Information for Applicants who declare a Criminal Conviction

1 Introduction

The main aim of the University of Liverpool’s admissions policy is to admit students with the ability to benefit from the opportunities available at the University. Possession of a criminal conviction will not necessarily mean that an application to study at the University will be unsuccessful.

It is, however, important that this aim is achieved without prejudice to the safety and well-being of other members of the University community and there may be occasions where this has to be placed ahead of all other considerations.

The procedures described in this document are intended as a mechanism to ensure that decisions regarding the admission of an applicant with criminal convictions are taken fairly and only after the implications of any conviction have been fully explored.

To ensure the safety and protection of both students and staff, the following procedures apply to applications from any student declaring (or discovered to have) a criminal conviction which has not been spent under the terms of the Rehabilitation of Offenders Act 1974. Please note that, from early 2014, under the terms of this act, sentences of four years’ imprisonment or more are never spent, while those of lesser duration do not have to be declared once spent. In practice, this means that the more serious offences must always be declared.

This procedure covers convictions disclosed as part of an application to study at undergraduate or postgraduate level in the Faculties of Humanities & Social Sciences, Science & Engineering, and the non-clinical programmes in the Faculty of Health and Life Sciences. The clinical programmes offered by the Schools of Medicine, Dentistry, Health Sciences and Veterinary Science have separate procedures in place which are not covered by this document. Please see the departmental websites for full details of the procedures for applicants for the clinical subject areas.

2 Declaration of Criminal Convictions

The University may become aware that an applicant has a criminal conviction in one of several ways:

2.1 Undergraduate Applicants

For Undergraduate applicants, there are two questions on the UCAS application form referring to criminal convictions for applicants to answer when they complete their application. The first is for all applicants and asks them to declare that they have a relevant criminal conviction. The second question refers to courses leading to professions or occupations such as (but not limited to) teaching, medicine, dentistry, law, accountancy, actuarial, insololvency, healthcare, social work, veterinary medicine, veterinary science, pharmacy, osteopathy, chiropractic, optometry and those involving work with children or vulnerable adults, including the elderly or sick people. These professions or occupations are exempt from the Rehabilitation of Offenders Act (1974).
The full text provided by UCAS advising on the completion of this question is as follows:

**CRIMINAL CONVICTIONS**

To help the universities and colleges reduce the risk of harm or injury to their students and staff caused by the criminal behaviour of other students, they must know about any relevant criminal convictions that an applicant has. Please read the following carefully.

**If you have a relevant criminal conviction that is not spent, please tick the box; otherwise leave it blank.**

**If you tick the box you will not be automatically excluded from the application process.**

Please note that you do not need to include convictions, cautions, warnings or reprimands which are deemed ‘protected’ under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013).

Guidance and criteria on the filtering of these cautions and convictions can be found on the Disclosure and Barring Service website. Further information on filtering can be found at: www.gov.uk/government/collections/dbs-filtering-guidance

**What does ‘spent’ mean?**

If a person does not re-offend during their rehabilitation period, their conviction becomes ‘spent’ (as defined by The Rehabilitation of Offenders Act 1974). Convictions that are spent are not considered to be relevant and you should not reveal them. You should note that certain offences are never spent. Also, for certain courses, you are required to declare all convictions whether spent or unspent. These do not have to be declared in answer to this question which relates only to relevant, unspent criminal convictions but you must reveal them if a course has been denoted as requiring a criminal records check. You will be asked this question when you choose a relevant course. Please see the entry requirements for your course choices to see if this requirement applies to you.


**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 re-offended 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.

**What is a relevant criminal conviction?**

Relevant criminal offences include convictions, cautions, admonitions, reprimands, final warnings, bind over orders or similar involving one or more of the following:

- 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.
• 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 your 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 1974, you should tick the box.

Warnings, penalty notices for disorder (PNDs), anti-social behaviour orders (ASBOs) or violent offender orders (VOOs) are not classed as convictions for the purpose of this section, unless you have contested a PND or breached the terms of an ASBO or VOO and this has resulted in a criminal conviction.

2.2 Postgraduate Applicants

For Postgraduate applicants, the University’s postgraduate application form contains a specific question regarding criminal convictions. The question and the associated guidance mirror those of the UCAS application for undergraduate students.

The criminal conviction question is mandatory on the online application form, which may not be submitted without a response to this question.

3 Procedure

The Admissions Team within the University’s Marketing and Communications Department are responsible for identifying the individuals who have checked the criminal convictions box.

Where an applicant has identified themselves as having a criminal conviction (or is found subsequently to have such a conviction), an ‘application hold’ will be applied to the applicant’s record by the Admissions Team, which will prevent an offer from being made before the conviction has been properly investigated.

