of worship);
 - v. a requirement that they participate in, or co-operate with, a programme or set of activities (this can include addressing addiction or behavioural issues);
 - vi. a requirement that they comply with a curfew arrangement;
 - vii. a restriction on their freedom of movement (which is not a curfew);

- viii. a requirement relating to their supervision in the community by a responsible officer; and
- ix. any conditions placed on the Applicant (for example, but not limited to, drug testing or electronic monitoring).

Applicants will not normally be invited to attend this meeting unless clarifications are required in relation to the information provided.

2.1.4.15 Applicants will be informed of the outcome of the consideration of their case within five working days of a decision being made. The Applicant will have the right to receive feedback on the deliberations. The outcome will be that the Applicant's offer is confirmed, that registration will be subject to conditions (as outlined at 2.1.4.19), or that the offer is withdrawn.

2.1.4.16 For Regulated Courses, the Chair of the Professionalism Group will report relevant activity to the Programme Leader and Head of Programmes and produce an annual report for the Board of Studies. This report will include, but not be limited to, the number and type of cases reviewed and their outcome.

2.1.4.17 Applicants may be allowed to register as Students pending the decision of the Criminal Convictions Group or Professionalism Group. Any such registration may be subject to conditions as outlined in section 2.1.4.19.

2.1.4.18 If the decision of the Criminal Convictions Group or Professionalism Group is that a Student who has registered pending their decision should not have been made an offer, or that an offer should be withdrawn, the case will be referred for consideration as a student case under the [Student Disciplinary Regulations](#) or [Regulations for Fitness to Practise](#) (as appropriate). The University reserves the right to require the Student to leave the programme.

2.1.4.19 If the Applicant has a Relevant Criminal Conviction(s) and the University offers the Applicant a place on a Regulated Course or agrees to uphold the Applicant's offer on a Non-Regulated Course, the Applicant's offer may be subject to one or more of the following conditions:

- a) restricted access to University premises and services and Accommodation⁵;
- b) a requirement not to directly or indirectly contact specific individuals or groups;
- c) engagement with relevant internal/external support services; and/or
- d) any other reasonable and proportionate conditions.

A failure to abide by any conditions will be taken seriously and may result in formal action being taken in accordance with the [Student Disciplinary Regulations](#) or [Regulations for Fitness to Practise](#).

2.1.5 Appeals Process

2.1.5.1 If an Applicant has a Relevant Criminal Conviction(s) and the Criminal Convictions Group or Professionalism Group, on behalf of the University, does not offer the

⁵ Restrictions may apply to the whole of the University's premises, Accommodation, parts of the campus, parts of the campus at specified times, particular services (such as the University's website, email services, virtual learning environment, SurreyLearn) or a combination of some or all of these.

Applicant a place on a Regulated Course, or decides to withdraw the Applicant's offer on a Non-Regulated Course, the Applicant has the right to appeal.

- 2.1.5.2 If the Professionalism Group does not make an offer or withdraws an offer for a Regulated Course, the Applicant may request that the application be referred to the Criminal Convictions Group to ascertain whether the Applicant can be considered for a Non-Regulated Course.
- 2.1.5.3 If an Applicant with a Relevant Criminal Conviction(s) has been allowed to register pending the decision of the Criminal Convictions Group or Professionalism Group and is subject to interim conditions as outlined in section 2.1.4.19, the applicant may appeal any such conditions.
- 2.1.5.4 An Applicant may appeal any conditions imposed pursuant to section 2.1.4.19.
- 2.1.5.5 Appeals must be made in writing by email to the Admissions Department within ten working days of an Applicant receiving written notice of the decision they wish to challenge.
- 2.1.5.6 An appeal may be made on the following grounds:
 - a) that in making its decision the University failed to follow its regulations and/or procedures or failed to follow them with due care;
 - b) that the University has shown bias or prejudice towards the Applicant in the way that it has made the decision;
 - c) that the terms of any conditions are excessive;
 - d) that the Applicant does not pose a risk to themselves and/or third parties and/or University property and/or Accommodation; and/or
 - e) that relevant new evidence has become available that should be considered and there are good reasons as to why this was not provided earlier.
- 2.1.5.7 Appeal decisions are made within ten working days by an Appeal Panel constituting the Chief Operating Officer, the University Secretary and General Counsel, and the Provost on a majority basis. These individuals may appoint a nominee. Applicants do not normally attend this meeting (unless any clarifications regarding the information provided is required) but will have the right to receive feedback on the deliberations.
- 2.1.5.8 A secretary will be present when an appeal decision is made.
- 2.1.5.9 Possible outcomes arising from successful appeals are: that the matter is considered afresh by a newly constituted Criminal Convictions Group or Professionalism Group; that the conditions are varied; that the original findings are substituted for that of the Appeal Panel; or, where the unfairness is extreme, the findings of the Criminal Convictions Group or Professionalism Group (as applicable) are nullified.

