

# Union School of Theology Criminal Conviction Policy

Version 1 Approved by Union School of Theology (UST) Academic Board 27<sup>th</sup> Sept 2022

Version 1.1. Approved by UST AB on 23<sup>rd</sup> May 2023

See also the relevant provisions in the Student Contract concerning disclosure of relevant unspent convictions.

## **CONTENTS**

1. Background
2. Policy Statement
3. Procedure
4. Appeals
5. Storage, Retention and Disposal of Data
6. Policy review

This policy should be read alongside the Admissions Policy, Safeguarding Policy and Prevent Policy.

## **1. BACKGROUND**

- 1.1. UST recognises the potential obstacles facing individuals with a criminal record who are seeking to pursue educational studies. Having such a history does not automatically bar an applicant seeking to study with us.
- 1.2. We encourage potential applicants who would legally be required to disclose relevant spent criminal convictions, as specified in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 or unspent convictions and who are subject to monitoring restrictions or licencing conditions to contact us ahead of their application so that they can discuss their case with us in a confidential manner before proceeding with the formal application. Applicants are referred to the Rehabilitation of Offenders Act 1974 for guidance on the meaning of unspent and spent conviction
- 1.3. UST is committed to facilitating admission into its programmes for all who meet the necessary requirements for study, while taking into account relevant legislation and the wider welfare of the UST community.
- 1.4. UST is aware of relevant provisions in the following laws which informs its policy and practice: the Rehabilitation of Offenders Act 1974, the Rehabilitation of Offenders Act 1974 (Exceptions Order 1975 as amended in 2013), and the General Data Protection Regulation and the Data Protection Act (2018)

- 1.5. UST is committed to carrying out its responsibilities to all its students and staff and considers these responsibilities seriously in connection with its Criminal Conviction Policy.

## **2. POLICY STATEMENT**

- 2.1. This policy covers admission, and also provision for existing students (see section x.x.)
- 2.2. UST only offers non-regulated programmes of study (i.e., those which do not require an applicant to provide a DBS on application).
- 2.3. Applicants to its programmes must disclose any unspent criminal convictions. If the convictions are so spent, the convictions should not be declared in the application unless specified in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975
- 2.4. "Protected" convictions or cautions (as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, as amended in 2013, should not be declared.
- 2.5. The declaration of a relevant spent or unspent conviction in an application will trigger the review of the application by the Provost and Academic Registrar, but only if the academic requirements for admission have already been met.
- 2.6. In the event of non-disclosure, where disclosure is required, if this later comes to the attention of UST, the school reserves the right to withdraw the offer of a place or terminate a student's registration.
- 2.7. If a student is convicted of a criminal offence during their studies, this needs to be communicated to the Provost, who will call a meeting of senior staff to discuss the case, and the school's response to it. The decision of the school will be communicated to the individual within 2 weeks against which there is no appeal

## **3. PROCEDURE**

- 3.1. Once a criminal convictions application has been triggered the Provost or Academic Registrar will request the following from the applicant: details of the conviction and offence; consent to contact names of probation officers provided by the applicant and other information that the Applicant wishes the team to be aware of within a timeframe decided upon by the panel.
- 3.2. The Provost and Academic Registrar will deliberate the details of the case and considerations which may include the following: age of offence, post-offence activities; mitigating factors; and any existing legal requirements affecting the life of the applicant. The applicant is invited to attend this meeting.
- 3.3. Within 1 week, the decision whether to allow the applicant to proceed further in the application process will be communicated to the applicant. Subsequent interviewers in the process cannot comprise the Provost and Academic Registrar, and the interviewers will not know of the convictions background in making their decisions to ensure that no unconscious bias is affecting the decision.

## **4. APPEALS**

- 4.1. An appeal may be launched against the decision of the team within 10 days of the notification.

4.2. The grounds for the appeal should be stated, these being limited to: evidence of bias or prejudice; non-consideration of relevant evidence; or a failure to follow the policies and procedures of UST in the decision-making process.

4.3. The appeal should be addressed in writing to the Provost, who will consider the appeal in a meeting of the Senior Management Team. This team may annul the decisions of the Admissions Review Team, modify the decision or approve it. Communication of the decision of the Senior Management Team to the applicant will take place within 2 weeks of the appeal.

## **5. STORING, RETAINING AND DISPOSING OF DATA**

5.1. Information gathered in order for the Admissions Review Team to come to a decision is held in accordance with GDPR regulations and the Data Protection Act (2018).

5.2. Only those members of staff who need to act on the admissions trigger (see 2.5) will be aware of the details of the application.

5.3. All correspondence related to admissions will be kept in electronic format with strictly controlled access.

5.4. Information gathered will be kept for the duration of studies at UST and then deleted.

## **6. POLICY REVIEW**

UST will annually review this policy and the effectiveness of its provision.

Version	Author	Review Date	Reason for change	Equality Impact Assessment check (and comment)	AB Approval date *
1.0	Iain McGee	Sept 2022	New	Ensuring criminal conviction not seen to disqualify application	27/9/22
1.1	Iain McGee	March 2023	Updated section on spent conviction exceptions in s.1.2 and procedure clarification in 3.3. to offset potential subconscious bias in line with OU AA feedback	Section 3.3 works against subconscious bias possibility	23 <sup>rd</sup> May 2023