If an applicant discloses, or is discovered to have, a conviction, the Admissions Team will first seek to identify whether the applicant would be eligible for an offer on academic grounds, by contacting the department concerned and discussing the academic merits of the case. If the application would not succeed on the basis of academic merit alone, an unsuccessful decision may be recorded and the application will proceed no further.

If, however, the application satisfies the academic criteria, the Head of UK Admissions or Head of EU/International Admissions, as appropriate, will request further information from the applicant regarding the nature of the offence, the date it was committed, and the result of the offence in terms of sentence received, etc. This may involve seeking permission from the applicant to involve a third party, such as a Probation Officer, in order to obtain full details. Standard communications and forms are in use to initiate the process of obtaining further information. See the separate appendices for copies of these documents.
If the applicant declines to provide further information about the offence, the University will regard the applicant as having withdrawn their application and will record the appropriate decision at UCAS (for undergraduate applicants) and on the University's student records database (for both undergraduate and postgraduate applicants).

Subsequent action depends on the nature of the offence. Minor offences may be dealt with under the ‘low-risk’ offences procedure. This allows the University to note that an offence has been disclosed, but does not require a meeting of the Admissions Risk Assessment Panel. More serious offences require a meeting of the Admissions Risk Assessment Panel, whose purpose is to consider the nature of the offence and to determine the level of risk that might be associated with admitting the applicant.

The Admissions Risk Assessment Panel will normally consist of:

- The Director of Student Administration and Support or his/her nominee
- The Director of Legal, Risk and Compliance or his/her nominee
- The Head of Admissions Policy and Strategy
- The Head of the relevant academic Department or his/her nominee
- Any other relevant party

The Admissions Risk Assessment Panel will complete the Risk Assessment Form for Disclosure of Criminal Convictions and will attempt to quantify objectively any risk posed by the applicant concerned. The Risk Assessment form will include the recommendation of the Panel as to whether or not it is deemed acceptable for the application to proceed.

Depending upon the nature of the offence, the Admissions Risk Assessment Panel may decide either that the application should be allowed to proceed without restriction; or to proceed with certain conditions intended to mitigate any risk; or to refuse to allow the application to proceed. In the event that an application is not allowed to proceed, the University will record an unsuccessful decision either via UCAS (for undergraduate applicants), or directly to the applicant (for postgraduate applicants), as appropriate.

Applicants should be aware that the Admissions Risk Assessment Panel may invite the applicant to come to the University to discuss their circumstances before making a final decision on whether their application may proceed.

4 Appeals

The decision of the Admissions Risk Assessment Panel is a judgement based on the facts presented to it for consideration, and the University will not allow appeals which seek to challenge the decision of the Panel. However, in exceptional cases, the University may reconsider a case if the applicant comes into possession of material evidence relevant to their case which was not available at the time of the original meeting of the Panel. Any appeal must be made within fourteen days of the date on which the applicant was notified of the Panel’s decision.

Any such appeal should be made in writing as soon as the additional evidence becomes available. The new evidence will be considered by the Academic Secretary of the University, together with the information originally presented to the Admissions Risk Assessment Panel. The decision of the Academic Secretary is final and there is no further right of appeal.
procedure where there is reason to suspect that an applicant has unspent criminal convictions which they have not declared

This situation is more likely to occur either where a referee refers to a criminal conviction within a reference, or (for undergraduate applicants) where the UCAS Verification Unit has alerted the University to an undeclared criminal conviction.

If information has been provided by UCAS, the Admissions Team will seek the advice of the UCAS Verification Unit, who should be able to ascertain whether or not the information received is correct. In the event of an applicant having failed to disclose a very serious conviction, UCAS may decide to cancel the application. If the application is not cancelled, the information gathering and risk assessment procedures described above will be carried out.

However, it may also be the case that the University is alerted to the possibility of an offence by a third party. The University has a duty to investigate such claims and will then seek further information from the applicant.

6 Recording information relating to Criminal Convictions

All correspondence relating to the declaration of criminal convictions by an applicant will be held confidentially by the Admissions Team in the Marketing and Communications Department.

Any correspondence relating to an applicant’s/student’s criminal convictions will be accessible only on a strictly ‘need to know’ basis.

7 Convictions received after registration as a student

The University has a duty of care to its staff and students and thus it needs to be informed of any alleged criminal activity by its staff or students. If at any time during their registration on a programme of study at the University a student is arrested by the police and charged with a criminal offence, they are required to report this immediately to the Director of Student Administration and Support.

For more information on declaring criminal convictions, please see the University website at:

http://www.liv.ac.uk/student-administration/student-administration-centre/policies-procedures/conduct-discipline/#criminaloffences
Further Information

Any queries about the University’s criminal convictions procedure during the application process may be referred to:

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