2.2 Current Students

2.2.1 *Continuing Duty to Disclose*

- 2.2.1.1 Once registered, all Students are required to disclose any new Relevant Criminal Conviction(s) on an ongoing basis and as soon as a Relevant Criminal Conviction(s) is confirmed. Students should disclose any new Relevant Criminal Conviction(s) via email

by contacting the [Office of Student Complaints, Appeals and Regulations \(OSCAR\)](#) and are advised to seek advice⁶ before doing so.

- 2.2.1.2 Students will also be required to make an annual disclosure at re-registration.
- 2.2.1.3 Different rules apply to some professions or occupations with regard to disclosure of information about Criminal Conviction(s). Certain professions or occupations including (but not limited to): healthcare; social work; veterinary medicine; veterinary science; and professions or occupations involving work with children or vulnerable adults, including the elderly or sick people, are exempt from the Rehabilitation of Offenders Act 1974 or involve regulated activities. Regulated Courses may involve an integral work placement and a Student may not be able to undertake such placement and complete their studies if they have a Relevant Criminal Conviction(s).
- 2.2.1.4 Students on some Regulated Courses (for example those regulated by the [NMC](#) or [HCPC](#)) are also required to disclose charges and pending charges. Students are responsible for complying with these requirements in accordance with the [Regulations for Fitness to Practise](#). Students should obtain further advice from appropriate bodies⁷.
- 2.2.1.5 Please be aware that while a Student may be permitted to study a Regulated Course if they have a Relevant Criminal Conviction(s), a Student may not be able to register and practice upon completion of their course.
- 2.2.1.6 The University will assess a Student's fitness to practise in the profession or occupation to which the Regulated Course relates in accordance with the [Regulations for Fitness to Practise](#).
- 2.2.1.7 A Student may also be subject to further checks (before and/or after they complete a Regulated Course) by regulatory bodies and/or prospective employers who will make their own assessments regarding a Student's fitness to practise in the relevant profession or undertake the relevant occupation.
- 2.2.1.8 When disclosing a new Relevant Criminal Conviction(s) Students should provide the following information to the University:
 - a) written details of the nature and date of the offence and Relevant Criminal Conviction(s), name of the court, date of conviction and sentence/fine;
 - b) the name and contact details of any Probation Officer and/or Social Worker and written consent that the University may contact them and use any information they provide for the purposes of reaching a decision;
 - c) where a probation report is unavailable, a reference from an employer which includes confirmation that they are aware of a Relevant Criminal Conviction(s) (if appropriate), work history, confirmation that the Student has informed their current employer of a Relevant Criminal Conviction(s) (all requested on a case-by-case basis); and
 - d) any other information that the Student wishes to be taken into account.
- 2.2.1.9 The University will ensure that this information will only be seen by those who need to consider it as part of the University's criminal convictions review process and that it

⁶ Advice can be sought from the Students' Union, any relevant Trade Union and regulatory bodies.

⁷ Advice can be sought from the Students' Union, any relevant Trade Union and regulatory bodies.

will not be retained for longer than is necessary for this purpose, proportionately managing any risks and dealing with any potential complaints. This will be in accordance with the University's document retention policy and applicable [student privacy notice](#).

