



University of the
Highlands and Islands
Oilthigh na Gàidhealtachd
agus nan Eilean

Criminal Convictions Policy

POL012

Lead Officer (Post):	Academic Registrar
Responsible Office/ Department:	Academic Directorate
Responsible Committee:	Court
Review Officer (Post):	Academic Registrar
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Date of Equality Impact Assessment:	Click or tap to enter a date.
Date of Privacy Impact Assessment:	Click or tap to enter a date.

Accessible versions of this policy are available upon request. Please contact the Governance and Policy Officer on 01463 279000.

1. Introduction & General Principles

- 1.1 This policy has been developed to ensure that applicants and students are treated fairly and transparently with regard to their application for admission and/or continuing studies with the University of the Highlands and Islands in the event of disclosure of criminal offence data.
- 1.2 The university is committed to the principles of equality of opportunity and fair access to higher education opportunities, and to provision of an inclusive, accessible and safe learning environment.
- 1.3 The university also has a duty of care to ensure that it does not admit or retain students who may pose a significant risk to the university community. Where criminal offence data is received by the university, it will undertake a risk assessment and take into account:
 - 1.3.1 Whether admission or retention of the individual would pose a significant and unacceptable risk to the university community (staff, students, visitors, clients).
 - 1.3.2 Whether there are any specific professional requirements related to the course applied for (or being undertaken) which need to be considered.
- 1.4 The university is committed to protecting the rights and freedoms of individuals with respect to the collection and processing of their personal data. Criminal offence data received by the university is treated in strict confidence, and is normally only available to staff who are directly involved in the risk assessment process.
- 1.5 The university has a statutory duty arising from the Counter-Terrorism and Security Act 2015, 'to have due regard to the need to prevent people from being drawn into terrorism', known as the 'Prevent' duty. Established protocols allow the sharing of Prevent-related concerns between relevant public bodies.
- 1.6 Criminal offence data is defined by the Information Commissioner's Office (ICO) as *"personal data relating to criminal convictions and offences, or related security measures"*
<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/criminal-offence-data/>

2. Policy Scope

- 2.1 The scope of this policy includes all applicants and all students of the university, including those on taught and research degree programmes.
- 2.2 Criminal offence data may be self-disclosed by an applicant / student, or received via Disclosure Scotland or similar national agencies, or from other public sector agencies, eg police, probation service.
- 2.3 Criminal offence data received by the university will be considered objectively in accordance with this policy to assess any risks to university staff, students, visitors and

clients. All information received will be treated as “special category personal data” in line with the Data Protection Act 2018.

- 2.4 Some professional programmes at the university (e.g. teaching, nursing) require full disclosure of all convictions, investigations, cautions or reprimands, as they are exempt from the Rehabilitation of Offenders Act 1974 (ROA). These programmes require that applicants complete a PVG (Protecting Vulnerable Groups) Disclosure Scotland check and become PVG Scheme Members or equivalent.

3. Policy Statement

- 3.1 The purpose of this policy is to provide guidance and direction to ensure that applicants and students are treated fairly and transparently with regard to their application for admission and/or continuing studies with the university in the event of receiving criminal offence data.
- 3.2 The university encourages all applicants and students to disclose information about any criminal convictions or police proceedings which may affect their ability to complete key aspects of their programme or placement. This includes personal restrictions or other conditions arising from court orders or parole conditions eg travel, contact with others, use of equipment.
- 3.3 The university will offer support and guidance to applicants/students with criminal convictions about selecting a programme and career planning, and advise on the scope for any potential programme or placement adjustments.
- 3.4 The university has a duty of care to its students, staff, visitors and clients to provide a safe and secure environment for all, and will undertake a risk assessment in the event of receiving criminal offence data relating to an applicant/student, to ensure that it does not admit or retain individuals who may pose a significant risk to the university community.
- 3.5 The university undertakes to ensure that, by this policy and related procedures, it operates in consideration of all relevant statutory legislation and professional body requirements.

Information and guidance for applicants and students

Do I have to tell the university about any criminal convictions?

We encourage all applicants and students to tell us about any criminal convictions or police proceedings which may affect your ability to complete key aspects of your programme or placement. This includes personal restrictions or other conditions arising from criminal convictions, court orders or parole conditions eg custodial sentence, travel restrictions, contact with others, use of equipment.

Otherwise you do not need to tell us about any criminal convictions, legal proceedings or police investigations.

What happens if I disclose a criminal conviction?

If you tell us about a criminal conviction which may affect your ability to complete key aspects of your programme or placement when you apply for a programme, this will not exclude you from consideration. All applications will be considered on academic grounds first, and in line with the university's admissions policy and the programme entry requirements. If the university decides that you are eligible for an offer on academic grounds, we will seek further information about your circumstances and undertake a risk assessment to decide whether an offer can be made, in accordance with this policy.

If you are a current student and you tell us about a criminal conviction which may affect your ability to complete key aspects of your programme or placement, this will not necessarily mean you cannot continue on the programme. We will seek further information about your circumstances and undertake a risk assessment to decide whether you can continue your studies, and offer support and guidance about your options.

What happens if my course requires a PVG check?

For certain programmes, you are required to declare ALL convictions, cautions, reprimands and cases pending. These programmes include teaching, nursing, and those where students will work with children or vulnerable adults, and they are exempt from the Rehabilitation of Offenders Act 1974 (ROA). You will need to apply for a PVG (Protecting Vulnerable Groups) Disclosure Scotland check and become PVG Scheme Members before starting your studies. Where applicable, this information is available on our website and prospectus.

If you do not declare information as required for these courses, we reserve the right to fully investigate the case and may withdraw any offer or initiate disciplinary procedures which may result in exclusion from your programme.

What is the Rehabilitation of Offenders Act 1974?

The Rehabilitation of Offenders Act 1974 aims to help people who have been convicted of certain criminal offences and have not reoffended since being convicted. People with few or minor convictions will therefore be able to 'put their past behind them' and be treated as everyone else with regard to employment and equal opportunity.