- 2.2.1.10 Any such disclosure of a Relevant Criminal Conviction(s) shall be reviewed by the Criminal Convictions Group (for Non-Regulated Courses) or Professionalism Group (for Regulated Courses) and dealt with by the University in accordance with sections 2.1.4.2 - 2.1.4.19 above (as applicable and any references to "Applicant" in these sections shall be deemed to refer to "Student" in this case).
- 2.2.1.11 In cases where the Criminal Convictions Group (for Non-Regulated Courses) believe that the Student's registration should be considered further, the matter will be referred to the Student disciplinary process governed by the [Student Disciplinary Regulations](#) for resolution. The Criminal Convictions Group may impose one or more of the conditions outlined in section 2.1.4.19 if they believe that compliance with these would allow the student to continue with their studies.
- 2.2.1.12 In cases where the Professionalism Group (for Regulated Courses) believe that the Student's registration should be withdrawn or that there are concerns about the Student's fitness to practise, the matter will be subject to the [Student Disciplinary Regulations](#) or the [Regulations for Fitness to Practise](#) for resolution. The Professionalism Group may impose one or more of the conditions outlined in section 2.1.4.19 if they believe that compliance with these would allow the Student to continue with their studies.
- 2.2.1.13 The Student may appeal any ongoing conditions in accordance with sections 2.1.5.6 - 2.1.5.7 (as applicable and any references to "Applicant" in these sections shall be deemed to refer to "Student" in this case) and by contacting [OSCAR](#) via email within 10 working days of receiving notice of the conditions imposed. Students may also request that the Criminal Convictions Group or Professionalism Group (as appropriate) conduct an annual review of the conditions imposed upon them. The Student should contact [OSCAR](#) via email to request such a review.
- 2.2.1.14 A failure to disclose any Relevant Criminal Conviction(s) (whether at application stage or once registered as a Student) is taken seriously and could result in the Student being expelled in accordance with the [Student Disciplinary Regulations](#) or [Regulations for Fitness to Practise](#).
- 2.2.1.15 In the event that a Student on a Non-Regulated Course, who is subject to certain conditions as a result of having a Relevant Criminal Conviction(s), has a Relevant Criminal Conviction(s) which becomes Spent at any time while registered with the University, the Student may request that the Criminal Convictions Group reviews such conditions. The Student should contact [OSCAR](#) via email regarding any such request with full written details of the conditions to which they have been subject and why the Student believes they should be removed. The Criminal Convictions Group will review the conditions and advise whether they will be revoked, amended or upheld. The Student may appeal any decision by contacting [OSCAR](#) via email within 10 working days in accordance with the procedure detailed in sections 2.1.5.6 - 2.1.5.7 above (as applicable and any references to "Applicant" in these sections shall be deemed to refer to "Student" in this case).

2.3 Complaints Process

- 2.3.1 If an Applicant has any complaints regarding the admissions process they should make reference to the University's [Admissions Complaints Procedure](#).
- 2.3.2 Information about the University's complaint handling process for Students can be found on the University's [website](#). This procedure does not permit complaints to be made about admissions decisions.

3 Governance Requirements

3.1 Implementation / Communication Plan

- 3.1.1 With regard to Applicants, they will be informed in advance of their arrival at the University about the registration process and the requirement to declare any Relevant Criminal Conviction(s) at registration within these communications.
- 3.1.2 With regard to current Students, their re-registration email will advise them with regard to the new requirement to declare any Relevant Criminal Conviction(s). A MySurrey news article will also be published highlighting the requirement to declare any Relevant Criminal Conviction(s) and directing current Students to the 'frequently asked questions' webpage for further information. Thereafter, information will be sent out to Students at various points throughout the academic year, reminding them of their continuing obligation to declare any Relevant Criminal Conviction(s).
- 3.1.3 With regard to staff, a Leader's Alert will be sent out informing staff about the updated Criminal Convictions Policy and the requirement for Applicants and Students to declare any Relevant Criminal Conviction(s).

3.2 Exceptions to this Policy

- 3.2.1 There are no exceptions to this Policy. This Policy shall apply to all University Applicants and Students.

3.3 Review and Update

- 3.3.1 This Policy shall be reviewed every three years.
- 3.3.2 Any interim minor changes will be made by the Operational Owner.
- 3.3.3 Any interim substantial changes or full reviews will be approved by the Executive Board.

3.4 Legislative context

- 3.4.1 This Policy has been drafted so as to meet the requirements of the following legislation:
 - 3.4.1.1 Data Protection Act 2018;
 - 3.4.1.2 General Data Protection Regulation (EU) 2016/679;
 - 3.4.1.3 Rehabilitation of Offenders Act 1974;
 - 3.4.1.4 Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975; and
 - 3.4.1.5 Higher Education and Research Act 2017.

3.5 Stakeholder Statements

- 3.5.1 Equality: The University is strongly committed to equality of opportunity and the promotion of diversity for the benefit of all members of the University community. The University's approach is to promote equality across the full range of its activities, in employment, teaching and learning and as a partner working with and within local, national and international communities. Equality Analysis is a process which examines how the impact of the Policy has been considered on the diverse characteristics and needs of everyone it affects. This Policy has been reviewed and no negative impact on equality has been identified.
- 3.5.2 Health & Safety: The Director of Health and Safety has reviewed this Policy and is satisfied with its content.
- 3.5.3 Other:
 - 3.5.3.1 The Chief Student Officer has reviewed this Policy and is satisfied with its content.
 - 3.5.3.2 The Head of Admissions has reviewed this Policy and is satisfied with its content.
 - 3.5.3.3 The Data Protection Officer has reviewed this Policy and is satisfied with its content.
 - 3.5.3.4 The Head of OSCAR has reviewed this Policy and is satisfied with its content.
 - 3.5.3.5 The University Secretary and General Counsel and the Commercial Lawyer have reviewed this Policy and are satisfied with its content.
 - 3.5.3.6 The Director of QES nominee has reviewed this Policy and is satisfied with its content.